

Land Held in Enam (East India)

EAST INDIA (LANDS)

RETURN to an Address of the Honourable Mr. W. P. Wood
dated 22 February 1859;—for,

“COPY of DESPATCHES from the Government of *Madras*, in so far as they relate to the Resumption of LANDS held in ENAM, of the dates of the 15th day of January, the 6th day of February, and the 1st day of July 1857; and the 8th day of January, and the 15th day of May 1858 :”

“And, of the REPLY of the Court of Directors, dated the 1st day of September 1858.”

India Office, }
17 March 1859. }

W. PRIDEAUX
Secretary, Reven.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, to be Printed,
18 March 1859.

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* The Letter, dated 15 January (No. 1) 1857, relates entirely to other matters, but a portion of its enclosures, the Report of Mr. Stokes on Enams, is included in this Return.

COPY of DESPATCHES from the Government of *Madras*, in so far as they relate to the Resumption of LANDS held in ENAM, of the dates of the 15th day of January, the 6th day of February, and the 1st day of July 1857; and the 8th day of January, and the 15th day of May 1858:—And, of the REPLY of the Court of Directors, dated the 1st day of September 1858.

REVENUE LETTER from *Madras*, dated 6 February 1857, No. 3.

1. WITH reference to your letter of the 27th September 1854, No. 21, and to para. 5 of our reply thereto, dated 18th December 1855, No. 48, we have now the honour of submitting, for the information of your Honourable Court, an extract from the Minutes of Consultation, dated 19th January 1857, No. 66, containing our review of a letter from the Board of Revenue, dated 14th May 1855,* replying to the requisition founded on your despatch for a report as to how far the provisions of Act 11 of 1852, for the adjudication of titles to enams in Bombay were applicable to those of this Presidency; and another letter, dated 9th February 1856,† reporting on another reference made to them by us on the 9th March 1853, respecting the propriety of abandoning all interference with enams of smaller extent than two cawnies each.

Cons. 20 Jan.
1857, Nos. 14 to
17.

2. We deferred the consideration of the former of these papers until we should be in possession of the Board's report on the latter subject, because we had reason to believe that the information which would be furnished on that further requisition respecting the extent and value of existing enams would be more full and complete than any yet laid before us. You will observe that we have deemed it proper to consider the second of the two papers in connexion with the Board's proceeding of the 16th July 1856, also submitted, reviewing the Sketch Act proposed by Mr. H. Stokes in substitution of the laws which now govern exempted lands, grants, and pensions under this Presidency.

3. We consider it unnecessary to enter upon a recapitulation of all the circumstances detailed in our resolution; a brief narrative of its principal features will suffice to explain the object of our present address.

4. Your Honourable Court will observe that we have disposed of the minor subject first, that is, "the proposal to abstain for the future from all interference with enams of less extent than two cawnies." This proposition emanated from the Government of India, and on a former reference to the Board of Revenue, that authority was averse to its introduction into this Presidency, on the ground that it would involve a large sacrifice of revenue, and was unsuited generally to the circumstances of the *Madras* districts. This reply was communicated to the Government of India, who acquiesced in it, and here the subject dropped for the time. On the date, however, in passing orders on certain cases of lapsed enams of small value, we recurred to the proposition, and requested the Board of Revenue and Commissioner of the Northern Circars to report whether enams entered in the public accounts at an extent below two cawnies might not be henceforth wholly exempt from interference on the part of Government in respect to both their present enjoyment and their future disposal.

Para. 3.

5. The Board's letter of the 9th February 1856, replied to this reference both as regards the districts then under their authority and the Northern Circars. The statistics furnished in this report are detailed in para. 4, and show that while the enam

Para. 4.

* Forwarded in a letter, dated 18 Dec. 1855, No. 48.

† Forwarded in a letter, dated 27 April 1854, No. 28.

enam lands are very extensive in almost every district, in none are there any trustworthy accounts; and, indeed, in some none of any kind for a very large portion of such enams. The opinions of the collectors as to exempting small enams from future investigation were various: some were in favour of the exemption on the ground that the labour involved in the investigation of the titles of these petty enams would not be repaid by the amount of the resumptions; others were opposed to the measure as an uncalled-for abandonment of the rights of Government, and a concession of privileges to certain parties in perpetuity at the expense of the community generally; while a few gave no opinion. The collector of Bellary was in favour of exemption, but advocated a different mode of limiting it; this officer also expressed the opinion that a general investigation of the rent-free tenures of his district was very desirable.

6. The number of small enams, as shown in the Board's report, is 1,14,403. their extent is 98,603 cawnies, equal to 1,30,384 acres, and the net amount of the alienation of revenue upon them 5,70,219 rupees. The resumptions from the year 1848, when the systematic investigation of enams on lapse first began, being about seven years, have amounted only to 4,445 rupees, being on an average about 40 rupees a year in each district.

7. In giving their own opinion on the subject, the Board of Revenue remarked that the case of the Madras enams differs in one material point from that of the lakheraj lands of Bengal; in the latter Presidency the small enams exempted from future investigation were to be such as were held on grant, while in the Presidency only a very minute proportion of such enams was held on any grant at all. They observed that the case of the Madras enams had been altered since the date of the reference by the probability of a general survey under our resolution of the 14th August 1855,* and after expressing their concurrence in the views set forth in that order as to the expediency of carrying on an investigation of enam titles simultaneously with the survey, they submit that it would be a serious error to abandon the rights of Government concerned in the small enams at a time when there is a probability of an opportunity of fully and fairly investigating and deciding on them. We concurred in this opinion, and agreed with the Board that with such an inquiry in prospect, there was no reason to give up these lands in perpetuity; a measure which we observed would not only be an unwise sacrifice of the rights of Government, but also an injustice to other holders of enam, and to the payers of revenue generally.

Paras. 6, 7, 34.

8. Having thus discussed the case of the small enams, we next proceeded to consider the proper course to be pursued in the case of enams generally. Our resolution of the 14th August 1855 admitted the necessity of an investigation, and showed that notwithstanding a special legal provision in 1802, directing the registration of all rent-free holdings, no such registration had been made to the present time; and that in consequence such holdings exist fraudulently to a very large extent in every district, and that the information possessed respecting such holdings is extremely meagre. The statement furnished with the Board's letter of the 9th February, though still avowedly incomplete, and not to be relied on, supplies the following facts, exclusive of Ganjam, for which no accounts are forthcoming:—The total extent of enams subject to report, that is, enams neither attached to village offices, nor as endowments to religious and charitable institutions, is nearly 27 lacs of acres, the computed value of the alienation being 40½ lacs of rupees. The service enams amount to 39½ lacs of rupees, and the religious endowments nearly 15 lacs, and allowing a reasonable proportion for Ganjam and Kurnool, for which latter district the money value of the enam is not known, the whole may be assumed at 105 lacs, or upwards of a million sterling of annual revenue. This, however, represents only the value ostensibly held, and keeps altogether out of sight the additional extent of land obtained by encroachment, and held in excess of that professedly claimed. We compute these encroachments, on a very moderate estimate, at one-fifth of the ostensible holding; so that the total amount of alienated revenue may be fairly set down at 126 lacs, or above a million and a quarter sterling.

9. This

* Forwarded in letter to Honourable Court, 11 October 1855, No. 44, para. 12.

9. This brief review of the statistics of the case will sufficiently inform you of the magnitude of the interests concerned, and, coupled with the fact that these enams are found in every village, and always owned in great part by the office-bearers, and other most influential members of the community, it affords the means of forming some idea of the very powerful body leagued together to prevent or baffle investigation. We believe that the influence exercised over the native revenue officers of Government by the holders of this large amount of property is one main cause why an effective investigation of enam titles has not yet been made in any one district, and that the constant and engrossing occupation of collectors in their other multifarious duties is a second reason; and we are clearly of opinion, therefore, that unless the inquiry be entrusted to a special agency, as in Bombay, it will still be indefinitely postponed.

10. As an Act of the Legislature will be required to give the powers necessary for investigating and deciding on the titles of enamdars, we have had under our consideration the provisions which such an Act should contain, and the principles which should guide the proceedings under it.* Both these points are discussed by Mr. Stokes, in his Fourth Report on the Revenue Laws of this Presidency, and he gives a sketch of an Act for the purpose. Our notice of Mr. Stokes' proposals regarding enams held "under grant," and the course he advises respecting those "without grant," will be found in paras. 14 to 19 of our resolution, and in referring you to these, we would also request your special attention to paras. 20 to 25, wherein we have given our reasons at length for considering that certain provisions of the Bombay Act 11 of 1852 would be useless and inoperative under this Presidency. We would also refer you to our notice, in paras. 20 and 21, of the testimony borne by Sir Thomas Munro to the extensive lands fraudulently entered in the survey accounts of the ceded districts, and to his opinion of the necessity of a careful investigation of the titles on which such lands were held; of more recent testimony to the same effect, particularly that of Mr. Stokes, of Mr. Elliot, when Commissioner in Guntoor, and of Sir H. C. Montgomery, when Commissioner in Rajahmundry, all which will tend to convince you of the enormous amount of fraud connected with enams, and the untrustworthiness of the accounts forthcoming with respect to them, and the systematic way in which the village officers conspire to defraud the Government.

11. We propose, as far as service enams are concerned, particularly those of the Reddy and Curnum, to which the frauds are chiefly confined, to fix a maximum with reference to the revenue of the village, and to assess all above that; a course actually followed by Mr. Nisbet in North Arcot. The settlement of these enams will afford a good opportunity of securing another very desirable object, that of positively prohibiting their division and alienation from the office to which they properly belong. We propose that holders of portions already so separated should be allowed to retain the land after providing the office-bearers with the regulated quantum, but that such portions should be assessed to the revenue either immediately or after a fixed term of years, or on demise of the incumbent, as may be thought most expedient. We propose, also, that future divisions should be absolutely prohibited on pain of forfeiture; this prohibition to be strictly enforced. Besides the village service enams, there are others which have largely been fraudulently created, or are held without any good title; all which we propose to deal with in the manner recommended by Mr. Stokes, viz., to continue them for one or more lives, according to circumstances.

Paras. 25, 26.

12. We have now to observe that the case of enam without grant has become somewhat complicated by the orders of your Honourable Court, communicated in your despatch, in the Judicial Department, dated 13th October 1847, No. 19, declaring that long undisturbed possession both affords evidence of right, and constitutes a motive to Government not to interfere. The latter part of this proposition, we beg to observe, is matter of opinion, but we would point out that the former is certainly opposed both to the Regulation Law of this Presidency and to fact. Section 8, Regulation 31, of 1802, expressly provides that possession for any length of time shall be no good plea for exemption; and in the absence of any general inquiry as to the validity of titles, or even the extent of holdings,

Paras. 27 to 29.

and

* Reported, in a letter to the Honourable Court dated 15 January 1857, No. 1.]

and the systematic practice of keeping such matters out of the view of the European officers as much as possible, that the absence of question of the title to an enam cannot in any degree be admitted as proof of its validity. It appears to us that your Honourable Court's order to which we are referring was passed in view of a single case, without reference to the subject as a whole, and in ignorance of the vast amount of revenue concerned. The Board of Revenue regard this order as sufficient to prevent all measures of resumption in the case of enams of this description; but, for the reasons above stated, we do not consider it to be final; we regard it, however, as making it incumbent on us to refer the point for your further orders before taking measures for obtaining an Act on the subject. We would, however, notice in this place that your later despatch of the 27th September 1854, No. 21, which led to the reference to the Board, indicates an alteration in your views, para. 3 expressly contemplating the gradual annulment of exemption from taxation not resting on right, and para. 6 adverting to Act 11 of 1852, as containing provisions suited to this Presidency, which provisions expressly include enams held for very many years. We would add that para. 2 of the same despatch would seem to indicate that your Honourable Court were under a wrong impression as to the facts of the case, as connected with the enams held without grant in this Presidency. Such enams are there described as having been in recognised possession of the holders for a considerable period antecedently to British acquisition of the territory, and where such is the case (as for example with the ancient Shrotriums), great indulgence is due, especially at this distant time; but it is certain, as more particularly noticed in our proceedings, that a large part of the enams without grant under this Presidency, not only were never held at all before British acquisition, but were obtained after that event by downright fraud, while another large portion was similarly obtained shortly before that acquisition.

Paras. 30 to 33.

13. We have considered it necessary, in our review of this important subject, to notice the circumstances which transpired in the Cuddapah district some years back, viz. the disturbances created by Nursimhareddy. After careful investigation, this Government arrived at the conviction that those disturbances were not in any degree attributable to the orders issued by this Government, respecting the Cuttoobady and Bhutvurty enams. Your Honourable Court shared in this conviction; but in regard to the Bhutvurty enam, you declared yourselves averse to any interference with property held for long periods exempt from taxation. We would, however, observe, that this opinion was formed, as already remarked, on a partial view of the subject, and is at variance with the proceedings adopted in Bengal, with your concurrence, where very extensive resumptions of rent-free tenures were made in and about 1835, notwithstanding exemption since the permanent settlement in 1793; that it is at variance with the proceedings now actually going on in Bombay, and likewise so with opinions since expressed by your Honourable Court. Still as these sentiments are on record it becomes necessary to apply to you for a reconsideration of your orders, before initiating measures having for their object the ultimate resumption of lands long held free, though on invalid titles. As regards the Cuttoobady enams too, in the ceded districts, your orders are also required. If these tenures are to be regarded as permanent, according to the opinion expressed by you on the same occasion, the only thing to be done in their case will be to discover encroachments; and it will also be matter for consideration whether, when lands, nominally enam, have been left uncultivated for many years, they should not be regarded as having been abandoned, and be resumed accordingly. In para. 9 of your despatch of the 18th May 1853, your Honourable Court express yourselves very strongly in favour of an immediate investigation and settlement of the rent-free tenures.

14. As a measure of the nature of that now contemplated must be unpopular with the parties concerned, care will have to be taken to accompany it with all the alleviating circumstances which the case admits. The measures which have occurred to us to this end will be found noticed in paras. 34 and 35 of our resolution, to which we beg to refer your Honourable Court, as well as to the remaining paragraphs of that resolution in which we have considered the provisions which the Act necessary for conducting the investigations into enam tenures should embody.

15. With these details, we now request your instructions as to the course to be taken,

taken, more especially on the points noticed above in para. 14. And in the event of your concurring generally in the views stated in this despatch, and in the accompanying extract from our proceedings, we solicit your sanction to the appointment of a Commissioner under the proposed Act, for the investigation and adjudication of enam titles in those districts where the survey is not to be soon commenced, together with a number of Deputy Commissioners, and with suitable establishments. We propose 2,500 rupees as the salary of the Commissioner, and 1,200 rupees as that of the Deputy Commissioners. These rates would give us the means of ensuring for the important duty in contemplation the services of men of competent experience in business, and of retaining them on this service without the evil of frequent change.

As to the office establishments of these officers, we are not at present prepared to state details; these may be left to be determined hereafter under the sanction of the Government of India.

EXTRACT of a LETTER from the Government of *Fort St. George* to the Honourable the Court of Directors, dated 1 July (No. 23) 1857.

In the meantime we consider it very desirable that the investigation into enam, or rent-free tenures, one of the objects contemplated by the survey, and one which has been specially noticed and approved by your Honourable Court in para. 5 of your present despatch, should proceed simultaneously with the survey operations. We therefore solicit your attention to our letter of the 6th February last, No. 3, and to our resolution of the 19th January preceding, which accompanied it, in which we explained the course of proceeding we proposed to adopt in dealing with the different descriptions of enam, and we now request the favour of your early instructions on the points indicated in that resolution, as well as on the proposal to have a Commissioner and a certain number of deputies, with the necessary powers conferred by an Act of the Legislature to investigate and decide on the titles of the enamdars.

Para. 11.

Revenue Department, No. 1 of 1858.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

In our letter of the 1st July last, No. 23, we informed your Honourable Court of the measures we had adopted, in pursuance of the instructions conveyed in your despatch, No. 17, of the 17th December preceding, for a general revenue survey and re-assessment of the lauds of this Presidency; and, for the reasons stated in para. 11, we took occasion to urge on your Honourable Court the desirableness of your favouring us with your early orders on the proposal conveyed in our letter of the 6th February 1857, No. 3, to appoint a Commissioner for the investigation and adjudication of enam titles.

2. With the sanction of the Government of India, we have since appointed a Director of Revenue Settlement and a Superintendent of Survey, and we are now in correspondence with the Board of Revenue regarding the detailed establishments which those officers will respectively require for the commencement of operations, preparatory to our submitting an application for the sanction of the Government of India.

3. In considering the scale of establishment submitted for our approval, we took occasion to record some remarks on the small number of servants which it was proposed to entertain for the demarcation of boundaries. We pointed out that the determining and marking of boundaries was the primary and fundamental process in a revenue survey, and that all other operations were entirely dependent upon it. We observed that it was absolutely necessary that the surveying parties should always find their work ready for them, in order that they might be able immediately to recognise what they were to survey; and we added, that this necessity is so thoroughly recognised in Bengal and the North Western

Provinces, that there a surveyor is peremptorily forbidden to undertake any boundary which has not been previously demarcated by the establishment appointed for the purpose.

4. It has occurred to us, in connexion with these remarks, that considerable difficulty and delay will be experienced in the survey operations about to be commenced, if the investigation and adjudication of enam titles be longer held in abeyance. Many of these enam lands, as your Honourable Court are aware, are wholly unauthorised, and almost all have encroached largely on Government land. Unless the titles on which enams are claimed are investigated and settled, accurate boundaries cannot be defined, village maps cannot be constructed, or correct accounts of the land prepared. We consider it therefore of the greatest importance that the investigation into enam, or rent-free tenures, should proceed simultaneously with the survey operations; and we trust that your Honourable Court will permit us again to press on your consideration the necessity of your favouring us with your early orders on the application for the appointment of an enam commission, submitted with our letter of the 6th of February last, No. 3.

We have, &c.
(signed) *Harris.*
Patrick Grant.
Walter Elliot.
W. A. Morehead.

Fort St. George, 8 January 1858.

REVENUE LETTER from *Madras*, dated 15 May 1858, No. 19.

Para. 1. IN our letter of the 10th February 1852, No 9, we had the honour of bringing under your notice a correspondence with the Board of Revenue upon the state of the village police in Guntoor, together with the views and orders of Government upon the several propositions for reforming and improving the condition of the different officers comprising the village establishments of that district.

2. Since the date of that letter, the Commissioner for the Northern Circars has laid before us the correspondence that has taken place between himself and the local officers of the district on the subject of the arrangements that have been made in pursuance of the above orders, as well as a report on the condition of the village institutions in all the districts of the Northern Circars; but in consequence of the difficulties besetting the question, we have not been able to give any definite instructions respecting them. We now beg to place before your Honourable Court a copy of these papers, and of a resolution recently recorded by us, which will afford you a view of the present state of the matter, and inform you, moreover, of the reasons which induced us to defer its further consideration.

Consultation 20th
April 1858, Nos.
20 to 24.

3. One of the chief difficulties to a proper settlement of the question arises, as it will be seen, from the circumstance of the village officers being partly remunerated in rent-free lands, regarding which no satisfactory information is forthcoming, either as to their extent, or their condition and value; and it seems to us essential that these should be clearly ascertained before the emoluments of those officers can be regulated or placed on a satisfactory footing, and our object in at present addressing you is to bring especially to your notice the urgent necessity which exists for such investigations in the Guntoor district, and earnestly to solicit your early attention to our applications* for the appointment of an enam commission.

* To the Honourable Court, dated 6 February 1857, No. 3; to the Honourable Court, dated 1 July 1857, No. 23, para. 11; to the Honourable Court, dated 8 January 1858, No. 1.

Revenue Department, 27 September (No. 21) 1854.

Our Governor in Council at Fort St. George.

1. In the letter noted in the margin you refer to our orders, and support by your recommendation a proposal of the Board of Revenue, that old enams held on grants, the terms of which do not convey hereditary or permanent interest, should nevertheless be allowed to descend without limitation in the direct line of the family of the first grantee. The Board ground their argument in favour of the measure mainly on the plea that there is an inconsistency and unfairness in treating enam lands, unsupported by sunnud, as hereditary, on account of long continued possession, while lands which are held under a sunnud, conveying in its terms limited interest, are declared not to be hereditary, though they may have been continued to the heirs of the original holder for a period far longer than the terms of the grant imply.

Letter dated 11 April (No. 20) 1854, recapitulating the main principles on which claims to enams have been decided in Madras. Continuance of the village of Berthadhoor to the son of the late holder for his life only, though the grant was not hereditary, from charitable reasons, and because the grant had been a long time in possession of the family. Requesting Court's instructions as to whether they will authorise a more liberal treatment of enams of this nature.

2. We do not recognise the force of this reasoning. In the case of lands for the holding of which, rent free, no deed of grant is forthcoming or traceable, there being no evidence whatever of the original nature of the tenure, there must, by reason of recognised possession for a considerable period antecedently to British acquisition of the territory, be a presumptive title in the family of the occupants, and the enamdars have, on the ground of this presumption, a claim to a liberal interpretation of the doubt as to the nature of the original title. But where there is direct evidence that the lands have already been exempted from assessment for a longer period than was originally intended, owing to neglect of the Government officers in asserting rights that accrued by lapse, or from any similar cause, we see no just reason for making permanent such an exemption.

3. We cannot entertain the proposal you have submitted to us, and we are of opinion that the claims of enamdars under your Presidency have been treated with great indulgence. We are disposed to deal liberally and considerately with them; but we must here reiterate an opinion we lately expressed to the Government of Bengal, that "it is only justice to those who contribute to the expenses of Government, that immunities and privileges resting on no foundation of right should be gradually and considerately eradicated."

4. In the particular instance which has led to this reference, the Enam was originally a village granted in jageer by the Adoni chief to a learned seyud, in the year 1791, and the tenure was entered on the records as a jageer Enam, and respected as such as well by the amils and revenue officers who preceded the introduction of British authority, as by those of your Government. Upon the death of the original grantee in 1827, the village was liable to resumption under the specific provisions of Regulation XXXI., 1802, of the Madras Code, promulgated throughout the districts of the Presidency, which regulation is uniform in this respect in spirit and principle with those of all our other Presidencies. That the tenure was not then subjected to resumption, or made the subject of reference to your Government for extension, or for the grant of other indulgence to the family of the Enamdardar, appears to have been owing entirely to the neglect or omissions of your revenue officers, and the advantage taken by the successor of the grantee, of their neglect or omission. The village remained in the possession of the son of the first grantee, Abdool Meed, without question of his title, owing only to this neglect, but without confirmation or recognition of any kind of that title as hereditary. This second occupant having died on the 29th June 1849, your Government has had to deal with the question as a fresh lapse; and we think you have treated the family of the original grantee with sufficient indulgence by leaving the village in the possession of the son of the last occupant, subject to a quit-rent of 400 rupees, which is stated to be about one-fifth of the kamil juma. This tenure you have properly granted for life only so as to prevent the alienation of the village, and to leave you free on the death of the grantee to determine upon its future disposal with reference to the then condition and claims of the family.

5. Under the general law applicable to jageers of this description, the interest of the enamdar in the village, and in the revenue derived from it, ceased altogether upon the lapse; but we entirely approve of your extending to the family the indulgence of continuance on the terms above described.

6. The rules framed for the guidance of the Bombay Enam Commission, as detailed in Act II. of 1852, appear to us to be as liberal and indulgent to the enamdars as is compatible with justice to the other interests involved in these questions, and we think it desirable that the provision of that Act should form the basis of your future decisions of enam questions.

7. You inform us that you have directed that the claims of holders of alienated enams should be investigated only on the occasion of a lapse, and that resumption should be decreed whenever the alienation was of more recent date than 20 years, except under peculiar circumstances, to be reported to you, or where a valuable consideration might have been given. If the alienation is of a more remote date than 20 years, the claim of the heir of the occupant will be treated as if the succession were in the family of the recorded holder (by prescription) at the time of the British acquisition of the country. This concession has been accompanied by the reservation, "that in all cases in which alienated enams may be continued to the heir of the last holder without being expressly limited to his life, they are invariably to be reported at his death, for such orders as it may then be proper to pass on them."

8. We concur in your objections to the alienation of enams which have almost entirely originated in grants for the reward or maintenance of particular families, and the legitimate lapse to Government on the extinction of such families is rendered difficult, and often altogether defeated by such alienation. We shall not, however, interfere with the rule you have thus established, because the reference to you on each occasion of lapse ordered in the passage above quoted appears calculated to offer a speedy opportunity of correcting an erroneous course of procedure. We desire that the observance of that condition be strictly insisted on, and that, except under very special circumstances, such enams may under the contingency contemplated be brought on the Government rent roll. In order to give this view an efficient practical operation, the subordinate officers of districts should be strictly required to report lapses to the collector, and we are also of opinion that it should be made incumbent on the supposed heirs of such enams themselves to bring the case before Government on the death of an enamdar, and that failure to comply with this condition should of itself be considered a sufficient ground for immediate and unconditional resumption, in the event of the case subsequently coming to the knowledge of the officers of Government.

We are, &c.
(signed) *J. Oliphant.*
E. Macnaghten.
&c. &c.

London, 27 September 1854.

EXTRACT Revenue Letter to *Fort St. George*, dated 19 November (No. 15) 1856.

Letter dated 18 December (No. 48) 1855 (para. 3 to 6). The Court's objections to allow enams held on grants not hereditary, to continue permanently in the direct line, have been communicated to the Board of Revenue, who have been required to report for orders the case of the jageer of Bulladhoor, in Bellary, on the decease of Hyder Sahib, as well as all other lapses, which the heirs of enamdars themselves are to bring to their notice on pain of forfeiture. Their attention has been called to Act II. of 1852, and a reply on that subject is transmitted.

5. We shall await the receipt of the further report called for from the Board of Revenue, respecting the propriety of abandoning all interference with enams of smaller extent than two cawnies each, before communicating to you our instructions on the subject of this letter.

EXTRACT Financial Letter to *India*, dated 6 April (No. 28) 1858.

5. THE operations of the Enam Commissions of Madras and Bombay, however, cannot be postponed for more than a brief period,—that is, beyond the time when the authority of the British Government shall have been completely vindicated

licated throughout India,—without a very considerable sacrifice of revenue, which has too long remained alienated, and without, also, the mischievous effect of increasing the strength of the claim against the State founded on prescription; and, perhaps, in the case of Bombay, giving absolute validity to some tenures, under the Regulations of that Presidency, from lapse of time. This latter consideration calls for your immediate attention.

EXTRACT from Fort St. George Revenue Consultation of 8 January 1856.

(No. 14.)

READ the following Letter:

From *H. Stokes*, Esq., on special Duty, to *T. Pycroft*, Esq., Chief Secretary to Government, dated Madras, 18 December 1855.

Sir,

With reference to my letter of 1st instant, I have the honour to forward herewith, for submission to the Right Honourable the Governor in Council, my fourth report on the laws relating to exempted lands and pensions in this Presidency, with the sketch of an Act to be substituted for them.

2. I take this opportunity of also forwarding the replies of three Collectors, named in the margin, to my questions circulated under date the 22d ultimo.

C. I. Bird, Esq.,
E. B. Thomas,
Esq., W. Fisher,
Esq.

3. I have further to acknowledge the receipt of the orders of Government, under date the 3d and 14th instant respectively. The alteration I have already suggested in the law for punishing malversation, appears to me calculated to effect the object which the Honourable the Court of Directors have in view in their despatch of the 5th September.

SKETCH of an ACT to be substituted for the Laws which have hitherto governed exempted Lands, Grants, and Pensions in the Territories of the East India Company, subject to the Government of Fort St. George.

1. Nothing contained in this Act may be understood to affect the right of Government to assess to the public revenue all lands under whatever title they may be held, whenever and so long as the exigencies of the State may render such assessment necessary.

Note.—This is taken from clause 2 section 2, regulation XVII. of 1827 of Bombay.

2. It shall be competent to the Governor in Council to vest in the Collector of any district within his district, or in any (other) covenanted civil servant within such local limits as may be prescribed, by commission, to be published in the official gazette, authority to adjudicate as to titles to entire or partial exemption from assessment on land, or to grants of land, or land revenue, and to assign to him so many assistants and such establishment as may be necessary. Assistant Commissioners shall, in regard of their powers, stand in the same position to the Commissioner as Assistant-Collectors to their Collector.

3. Every officer so commissioned may exercise the powers of the civil courts for procuring attendance, or taking of evidence, or punishment of false testimony or of contempt:

4. In adjudicating titles, the Commissioners shall be guided by the following principles:

1st. All grants or exemptions made or confirmed by competent authority in writing under the British Government, and not revoked, are valid according to their terms.

2d. Grants or exemptions made by competent authority in writing, and actually enjoyed by the grantee prior to the British acquisition of the province, are valid, unless vitiated by some one of the causes specified below.

3d. Exemptions from assessment without such written authority, though possessing no legal validity, will be dealt with according to their apparent claims to indulgence under rules to be framed by the Board of Revenue with sanction of the Governor in Council.

5. The competency of any authority to issue, confirm or revoke grants or orders for exemption from assessment, is determinable by the Governor in Council.

6. A grant for exemption becomes legally invalid :

- 1st. By escheat.
- 2d. By expiry of its term.
- 3d. If the land shall have paid revenue for twelve years prior to the exemption being claimed.
- 4th. By any unauthorised alteration of the grant.
- 5th. By omission to register, when registration may have been enjoined under Regulation XXXI. of 1802.
- 6th. By the non-production of the grant when called for after prescribed notice.
- 7th. By violation of the terms of the grant.

7. Endowments and emoluments for service can in no case be alienated from the objects to which they are annexed.

8. No charitable grant may pass out of the family for which it was designed.

9. No charitable grant or pension can be sold or made subject to any process of the courts.

10. In every case investigated by the Commissioner he shall pass a written decision under his official seal and signature, and if an exemption be confirmed, such decision shall specify the family name and father's name of the incumbent, the exact extent and boundaries of the land to be enjoyed by him, or the exact interest in money or grain, as the case may be, with all conditions as to future succession, right of transfer, &c.

11. An appeal shall lie from a decision of the Commissioner to the Board* of Revenue within 30 days from its delivery, but the period may be extended on just cause being shown.

12. All orders and decisions of the Commissioner shall be carried into effect through the collector of the district.

13. All enams resumed under the orders of the Commissioner shall be assessed according to the local rules or usage by the collector, under the orders of the Board of Revenue.

14. When no investigation of the tenure of an exemption may yet have been made by authority of the British Government, such tenure shall be held to be in the same position in respect of investigation as it was at the acquisition of the province, and its subsequent continuance or entry in the village accounts shall not be held to cure any flaw of title, or to bar the liability for any fraud.

15. The Commissioner's proceedings are to be conducted according to subsidiary rules, to be framed under orders of the Governor in Council.

16. No decision or order passed under this Act, shall be questioned or avoided in any court of law, nor shall any person acting under it be sued for any act *bonâ fide* done under its provisions.

17 December 1855.

(signed) H. Stokes.

FOURTH REPORT.

On the Laws that govern Exempted Lands, Grants, and Pensions in the Madras Presidency.

1. THE law now to be reported on, as found in the enactments noted in the margin,† seems simple and compact as compared with those which have hitherto occupied

* The Bombay law says, "Governor in Council;" but there is no Board of Revenue there.

† Regulation XXXI. of 1802; Regulation II. of 1803, sections 27 to 29 and 41; Regulation IV. of 1831; Regulation VI. of 1831; Act XXXI. of 1830; Act XXIII. of 1838; Act XII. of 1851, section 2.

occupied my attention. Nevertheless it will be found on examination to involve questions of equal difficulty and importance.

2. The first of these Regulations, passed on the 13th of July 1802, contains, with the preamble, 20 sections, for trying the validity of titles to exempted lands under grants not being Royal grants, and for determining the annual assessment to be imposed on such lands as may be adjudged liable thereto. The preamble sets out with the following remarkable passage, to which I have had occasion to refer: "Whereas, the ruling power of the provinces now subject to the Government of Fort St. George has, in conformity to the ancient usages of the country, reserved to itself and has exercised the actual proprietary right of lands of every description; and whereas, consistently with that principle, all alienations of land, except by the consent and authority of the ruling power, are violations of that right; but whereas considerable portions of land have been alienated by the unauthorised encroachments of the present possessors by the clandestine collusion of local officers, and by other fraudulent means," &c.

Second Report,
15 November,
para. 29.

3. The 2d section defines the conditions under which grants for holding land, exempt from the payment of public revenue, shall be deemed valid, to be that they have been made, and the lands actually possessed by the grantee in each province previously to its acquisition by the British Government, and provided they had not escheated or been resumed.

4. The 3d section reserves exclusively to the Governor in Council the decision in cases to be tried under this regulation, with respect to the competence of an officer to issue grants for exempted lands, or to resume and assess them, and the courts are to be guided by such decision when produced before them. The 4th bars all claims to exemption for land under whatever title which may have paid revenue for 12 years before such claims may have been preferred. The 5th declares grants held under life tenures to be resumable from and after the death of such life tenants. The 6th declares lands held under expired or resumed grants liable to be assessed, in the same manner as if they had expired or been resumed before the other lands in the same zillah had been permanently assessed. The 7th declares, that after the permanent assessment, parties holding exempted lands may only be ejected by decree of court. The 8th declares, that length of possession under invalid titles cannot bar the right of Government. The next section gives the collectors power to require the production of sunnuds or deeds under which persons hold exempted lands, under pain of fine for the first offence, and fine with imprisonment if repeated.

The 10th section restricts collectors from instituting suits without the written permission of the Board of Revenue, but when so authorised, they may, under the 11th, attach the lands of claimants who refuse to produce their grants, or deny that they have them, and they may proceed against them as for arrears of revenue. The 12th declares grants to be invalidated if forged or counterfeited, or a name substituted for the original, or a new name inserted, or the denomination of the tenure altered, or date changed. And under the 13th, persons practising frauds for the purpose of obtaining exemption, are to be prosecuted criminally. Under the 14th section, lands recovered by the officers of Government are to be charged with a full assessment.

5. The 15th section prescribes the keeping of a register in each zillah of lands held exempt from revenue, and these registers are to be corrected and renewed once in every five years. And under section 16, all grants of land actually held under exemption are to be registered, whether they have been confirmed or not by competent authority.

Under the 17th, the collectors are to require by public notice the registration of all exempted lands; and by the 18th, the omission to comply with such notice during one whole year from its publication renders the lands liable to full assessment under sanction of the Board of Revenue. The next section states how the registers are to be authenticated, and that sunnuds not registered shall not be deemed valid. And the last section declares that native servants, public or private, may be punished, on proof before a court of justice, for receiving any valuable consideration for procuring the registry of unlawful grants surreptitiously or otherwise, by forfeit to Government of the amount received, a fine of three times the amount, with charges of suit, and by one year's imprisonment in addition, besides being incapacitated for re-employment.

Third Report,
1 December,
para. 6.

6. I have already noted the provisions of Regulation II., of 1803, affecting enams. The 27th and the two next sections of this Regulation require Collectors to report to the Board of Revenue, whenever it comes to their knowledge, that lands are held under invalid titles, and on receiving their order to prosecute the holders in the manner prescribed by the Regulations, receiving after the final decision, a commission, equal to 25 per cent. of the annual assessment recovered.

7. The 41st section seems to imply that the above is limited to settled districts, for it says, "In districts where the land tax may not have been permanently fixed, Collectors shall report to the Board of Revenue all unauthorised alienations of land, with every circumstance relating to such land; but Collectors shall not resume alienated lands without authority from the Board of Revenue."

I shall afterwards notice the somewhat intricate discussions that have taken place as to the construction of this section in connexion with Regulation XXXI. of 1802.

8. It would appear, however, that whether in settled or unsettled districts the law remained equally in abeyance. Some attempts were made to carry out the Registration Clause in the Northern Circars, but I believe they will be found to have proved abortive. Had there been any systematic effort to act on the intention of the Legislature, the difficulties in the way must have attracted earlier attention.

9. The Regulations of 1831, being the next in order of time that relate to enams, seem intended to refer not so much to the validity of tenure as to the disposal of claims to succession, although both may be comprehended in the letter of their provisions. Regulation IV. of that year, in four short sections, preserves to the Governor in Council the exclusive power to decide, after due investigation by such persons and in such manner as he may deem fit, on claims to hereditary or personal grants of money, or of land revenue, conferred by the Governor in Council, or as subsequently extended by Act XXXI. of 1836, by any native government, and confirmed or continued by the British Government in consideration of services rendered to the State, or in lieu of resumed offices or privileges, or of zemindaries or polliems forfeited under attachment, or management, or as a yeomiah or charitable allowance, or as a pension, unless the plaint be accompanied by an order from the Secretary to Government referring the party to the Courts of Adawlut.

10. The 3d section as modified by Act XXIII. of 1838, declares such grants not to be liable to attachment or sequestration in satisfaction of any process of court; and the 4th saves decrees of court previously passed from being affected by this Regulation.

11. By Regulation VI. of the same year, claims to all service enams and emoluments were removed from the jurisdiction of the courts, and reserved exclusively to the revenue department, while at the same time these tenures were declared to be inalienable by mortgage, sale, gift, or otherwise.

12. The 2d section declares that the emoluments from land, from fees, or other sources which have been annexed by the State to hereditary offices in the revenue and police departments, are inalienable, and not liable to the process of courts. The 3d directs all claims to them pending in the civil courts to be struck off the files, charges incurred being refunded. And the next, in five clauses, makes them adjudicable by the Collectors with the assistance, if thought necessary, of native assessors, to whom they may at their discretion refer these claims, and for enforcing the attendance of witnesses they may exercise the powers of zillah judges under section 7, Regulation III. of 1802, the general provisions of which, so far as applicable, must be observed, and witnesses in these investigations are liable to the penalties for perjury in the same way as if committed before the ordinary courts. The 5th section, in two clauses, provides for an appeal to the Revenue Board from decisions passed or fines imposed by the Collectors, if preferred within three months, to be extended if the Board see fit. The Board's decisions under the next section are declared final, power only being reserved to the Governor in Council to revise and modify them when he may deem it necessary for the ends of justice. The 7th rescinds 19 and 20 of Regulation XI. of 1816, and places village watchers, as well as all other persons holding hereditary and village offices

in

in the revenue and police departments to which emoluments have been annexed under the immediate authority and control of Collectors, and liable for just cause to suspension or removal by them, subject to the approval of the Board of Revenue and the sanction of the Governor in Council when he may see fit to interfere. The last section explains that the foregoing provisions are not applicable to the office of curnum as established by XXIX. of 1802, or to the public institutions referred to in Regulation VII. of 1817, or to their trustees and superintendents.

13. Such as it now stands is the whole law affecting exempted lands, grants, and pensions in the provinces; but by section 2 of Act XII. of 1851, a new principle is laid down as regards exempted lands under the collectorate of Madras. It declares that lakiraj tenures of land, of which uninterrupted possession has been held under alleged grants, exempt, or partially exempt, from assessment for sixty years, shall be valid, and no others, except under an unexpired grant from the British Government prior to this enactment; exempted lands, as far as I can see, in Madras, were subject to Regulation XXXI. of 1802, and as such not entitled to acquire validity simply by possession of any duration whatever.

14. The full import of Regulation IV. of 1831, as extended by Act XXXI. of 1836, appears to have been for the most part overlooked, when passed, and for long afterwards. The question seems to have been first raised by the Collector of Cuddapah in 1846, and again by the judge of Nellore in 1848. Both these officers pointed out that bhatta virde enams,* for the support of Brahmins or other persons, the most numerous class next to those annexed to service, came under the terms "charitable allowance," and were therefore removed from the cognizance or process of the courts by the extended laws.

* Bhutvurtee or
Bhutwurtz.

15. The question under another aspect was afterwards fully discussed between the Collector and Judge in Guntoor, and by them brought before the Sudder, whose final decision, only recently announced, is to the effect that, as the law now stands, the two classes of enams, charitable and service, defined in Regulations IV. and VI. of 1831, and Act XXXI. of 1836, comprehend together all enams whatever. Thus, therefore, all seem now removed from the jurisdiction of the courts with the exception of those attached to the office of curnum in permanently settled estates, or such cases as under Regulation IV of 1831 may be referred to them by the secretary to Government. I cannot say whether such was the intention of the Legislature, or whether under section 8 of VI. of 1831 religious endowments are not still subject to the jurisdiction of the courts.

16. I have now to point out what appear to be the defects in the law thus reviewed. They have been prominently brought out in the correspondence which has taken place since the enam question has attracted the attention of Government.

17. The papers noted in the margin originated in an opinion expressed by the Collector of one of the ceded districts that the investigation of enams could not be carried out there without a new regulation. Government desired the Board to obtain the opinion of the sudder judges on this point. This was given in 1837, but through apparent inadvertence the Board did not proceed with the matter till 1843,

Minutes of Consultation	-	-	23 August	-	1836.
Board of Revenue to Sudr Udalt,			31 July	-	1837.
Sudder to Board	-	-	25 September		1837.
Board's Proceedings	-	-	9 February		1843.
Government to Board	-	-	10 March	-	1843.
Board to Government	-	-	20 March	-	1843.
Government to Board	-	-	12 May	-	1843.
Government to Board	-	-	17 August	-	1843.

when they recorded their views as differing to some extent from those of the judges who themselves had not been unanimous; and Government having referred back the Board's paper to the Sudder, that court, as constituted in 1843, dissented from their predecessors of 1837. The Board were again called upon with reference to the sentiments of the judges in 1843, and to a full minute on the enam question by the Honourable Mr. Chamier, to lay before the Government the written instructions they proposed to issue for the investigation of enams: here the matter seems to have ended, possibly in consequence of the views subsequently communicated by the Court of Directors, which I shall notice by-and-bye.

18. Instead of recapitulating further the somewhat intricate correspondence above cited, I shall endeavour to extract the chief questions mooted in it, and the conclusions come to upon them. They are—

1st. Whether under section 41 of II. of 1803, enams in unsettled districts are excepted from the operation of section 7, Regulation XXXI. of 1802.

The Sudder Judges in 1837 were of opinion that the latter Regulation was meant to apply to permanently settled districts.

2d. As to the power of the revenue authorities to resume unauthorised alienations of land, the jurisdiction of the courts being excluded in unsettled districts.

The Judges were of opinion, that although the Collector, with the authority of the Board, is competent to assess lands unlawfully alienated in unsettled districts, a landholder can only be ejected by a decree of court, so long as he pays the assessment to which the land may be liable, and there is nothing to prevent his seeking redress in the courts, if aggrieved by the Collectors' Act. On this construction, it occurs to me to remark, that the ejection of an enamdar, contemplated in section 7 of Regulation XXXI., seems much the same as the resumption of his enam by assessing it, and enforcing payment of such assessment.

3d. As to the position of persons, whether in settled or unsettled districts, who had succeeded in the possession of enams, those who were incumbents in 1802.

The reply of the Judges is to the effect that such successors, as regards liability to the investigation of their tenures, would be in the same position as the incumbents of 1802. (This part of the court's reply seems to miss this point as to the necessity of succession by lineal descent, which the regulation seems to imply, by using the words incumbents, or their ancestors).

4th. The power of Government to question the competency of a grantor, supposing the grant to be anterior to the British acquisition of the province.

The Sudder Judges in 1837 held the negative, and those of 1843 the affirmative view of this question.

5th. Whether the law recognised the validity of any enam not held under sunnud.

See para. 10, 25
September 1837.

At the earlier period, the sudder judges seem to have held the possibility of a title being founded on the mere fact of possession, although the necessity of a sunnud seems recognised by them in para. 8th of the same paper. The court at the later period were decided that the existence of a genuine grant is indispensable to the validity of an enam.

Lastly. Admitting the competency of the revenue authority to assess invalid enams in unsettled districts, how far they are bound by the provisions of Regulation XXXI. in other respects.

Para. 6.

In 1837 the Judges seem to have considered the general principles of this Regulation applicable to unsettled districts. In 1843 they thought it competent to a Collector in settled as well as unsettled districts to assess enams held under sunnuds not genuine, or by authority not competent.

I cannot understand, however, how, if sunnuds are shown when called for, they can do this without a civil suit, in settled districts.

Cir. Order - 22 May - - - 1848.
Cir. Order - 29 September 1848.
Cir. Order - 27 July - - - 1848.
See page 450, and references.

19. The important correspondence on the mode of dealing with lapsed enams, printed among the Revenue Board's Circular Orders, though professedly not touching the law upon this subject, calls next for notice..

Ex. Min. Con. 9 May - 1848.
Despatch - - 13 October 1847.
Despatch - - 19 January 1848.

20. In April 1845, the Government appear for the first time to have prohibited the continuance of the enams of deceased incumbents to their successors without special authority, requiring all lapses to be reported. Proceedings taken in consequence of this order led them, three years later, to record their views more fully, having, in the meantime, been reminded by the Honourable the Court of Directors "that long undisturbed possession not only affords evidence of the existence of the right, but moreover, with respect especially to landed property and to tenures affecting whole classes of persons, creates, on considerations equally of policy and justice, a powerful motive with Government for not wishing the possession to be disturbed." And the Court desired these instructions to be applied to enams throughout the Presidency. Rules framed in accordance with these directions were circulated by the Board on the 27th of July 1848, and continue

to be the guide for Collectors on the occasion of lapses. Rules VI. to IX. inclusive, relate to enams held without grant, and declare that if for service they are to be continued so long as the service is performed, and may be transferred, provided the transfer carries with it the obligation of service; but such enams, for the personal benefit of the holder, are pronounced inalienable.

From this I gather that the alienation of a personal or charitable enam, held under a grant, valid, according to the requirements of Regulation XXXI. of 1802, is not disallowed.

21. The indulgence to enamdars was carried further, under the Board's Circular Orders of 21st December 1848, which allow entry in the survey accounts to be considered evidence of possession sufficient to constitute a valid title, and succession to be allowed, in default of a lineal male heir, to a brother or cousin of an undivided family.

In the note at page 486, the Board explain that the continuance of enams under the above rules, in Kurnool, is to be no bar to the adoption of any measures which may be determined on in the general inquiry to be hereafter held there. This reservation seems equally proper wherever no general inquiry has been made.

22. More recently the Collectors have been called upon for their opinions on a still more laxly indulgent principle for the disposal of enams, according to which all, under a certain extent, as one or two cawnies, were to be continued without inquiry.

23. It thus appears that of late years, the views of the ruling authorities have undergone a vast change as regards the treatment of enams. The latest Bombay Law, Act XI. of 1852, to which the Government point in their minutes of the 5th October last, as likely to afford useful assistance in settling the law for this Presidency, will be found to embody the later and more lenient theory. But before noticing it, it will be well to glance at the previous state of the law on this subject in the Bombay Presidency.

24. It appears from the 42d section of Regulation XVII. of 1827 of that code, that by Regulation III. of 1814 the principle of validity laid down by Regulation XXXI. of 1802 for Madras, was applied to the grants in the territories then under the Bombay Government, that is to say, that they should have been made by competent authority, and actually held prior to the Company's acquisition of the province, and had not subsequently escheated or been resumed, and that the sunnuds had been registered within one year from the Collector's public injunction so to register them. But there seems to have been a difference with respect to enams held without grants, which, as already seen, were ignored by the Madras law.

At least, section 35 of Regulation XVII. of 1827 expressly provides, that in such cases enjoyment of 60 years in succession, provided it has been under some tenure recognized by local custom, shall be considered a sufficient title to exemption; and that 12 years' enjoyment, antecedent to British acquisition, shall be considered equivalent to 60 years. These periods were subsequently reduced by one-half.

25. The ninth chapter of the above Regulation contained, in five sections, the principles of exemption; and the 10th chapter, in 12 sections, the rules by which these principles were to be applied in the examination of titles, which duty was vested in the Collector.

26. The recent Act XI. of 1852 is intended to apply to the Deccan, Kandeish, Southern Mahratta Country, and other districts more recently annexed, and to which the rules in chapters 9 and 10, Regulation XVII. of 1827, and clause 1, of VI. of 1833, do not apply. It consists of seven sections, with two Schedules. The first section declares that orders previously passed in districts which were not brought under the regulations of Bombay by Regulation XXVIII. of 1827 of that code, are not to be affected by this Act; and the three next empower the Government in any of those districts to appoint an Enam Commissioner, with the requisite assistance and establishment to discharge the duty defined in Schedule (A.), and adjudicate claims to exempted lands under the rules contained in Schedule (B.)

The fifth section vests the Commissioner and his Assistants with the ordinary powers

powers of the civil courts for the enforcing of attendance, evidence, &c., but reserves all appeals from the acts of the Assistants to the Commissioner, and from those of the Commissioner to the Governor in Council. The sixth makes officers on the establishment of the Commissioner punishable for malversation by a fine or imprisonment, without labour, not exceeding five years. And the seventh declares that no decision or order under this Act shall be questioned in any court of law, and that no person acting under its provisions is liable to be sued in any civil court for any act *bonâ fide* done under it.

27. The mode of procedure of the Enam Commissioner is contained in 14 rules in Schedule (A.)

- Rule 1. 28. The Commissioner and his Assistants are to investigate the titles of persons to the possession of enams or exemption from the payment of land revenue, and in all matters not specifically provided for in this enactment, to act according to the instructions of Government. The orders of the Assistants are appealable to the Commissioner, and those of the latter to Government. They are to receive and record the statements and evidence of claimants in support of their titles, either directly or through the talook authority, without any previous procedure except a general invitation. But should this not be sufficiently attended to, notice should be issued to any claimant to appear at a specified place, and within a specified period, not less than two months, to prove his title. The notice is to state that non-compliance will render the land liable to attachment. The notice is to be served upon the claimant, or if his residence be unknown, on the person acting for him or in charge of the land, and if such persons cannot be found, it is to be posted in the office of the native revenue officer of the district, or most public place of the village, and is to allow six months for the appearance of the claimant, failing which, the land is liable to attachment. The attachment thus provided for is to be enforced by the Collector at the written requisition of the Commissioner. As soon as possible after receipt of the statements in each district, and the evidence recorded, they are to be tested by the accounts and records of Government and decisions passed. Where no claimant has appeared under the notices in Rules 5 and 7, the decision is to be *ex parte*, and attachments enforced under Rule 8, to be removed on receipt of a communication from the Commissioner, the collections made in the meantime, however, only to be given to the claimant, under instructions from Government. Certified decisions are to be given when passed to the claimants, or, if made *ex parte*, sent to the talook officer for the parties concerned. Decisions are to be carried into effect by the Collector, at the requisition of the Commissioner, and appeals may be preferred within 100 days, or later, on proof of necessary delay. Decisions cannot be set aside for want of form.
- Rule 2.
Rules 3 and 4.
Rule 5.
Rule 6.
Rule 7.
Rule 8.
Rule 9.
Rule 10.
Rule 11.
Rule 12.
Rule 13.
Rule 14.

29. Schedule (B.) contains 11 rules, some of them with several provisions for the adjudication of titles. The first rule, with one provision, admits enams already declared permanent by competent authority under the British Government, the competency, where doubtful, being pronounced upon by the Governor in Council. The second, those held under sunnuds, declaring them to be hereditary, provided, 1st, that they were made by competent authority. 2d. That the tenure involves no breach of the laws or the land, or rules of public decency. 3d. That the grant has not been revoked or disallowed, or an alteration of its terms ordered or recognised by competent authority. The 3d and 4th rules, modified by these provisions, are somewhat complicated, but, as I understand them, they refer to enams held without sunnuds, and of these they declare that, if uninterruptedly held for 60 years prior to British acquisition, and then in the authorised possession of a grandson, in male descent, or his male heir, they are to be continued so long as there shall be any male heir of the person who was incumbent when the British Government was introduced; but if the enam had been so held for 40 years, and was then in the authorised possession of a son or male heir of the body of a son of the grantee, it may be continued until the death of the last surviving son of the person who was incumbent at the British assumption. The provisions are, that an entry in the genuine accounts of the district is sufficient to establish uninterrupted and authorised possession, provided there be no entry to the opposite effect. In the absence of proof to the contrary, the claimant's assertion is to be sufficient as evidence of the number of years and descents required to fulfil the conditions of Rules 3 and 4. Rule 5 is wanting in the Schedule;

Schedule; by Rule 6 enams not continuable under those preceding, are to be resumed on the demise of the incumbent; but those held under a recent fraud are to be resumed at once. By Rule 7, enams for the support of mosques, temples, or similar institutions, are to be continued permanently, even though such permanence may not have been provided for in the grant, with the exceptions specified under Rule 2, as are also by provision 4th, those undisputably enjoyed as shown by entry in the genuine accounts of the district officers for 40 years before the introduction of the present Government. But the advantages of the rule are not to apply to the holdings of individuals in their own names for the performance of ceremonies; and claims under it, unsupported by title or prescriptive enjoyment, are to be adjudged under Rule 6. Under the 8th Rule, which has seven provisions, official enams of any hereditary office, such as kazees, village joshees, &c., are to be continued permanently, with or without sunnud, subject to the exceptions under the 2d Rule, and exclusive of emoluments for service to the State, which are to be disposed of under the regulations established for such holdings. The 9th Rule allows of provision being reserved for the widows of the last incumbents during their lives; but it is explained that the widow of a proprietor who leaves no male issue or other heirs, is to be considered heir, and entitled during her life to hold the enam undiminished. By the 10th, tenures of a political nature are reserved to be determined by Government; and the last declares the power of the Government to relax any of the previous rules in particular cases, or to interpret them when questions may arise.

30. Having thus passed in review the Madras law of enams, the discussions that have grown out of it, and the Bomlay law at its earlier and later stages, I have now to state, for the consideration of Government, my own views on the general question, and the outline of a proposed enactment.

31. For that a new enactment is called for will scarcely be questioned. Even were it not included as a necessary part of a consolidated revenue code as desired by Government, its necessity has sufficiently been shown in the preceding remarks. It is true the highest court has acknowledged the power of the revenue authorities to resume or assess invalid enams in all districts. At the same time it may be doubted whether, in a settled district, a Collector acting on this view when a sunnud of former Governments might be forthcoming, could sustain his acts if contested in the courts. Moreover the application of Regulation XXXI. of 1802, to unsettled districts, can only be forced and partial. Besides, it seems consonant with the principles avowed by Government in legislating for this subject in all the Presidencies, that the determination of claims to exemption, and the proprietary interests involved in them, should be conducted under legal provisions, and to some extent, with judicial formality. These objects cannot be secured in Madras without a new law applicable to all districts.

32. I think it equally clear, as a matter not only of policy and interest as regards the recovery of public revenue, but still more perhaps as a matter of abstract justice, and for the interests of the people themselves, that the general investigation of enams should no longer be postponed or abandoned under the notion that they can be disposed of in the manner recently introduced on the occurrence of lapses. It is to be feared that a very small proportion even of lapses will come under notice; and under this practice it is scarcely to be expected that the inquiry and decision will be made on fixed and uniform principles at different times and by different officers.

Note.—I would quote here para. 7 of a letter addressed by me to the Commissioner in Northern Circars, on the 26th December 1853.

“7. I would here observe, that the urgency for the proposed investigation does not rest solely or chiefly on the importance of recovering the misappropriated revenue of the State, but on the public duty of defining the real value of the tenures of about one-sixth of the arable land of the whole district (Guntoor). By leaving these tenures in their present state of uncertainty and abeyance, the Government and individuals are alike losers, and the improvement of the country greatly retarded.”

33. Next as to the adjudicating tribunal, I see no alternative but to follow the example set in Bombay, of constituting, by commission, a special authority for the duty. It would have been a physical impossibility to have disposed of any considerable number of enam questions in the manner contemplated by the law of 1802, under the ordinary duration of a civil suit from its institution to the last appeal.

34. I cannot suppose that this Government any more than that of Bombay, would sanction a principle so anomalous and difficult to reconcile with even-

handed justice, as that of exempting small enams from inquiry; it would be scarcely less strange to exempt small fields from assessment. The Bombay Act will serve as a model as regards the general constitution and procedure of an enam commission, although I think the complicated nicety of the rules as regards prescriptive tenures must greatly retard proceedings, and encourage trickery without securing more real justice; and I also think that the mode in which the indulgence of Government may be extended to enams not good at law, should not form any part of the legal provision. The scope of the Act in other respects ought, I think, to embody in a simpler and consolidated form, the substance of our present law; with an addition providing, in accordance with the expressed sentiments of the Home Government, and as has been done in Bombay, for the recognition of prescriptive titles as a matter of grace. I cannot think, however, that the Court's remarks were intended to apply to fraudulent alienations. I conceive that the framers of our own Regulation disallowed all enams, without sunnuds, from believing them in almost all cases to have originated in fraud or collusion. It is notorious that the village servants have at all times been in the habit of effecting surreptitious exemptions from assessment, and on a favourable opportunity, such as a change of Government, foisting them into the village accounts. Even the latest and most considerate view of prescriptive title does not profess to sustain enams on that ground, unless they have been "fairly and legitimately obtained" (*see* para. 12, Board's Proceedings, 19th of June 1848). Instead of conceding so much authority as has been done in the Bombay Act to these most treacherous records, I would prefer leaving such claims, for the most part, to the absolute indulgence of Government.

35. A very important point in the investigation of enams I consider to be the exact and final definition of the enamdar's interest, whether by determining the precise extent of land to be enjoyed by him, or the amount of assessment to be remitted. All officers of revenue experience know how studiously the genuine boundaries or measurements of maniams are kept out of sight, and how successfully encroachments are maintained.

36. It would, of course, fall under the Commissioners' duty to determine in each case whether or not an enam can be rightfully transferred, and to leave such as can to the general jurisdiction of the courts.

37. The Government have, in this Presidency, asserted and exercised the right of resuming partially assessed lands on failure of the holder to pay such partial assessment punctually; it may be well to recognise this liability in the law.

38. As I have done in the case of the two branches of the revenue law already reported on, I submit a sketch of a new Act on this subject, but without drafting subsidiary rules, which so far as regards the treatment of invalid enams, I am not in a position to do, till favoured with the present views of Government. My own opinion is substantially the same as recorded in my letter to the Commissioner of the Northern Circars, dated 30th December 1850, which I presume is to be found in the Government office. Of the invalid titles I would recommend for immediate resumption all that are found to have originated without competent authority since the British acquisition. 2d. All those in regard to which there is evidence of fraud either by fabrication of documents, alteration, mutilation, or obstruction of accounts or sunnuds. 3d. All which have escheated. 4th, or been lawfully alienated from service annexed; or, 5th, transferred subsequent to 1831, in violation of the law then promulgated. 6th. All such as have been diverted from their original intention.

All other invalid enams may be treated with more or less indulgence. I think, however, that in all cases their eventual extinction should be provided for. The strongest claim to consideration will belong, I conceive, to the endowments for village offices not being strictly for services to the State, or public benefits conferred, such as construction of tanks, &c., and the least entitled to continuance beyond the present lives will be battavidity or exemptions allowed to Brahmins simply as such, without any special cause assigned. Those that profess to be held as emoluments for services to Government, such as head of the village, accountant, watcher, &c., would be liable to curtailment if found to be excessive.

(No. 15.)

ORDER thereon, No. 9, dated 7th January 1856.

ORDERED, that the foregoing letter do lie over.

(signed) *J. D. Bourdillon,*
Secretary to Government.

(No. 17.)

No. 33.—EXTRACT from the Minutes of Consultation, under date the
10th January 1856.

READ again the following Reports from Mr. H. Stokes, specially employed to revise the Revenue Code of this Presidency, dated 20th September, 17th and 23d November, and 1st and 18th December, and recorded in Diary to Consultations 9th October, 4th December 1855, and 8th January 1856.

Resolved, that copies of these reports be transmitted to the Board of Revenue, and to the Commissioner for the Northern Circars, with the request that they will carefully consider them, and severally submit any remarks and suggestions that they may have to offer for the consideration of Government. As it is of consequence that the new Acts should be in operation at as early a date as practicable, the Right Honourable the Governor in Council hopes that this requisition will receive prompt attention, both from the Board, and from the Commissioner.

(signed) *J. D. Bourdillon,*
Secretary to Government.

Fort St. George Revenue Consultation of 20th January 1857.

READ again letter from the Secretary to the Board of Revenue, dated 14th May, and recorded in Diary to Consultation, 11th December 1855 (No. 1335.)

Read also the following papers :

(No. 14).—From *G. S. Forbes*, Esq., Acting Secretary to the Board of Revenue, to *J. D. Bourdillon*, Esq., Secretary to Government, Revenue Department, dated Fort St. George, 9 February 1856 (No. 390).

Sir,

I AM directed by the Board of Revenue to submit for the consideration of the Right Honourable the Governor in Council, the information called for in extract Minutes Consultation, dated 9th March 1853, para. 29, relative to the expediency of abstaining from all further interference in regard to enams not exceeding two cawnies in extent.

2. The Board regret the delay that has occurred in meeting the requisition of Government, but it has arisen partly from their desire to bring the subject of the disposal of these enams fully under the consideration of Government, but chiefly from the extreme difficulty of getting information from the districts on the subject.

3. The Board will here review briefly the reports of the different Collectors on the original subject, viz. the exemption of petty enams from further interference.

4. The Collector of Ganjam states, that the records of his office do not supply materials from which any safe return could be prepared of these enams, that the village officers even are often entirely ignorant of them; and that his establishment is unequal to the task of making such inquiries as are requisite. From statement No. 1, enclosed in his letter, it will be seen that in 2,140 villages out of 3,597, there are no accounts showing even the total extent of enam land in each village without details of any kind. Although the aggregate value of these enams is undoubtedly great, the Collector questions the expediency of resumption, because he considers that these grants often enable their holders to pay the assessment on Government lands in their occupation, and also on account of the attachment of the proprietors to rent-free lands.

Mr. A. P. Onslow,
dated 14 May, in Cons.
2 June 1853.
Vide page 5.

Mr. A. Robertson, dated 19 February, in Cons., 22 March 1855.
* Mr. Smollett, dated 16, in Cons. 30 April 1855.

Mr. T. Prendergast, dated 24 February, in Cons., 2 March 1854.

In Cons. 17 June 1844. See also report of Commissioner in Rajahmundry, 18 March 1844, p. 53, *et seq.* In one village the enams obtained, subsequent to the permanent settlement, were 84 per cent. more than those previously existing.

Dated 25 January, in Cons., 5 February 1855.
Dated 23, in Cons., 31 August 1855.

Mr. T. D. Lushington, dated 3d, in Cons., 24 July 1854.

Dated 26 February, in Cons., 12 March 1855.

Mr. A. Purvis, dated 16, in Cons., 23 February 1854.

Mr. H. Wood, dated 23 May, in Cons., 9 July 1855.

Mr. F. B. Elton, dated 28 February, in Cons., 6 March 1854.

Mr. J. Ratcliff, dated 27 March, in Cons., 2 April 1855.

No.	Extent.	Net Alienation.
	<i>C.</i>	<i>Rs.</i>
148	96	813

Dated 23, in Cons., 28 May 1855.

† Mr. C. Pelly, dated 2, in Cons., 28 July 1853, dated 26 November, in Cons., 12 December 1853.

Dated 24 April, in Cons., 3 May 1856.

5. The late Collector of Vizagapatam gave no opinion on the question. His successor's* statement shows the number of enamdars to be 2,733, the extent of land 2,510 cawnies, and the net alienation 17,852 rupees. No resumptions appear to have occurred in the five years from 1849 to 1853.

6. The late Collector of Rajahmundry states, that "the enams are extensive, and no register of them is in existence." Considering the amount of revenue involved, and the fact that many of the holders are men of wealth, he was disinclined to recommend that Government should relinquish their rights, however troublesome the preparation of accounts might be. His successor, Mr. Purvis, concurred in this view, and submitted a statement, from which it appears that the number of enamdars in that district whose holdings do not exceed two cawnies is 12,558, the aggregate extent of the land so alienated 13,550 cawnies, and its "estimated revenue 55,420 rupees." The list however includes zemindary enams, which come within the scope of the present inquiry only, if reserved from the assets of the estates, a point not specially noticed by the Collector, though little likely to be overlooked by him. The resumptions of enams below two cawnies have been 156 cawnies, of the annual value of 544 rupees. All these resumptions occurred in one year.

7. The Collector of Masalipatam states, that really satisfactory accounts of the various enams in that district are entirely wanting; that the land measures vary materially in the different talooks, and there is no authentic field register. Villages contain a nominal amount of enam land, but in several there is reason to believe that the best land has, with the collusive aid of the curnums, been taken as the enam, when the lands originally assigned have become unproductive. Under these circumstances, he considers it undesirable that these enams should be made over absolutely to the holders until their extent, tenure, &c. are sufficiently known. In a subsequent letter Mr. Lushington states, "that the present scrutiny has certainly not led him to modify in any way his former opinion as to the utter untrustworthiness of the accounts for the introduction of the principle proposed, without further inquiry." Under instructions from the commissioner, the Collector excluded from the number of enamdars those whose aggregate enams exceeded two cawnies, although each grant was of smaller extent. The number of enamdars is thus given as 1,040, the extent of their holdings, 1,860 cawnies, and the value of the net alienation, 4,250 rupees. Lapses are stated never to have been reported.

8. The late acting Collector of Guntoor was averse to the application of the principle of exempting these enams from interference, although in the district of Guntoor their number was so small as to render it a matter of little consequence whether the rule was carried out or not. The number of enams is said to be 510, their extent, 664 cawnies, and their value, 2,553 rupees. The resumptions in five years have only been 64 rupees. These details differ from those given by Mr. Purvis, who, however, followed the instructions of the commissioner above detailed.

9. The Collector of Nellore considers it inexpedient to give up these enams absolutely, because no inquiry has ever been made into the titles of the holders, and the enams also do not always agree with Mr. Travers' register. By the returns furnished by the acting Collector, the number of these petty enamdars seems to be 2,834, the extent of the lands 2,583 cawnies, and their net value, 17,885 rupees. The resumptions during the period already named have been only 33 rupees. To the numbers above given, the enams in the Choondy zemindary have to be added, as shown in the margin.

10. The Collector of Bellary† is favourable to the principle of not interfering now with petty enams; but he does not consider the standard of limitation correct, nor does he anticipate much saving of labour to his establishment by carrying out the rule proposed. The standard, he thinks, should be regulated by a money valuation rather than by the extent of an enam; or, if the latter is adopted, a difference should be made between wet and dry lands. Mr. Pelly, however, considers that the most advisable plan would be to have a full inquiry made regarding the very extensive rent-free lands of the district, and to finally decide each case on its merits, determining, once for all, the rights of the Govern-
ment

ment and the holder. The number of petty enamdars is given as 13,722, the extent of their holding 11,273 cawnies, and the net alienation 85,465 rupees, the resumptions in five years amount to 683 rupees.

11. The late Agent at Kurnool was averse to the application of the principle under discussion, on the ground that although the extent of such enams was small, the titles on which such alienations are held in that district were "generally of a dubious character." Their extent was stated by Mr. Conway at 175 acres, but he included in his calculation only those cases in which the aggregate holding of each enamdar did not exceed two cawnies. The number of separate enams of that extent is stated by his successor to be 1,540, and their extent 1,648 cawnies. No particulars can be given of their value, nor of the value of the resumptions, which have been very large, viz. 19,501 cawnies in the five years from 1849 to 1853.

Mr. T. B. A. Conway, dated 27 September, in Cons., 19 October 1854.

Mr. L. D. Daniell, dated 4, in Cons., 12 April 1855.

12. The Collector of Salem advocates the expediency of not interfering further with these enams, considering that the saving of time and labour would more than compensate the loss of revenue to be expected from lapses. The aggregate number of separate holdings is stated to be 2,211, the extent 2,371 cawnies, and their net value 10,346 rupees. The resumptions in five years amount in value to 76 rupees.

Mr. H. A. Brett, dated 24 February, in Cons., 11 June 1855.

13. The late Collector of North Arcot gives his opinion decidedly in favour of exempting these enams from all interference. He argues, that under the rules in operation the interest of Government in these alienations is very limited, the resumptions being very trifling; that the Collector and his establishment are unequal to the task imposed on them of disposing of each case on lapse; that the number of lapses actually reported is far below the number which must occur; and that out of the number so reported (viz. 50 in five years), resumption, partial or entire, took place in two cases only, and their united value was under 14 rupees annually. The number of enams under two cawnies was given by Mr. Bourdillon as 4,625, valued, after deducting quit-rent, &c., at 36,281 rupees. Mr. Whittingham, in a later return, states the number to be only 2,745, and their aggregate value 23,014 rupees.

Mr. J. D. Bourdillon, dated 1, in Cons., 6 March 1854.

Dated 22 February, in Cons., 7 June 1855.

14. The Collector of Tanjore is of opinion, that "it would on every account be desirable that the lapse of these very small enams should be allowed to pass without inquiry by the Government officers." The number of distinct enams is 6,952, and their net value 29,005 rupees. No resumptions occurred from 1849 to 1853.

Mr. H. Forbes, dated 13, in Cons., 18 August 1853.

From Collector, dated 14 February, in Cons., 9 July 1855.

15. The Collector of Trichinopoly is also favourable to the proposal to give up these enams. The number in his first report was stated to be 2,045; in his subsequent return this is reduced to 546, of a net value of 3,808 rupees. The resumption amounted to 137 rupees in the five years already noticed.

Mr. J. Bird, dated 26 May, in Cons., 2 July 1853.

Dated 8 March, in Cons., 2 July 1855.

16. The Collector of Tinnevely also advocates the exemption of these petty enams from interference on account of their trifling value, and the small proportion they bear to the whole ayacut or cultivable area, the saving of labour to his office, and of inconvenience to the enamdars. He has also proposed to extend the same liberality to 46 other such enams which have already been declared by former Collectors to be life-grants; but if these decisions are correct, the measure seems uncalled for. The number of small enams is stated to be 179, and their value 2,281 rupees, while that of the resumptions, from 1849 to 1853, is 148 rupees.

Mr. C. J. Bird, dated 17, in Cons., 26 September 1853.

Dated 9, in Cons., 15 March 1855.

17. The Collector of Cuddapah has not given an opinion on the subject. The number of enams not exceeding two cawnies in this district is very large. Their number is stated to be 61,598, occupying 48,195 cawnies, and the net alienation is said to be 2,77,574 rupees.

Mr. M. Murray, dated 6 December 1853, in Cons., 9 January 1854.

Dated 10, in Cons., 24 August 1854.

Dated 28 June, in Cons., 5 July 1855.

Mr. R. D. Parker, dated 25, in Cons., 30 March 1854.

Dated 23 June, in Cons., 2 July 1855.

18. The Collector of Madura considers "the gain to Government wholly disproportionate to the labour involved" in investigations regarding these small enams, and, therefore, recommends their exemption from report on lapse. Their number in the district is given as 423, valued at 2,811 rupees, and the resumptions have been 53 rupees.

Mr. F. Maltby, dated 17, in Cons., 24 April 1854.

19. The late Collector of South Arcot recommends that every indulgence should be shown to the parties now in possession and their lineal descendants; but as the existence of enams which are not connected with any duty or any apparent claim on the State is objectionable, both as a loss of revenue and a cause of discontent to other less favoured landholders, he deems it inadvisable to perpetuate them by making a rule which would allow them to pass to new families by sale or gift. He proposes, therefore, that instead of this, Collectors should be authorised to continue them while lineal heirs of the family exist, and the Board to direct their resumption on receiving a report from the Collector that the family is extinct. The number of enams, not in excess of two cawnies, is 1,733, and their value 18,889 rupees. The resumptions in five years have been worth only two rupees.

Mr. A. Hall, dated 31 May, in Cons., 4 June 1855.

Mr. H. Stokes, dated 16, in Cons., 20 June 1853.

Dated 7, in Cons., 8 March 1855.

20. The acting Collector of Madras is opposed to the principle of exemption on the ground that in many districts a great number of fraudulent alienations would be at once sanctioned, that, except where the good faith of Government is pledged, the continuance of enams is unjust towards those who pay assessment, and that to exempt them permanently from inquiry, merely to save trouble, would be a most questionable policy. The number of these enams in the Madras collectorate is 819, and their value 3,308 rupees.

Mr. E. B. Thomas, dated 3, in Cons., 10 July 1854.

* Dated 29 November, in Cons., 13 December 1855.

21. The Collector of Coimbatore sees no objection to the exemption being accorded; he contemplates, however, the interference of the officers of Government to prevent their "illegal" occupancy by parties who are in nowise connected with them to the detriment of the interests of the State. In a later return* the Collector gives the number of petty enams as only 34, containing 33 cawnies, valued at 215 rupees. No resumptions appear to have taken place during the period included in the statement.

Mr. F. N. Maltby, dated 14 March, in Cons., 2 July 1855.

22. The enams in Canara have all been converted into money payments, and the total number of grants not specially restricted to one or more lives is only 140, and their aggregate amount 6,978 rupees.

Mr. H. V. Conolly, dated 24 March, in Cons., 5 April 1855.

23. In Malabar the Collector reports that there are no rent-free enams.

Mr. P. B. Smollett, dated 30, in Cons., 31 August 1854.

Mr. C. J. Shubrick, dated 28, in Cons., 30 April 1855.

24. The late acting Collector of Chingleput expressed himself in favour of abstaining from all interference with these petty enams, and considered that the principle might be carried out still further. The number of small enams is stated to be 2,085, of the value of 14,730 rupees; the resumptions from 1849 to 1853 have been 114 rupees.

25. From the above abstract it will be seen that the Collectors of nine† (or ten districts if Canara be included) are in favour of exempting small enams from interference, seven‡ are opposed to the measure, three§ have given no opinion, and one (Bellary) suggests another mode as preferable in his judgment.

(A.) and (B.)

26. Two abstracts are appended of the returns made by the Collectors, showing the extent, &c., of the different enams as well as the Circar ayacut, and the average cultivation of five years. These statements, however, cannot be implicitly relied on, the materials from which they are prepared are defective, and in some of them discrepancies will be found between Nos. 1 and 2. Little advantage would, however, be gained by a further reference to the Collectors, and the best course will be to make use of them with the understanding that they are only approximately correct.

To Government,
5 November 1846.

27. The expediency of exempting these enams from interference was first suggested by the Government|| of India, and the question was referred to the Board of Revenue, who were of opinion that the principle could not be applied in this Presidency without entailing a serious loss of revenue. In 1853, the Government

† Ganjam, Salem, North Arcot, Tanjore, Trichinopoly, Tinnevely, Madura, Coimbatore, Chingleput, Canara.

‡ Rajahmundry, Masulipatam, Nellore, Guntoor, Kurnool, South Arcot, Madras.

§ Vizagapatam, Cuddapah, Malabar.

|| Letter from Secretary to Government of India, to Secretary to Government of Madras, 22 August 1846, in Extract Minutes Cons., 26 September 1846.

Government recurred to the subject as meriting further consideration and thus led to the present reference.

From Government,
9 March 1853,
para. 29.

28. The original proposition of the Government of India was, that no investigation should be held regarding any alienation when the land, according to the original grant, does not exceed two cawnies, and has been held exempt from payment of revenue, or rent, without interruption for 50 years, unless these tenures are so numerous as to involve too great a sacrifice of revenue.

29. On these terms it is necessary to remark briefly. In the majority of the cases now under consideration no "original grant" is forthcoming, and this condition has been abandoned both by Government and by the Board in their references to the collectors. The returns now submitted are also not limited to enams "held free from the payment of revenue or rent," but include those subject to quit rent; and, following the order of Government, no stress has been laid on the condition that they shall have been held uninterruptedly for 50 years; for in reality, with a very few exceptions, the existing enams have been held for longer periods than that named, though, of course, not always, nor, perhaps, even in the majority of cases by the same family.

Ex. Mins. Cons.
9 March 1853.

30. From the impracticability of ascertaining, within any reasonable time, the total extent of each enamdar's possessions, the Board have been obliged to take the enams as they appear separately in the registers. A contrary course was adopted by the late Commissioner for the Northern Circars; but it would have been impossible to do the same in districts like Bellary and Cuddapah. With regard to the last proviso, it will be seen, from Statement No. 1, that excluding four districts, viz., Canara and Malabar, where there are no rent-free lands, and Ganjam and Kurnool, from which no returns can be made, the net value of alienations, not exceeding two cawnies in extent, is calculated at 5,70,219 rupees. The Board have no knowledge of the value of similar enam land, to which the rule was applied in Bengal, and cannot therefore infer whether this sum would be held to involve too large a sacrifice of revenue, and so form an "*in limine*" objection to the further agitation of the subject.

31. The question, moreover, is now materially affected by the probability of a really efficient survey being carried out at an early period.

32. The Board have recently had the advantage of perusing the Minutes of Consultation of the 14th August last on this subject, and they find that the large extent of rent-free holdings, and the invalid titles of the enamdars, are specially brought forward by the Government itself.

Printed book on
Survey.

33. In paras. 6 and 7, it is stated that "at the present time Government is enormously defrauded in the matter of enams;" that "it is notorious that in every district enams to a large amount are held without any valid title whatever; that during the period of confusion which immediately preceded the British assumption of the Government in Southern India, lands more or less extensive in several districts, but certainly to a great extent in the aggregate, were fraudulently appropriated by the village and other officers, and have continued to be held by them only from the absence of proper inquiry." Again, referring to the large extent of enams in the ceded districts, the Government remark, "that it is notorious that a very large proportion of these enormous rent-free holdings stand on no good title whatever."

34. "The survey," it is observed, "will be the fit time for instituting an investigation also into the tenures of rent-free land;" and in para. 34 the enams are noted as one of the sources looked to, to replace the immediate loss of revenue from the liberal measures contemplated by Government. "The immediate recovery of revenue from this source," it is remarked, "would not be great, but ultimately it would be very considerable."

35. In the method of dealing with enam tenures, thus sketched out by Government, the Board fully concur.

36. Making allowance for the districts not included in the accompanying Statements, the total net value of such alienations, above and below two cawnies, may be roughly assumed at 40 lacs per annum. The number of petty enams, so far as can be ascertained, is about 1,14,403, of the value of 5,70,219 rupees. The

Note.—The total alienations as given in Statement 2, amount to 94,49,297 rupees, the average cultivation of five years having, according to it, been 2,88,55,919 rupees.

enams above that extent are rather more numerous, and their value is 29,62,932 rupees. The returns are however incomplete, and the above figures, large as they are, only an approximation to the truth. The titles are, as Government have described them to be, very generally doubtful.

37. Under such circumstances, the Board think it would be a serious error to abandon all rights or claims to them, however contingent or remote on the part of the State, at the very time when the opportunity of fully and fairly disposing of the question is afforded by the contemplated survey.

38. The Board entirely concur with the Government that the enamdars should be treated considerately, and would urge the propriety of as speedy a settlement as may be practicable. But it appears to them unquestionable that the survey affords the best opportunity for an investigation into the titles of these numerous alienations, which the State is bound to institute, in justice to the less favoured class of its subjects, who are taxed for its exigencies.

(A true extract.)

(signed) G. S. Forbes, Acting Secretary.

No. 15.—EXTRACT from the Proceedings of the Board of Revenue,
dated 16 July 1856, No. 2,235.

THE Board proceed to review the "Sketch of an Act to be substituted for the laws which have hitherto governed exempted lands, grants, and pensions in the territories of the East India Company, subject to the Government of Fort St. George," which forms the fourth and concluding part of Mr. H. Stokes' proposed Revenue Code.

2. The Draft Act consists of 16th sections and is devoted almost exclusively to empowering the Government to appoint Commissioners for investigating the titles upon which lands are held free of assessment, and to assess to the revenue all such as possess no valid title, and are found to have no claim on the indulgence of Government for exemption.

3. The only alterations which the Board see reason to propose in the Draft Act relate to sections 7 and 16: section 7 declares "that endowments and emoluments for service can in no case be alienated from the objects to which they are annexed," after the word "alienated," it seems proper to add "by the grantees without the sanction of Government." The section would then agree in spirit with section 13 of the preceding Draft Act. Section 16 declares that no decision or order passed under this Act shall be questioned or avoided by any court of law, &c. But this seems insufficient, as it would not prevent a court receiving any suit which might be filed in it regarding rent-free lands after Regulations IV. and VI. of 1831 are repealed as proposed by Mr. Stokes. The positive prohibition which now exists against courts entertaining such suits without an order from Government should therefore be renewed, and be added as a sequel to this section.

4. Having thus noticed the alterations which appear necessary in the Sketch Act, the Board will advert to the points in which it appears deficient.

5. In the first place no provision is made for the important duty of keeping an official register of all alienated lands to supply the place of section 24 of Regulation II. of 1803, which enjoins that course, and which is proposed for rescission. The duty laid upon revenue officers by sections 27 and 41 of that Regulation to bring to notice all rent-free lands held on invalid titles, and all unauthorised alienations of land should also continue to be a part of the law in the Board's opinion, though they would abolish the reward or compensation offered by sections 28 and 29 to officers upon whose information or discovery improperly alienated lands are assessed to the revenue. It seems also advisable to declare formally, that when lands are only partially exempted from assessment, they are liable to be sold like other lands for arrears of revenue, on an arrear occurring, and that in that case the enam will, *ipso facto*, cease.

6. Again,

6. Again, nothing is said on the subject of dividing enams. When claims are advanced to portions of them by different members of a family, who, according to the Hindoo or Mahomedan law of inheritance, would be entitled to a share of the ordinary property of their families, Government will probably see fit to reserve to itself the power of dividing enams, or placing them at its discretion in the hands of the head of the family; and it seems advisable that the discretionary power which Government may thus retain should be declared for general information. The Board would also recommend that provision should be made for obliging the shareholders, when an enam is subdivided, to elect from their body an agent who is to represent them before the collector in all business connected with the enam, and by whose acts they are to be bound. The collector of Madura recently pointed out the want of such an enactment, and the deficiency might be supplied by provisions analogous to those laid down for the management of undivided estates in section 5, Regulation LII. of 1803 of the Bengal code. The collector is there authorised to call on the shareholders of an estate, or on their guardians, in cases of minority or incapacity, to elect a manager, and if they fail to do so, he is to propose one for the approval of the Board of Revenue.

Letter to Board,
23 October, in
Cons., 11 Decem-
ber 1855.
See page 259.
Para. 7.

7. In the letter which accompanied his Draft Act, Mr. Stokes describes the different rules under which the succession to enams is now allowed. These rules are published among the circular orders of the Board of Revenue, and are of great importance to the interests of the State, especially those which relate to acknowledging the adoption of sons, and allowing inheritance to pass in the female line on a want of male heirs. But this subject depends entirely on the policy which Government see cause to pursue with respect to these privileged lands, and need not be discussed by the Board on this occasion. The succession to, or in other words, the continuance of enams is always, in their opinion, to be regulated by such rules as the Government chooses from time to time to lay down rather than by any formal legal enactment.

8. Mr. Stokes' Draft supposes it to be the intention of Government to appoint Commissioners to examine the titles on which all enam lands are held, and this supposition is warranted by the known necessity for such a measure, and by the remarks of Government, when considering the question of a revenue survey for the entire Presidency. It is sufficient, therefore, for the Board to express their full concurrence in the opinion that the delicate and difficult measure of assessing to the revenue all lands held on invalid titles can be best carried out, when the people receive the benefit of a light and equitably arranged assessment, by which the value of their lands will be materially increased. The importance of the question may be judged of by the facts that in the two districts of Bellary and Cuddapah alone the registered enam area or ayacut consists of 24,69,856 acres, assessed at 38,78,420 rupees, and that the cultivated portion in the last fusly amounted to upwards of 28 lacs of rupees.

Extract Minutes of
Consultation,
14 August 1855,
No. 951, paras. 6,
7, 10, 34.
Vide printed book
on General Re-
venue Survey.

9. The Board proceed now to notice one particular class of enams. Those hitherto referred to consist often of lands which form the private property of individuals, but the assessment on which is remitted by Government wholly or in part. In these instances therefore the resumption of the enam consists in a demand for the assessment without the possession of the occupant being disturbed. But a large portion of the enam lands are attached to particular offices, and form a remuneration instead of a money salary, for service performed to the State. These are called "Service enams," and when the holder of the office is dismissed from or gives up his appointment, he ceases to have a right to enjoy the enam land, which is to be made over to the new incumbent.

10. Questions connected with the occupancy of these lands are at present removed from the jurisdiction of the courts, and made cognisable by the collector under Regulation VI. of 1831. The reasons in favour of this course appear to the Board strong and obvious; but they observe that, although Mr. Stokes proposes to rescind the above regulation, he has prepared no provisions to supply its place. This important want ought to be supplied, and this could be done by introducing into the new code the general provisions of Regulation VI. of 1831, with some additions, to show distinctly the power of Collectors to carry into execution their decrees respecting the occupancy of these lands, and claims to the crops growing upon them when, from a change

in the party filling the office, it is necessary to transfer the enam land from the old to a new incumbent.

11. In paras. 22 and 34 of his report, Mr. Stokes alluded to a proposal of relieving all enams not exceeding two cawnies from inquiry or interference. The Board expressed their views to Government on this point in their Secretary's letter of 9 February last, No. 390, and their opinion of the policy of surrendering all these enams coincides with that of Mr. Stokes.

(A true extract.)

(signed) *G. S. Forbes,*
Secretary.

Fort St. George, Revenue Consultation of 20 January 1857.

No. 17. — Order thereon, No. 66; dated 19 January 1857.

1. In their letter of the 14th May 1855, No. 725, the Board of Revenue replied to the order contained in Extract Minutes, Consultation, 14th December 1854, calling on them in pursuance of a despatch * from the Honourable Court of Directors, to report how far the provisions of Act XI. of 1852 for the adjudication of titles to enams in Bombay were applicable to those of this Presidency. But the Government deferred passing orders on that letter pending the receipt of the Board's reply to a previous reference † respecting the propriety of abandoning all interference with enams of smaller extent than two cawnies each; having reason to believe that the information which would then be supplied by the Board respecting the extent and value of existing enams, would be more full and complete than any yet laid before Government.

2. The Board's letter of the 9th February 1856, recorded at the head of these proceedings refers to the last-mentioned question; and the Government propose to consider the subject in connexion with the Board's proceedings of the 16th July 1856, reviewing the Sketch Act proposed by Mr. H. Stokes to be substituted "for the laws which have hitherto governed exempted lands, grants, and pensions, in the territories of the East India Company, subject to the Government of Fort St. George."

3. The minor question may be first disposed of, viz., that relating to small enams. The proposal to abstain for the future from all interference with enams of less extent than two cawnies emanated from the Government of India; it was drawn from the rule followed in the case of the resumptions of lakhiraj or rent-free tenures in Bengal, and was based on consideration of the insignificance of the gain that could accrue to Government by the resumption of those small enams. The Board of Revenue, who were consulted on the subject, without referring to the Collectors, expressed themselves averse to the proposition. They stated that the enams of this presidency were severally of small extent, and that a large proportion of them were probably of less than two cawnies each. They were of opinion, therefore, that the measure would involve a considerable sacrifice of revenue, and they thought the rule unsuited generally to the circumstances of the Madras districts. This opinion was concurred in by this Government, and was communicated to the Government of India, who acquiesced in it in their letter of the 5th December 1846; and here the subject appears to have been dropped for the time. In the year 1853, however, this Government, in passing orders on certain cases of lapsed enams of small value, recurred to the proposition; and requested both the Board of Revenue and the Commissioner of the Northern Circars, to report whether enams entered in the public accounts at an extent below two cawnies, might not be henceforth wholly exempt from interference on the part of Government, in respect to both their present enjoyment and future disposal. The Board's letter, of the 9th February, recorded above, replied to this inquiry as regards both the districts then under their authority and the Northern Circars.

4. In this letter the Board, after explaining the cause of the delay in replying to the order of Government, which is stated to be owing partly to their desire to bring

* Dated Rev.
27 September
1854. No. 21.

† Ext. Mins. Cons.
9 March 1853.
No. 271.

22 August 1846.
No. 536, para. 7.

5 November 1846.
No. 528 in Cons.
17 November 1846.
No. 22.

bring the subject completely before Government, but chiefly to the extreme difficulty of getting information from the districts, proceed to recapitulate the opinions of the several collectors with a brief notice of the statistics of the question in each district. The information thus supplied may be epitomised as follows:— In Ganjam there are no materials for a statement of existing enams; in 2,140 villages out of 3,597, there are no accounts even of the total extent of such holdings. In Rajahmundry the enams are extensive, but there is no register of them; a statement, however, was submitted by the collector, but it does not appear from what materials it was compiled. In Masulipatam authentic records of the enam holdings are equally wanting, and the collector expresses the belief that extensive fraud has taken place in consequence. In this district, as well as in Rajahmundry, the absence of any correct measurement of the land, or even of any uniform standard of measure, affords large opening for fraud, even if registers of enams existed, as they do not. In other districts also the absence of trustworthy accounts is adverted to; and in some it is indicated, though the fact is not specially noticed in the Board's letter, by the fact of two successive statements having been sent up, differing materially from each other. In Kurnool the extent of enam appears to be correctly known, but not the value.

5. On the question whether it would be expedient to exempt the small enams above described from future investigation, the replies of the collectors were various. Ten* of the number were in favour of the proposal, on the ground that the labour involved in the investigation of the titles of these petty enams under the present system would not nearly be repaid by the trifling amount of the resumptions made. Seven collectors† were opposed to the measure as an uncalled for abandonment of the rights of Government, and a concession of privileges to certain parties in perpetuity, at the expense of the community generally. Three give no opinion,‡ and one, the collector of Bellary, while in favour of the principle, advocates a different mode of applying it; viz., to exempt enams of a certain annual money value, rather than of a certain extent. He considers, however, that a general investigation of the very extensive rent-free holdings of his district is very desirable.

6. A statement (A.) enclosed in the Board's report gives 114,403 as the number of these small enams, 98,603 cawnies (equal to 1,30,384 acres) as their extent and 5,70,219 rupees as the net amount of the alienation of revenue upon them. The total value of resumptions from the year 1848, when the systematic investigation of enams on lapse first began, being about seven years, is 4,445 rupees; being on an average a fraction under 40 rupees a year in each district. The statement omits Ganjam, because there are no returns from that district; and it omits the money value of the enams in Kurnool for a similar reason.

7. In giving their own opinion the Board first remark that the case of the Madras enams differs in one important particular from that of the lakhiraj lands in Bengal, referred to by the Government of India. In the latter case, the small enams, exempted from future investigation, were to be such as were held on grant, thus having a good *prima facie* evidence of valid title; while in this Presidency only a very minute proportion of such enams are held on any grant at all. The Board also observe, that since the orders of the 9th March 1853, the case of the Madras enams is altered by the present probability of a general survey. Quoting the Extract Minutes Consultation of 14th August 1855, they express their concurrence in the views set forth in that Order, as to the expediency of carrying on an investigation of enam titles simultaneously with the survey; and they submit that it would be a serious error to abandon the rights of Government concerned in the present question, at the very time when there is a probability of an opportunity of fully and fairly investigating and deciding on them.

8. The Government concur in the opinion thus declared by the Board. The only ground on which the proposition of the Government of India was entertained and advocated in this Presidency was, that under the existing system the investigation

* Ganjam. Chingleput. North Arcot. Salem. Tanjore. Trichinopoly. Tinnevelly. Madura. Coimbatore. Canara.

† Rajahmundry. Masulipatam. Guntoor. Nellore. Kurnool. South Arcot. Madras.

‡ Vizagapatam. Cuddapah. Malabar.

gation of these small enams involves far more costly proceedings than the resumptions suffice to pay for. This is the ground on which the proposal is approved by all the ten collectors who advocate it, with the exception of the late Collector of Ganjam, and it is certainly good; for the 40 rupees a year gained in each district would not nearly pay for the cost of the numerous investigations of which it is the result. But the case is wholly altered when it becomes probable that a general survey and investigation of enam titles will be made by a competent agency; such an investigation will be far less costly, it will be made once for all, and all that will remain to be done afterwards will be to carry out its decisions. Even if these small enams were to be exempted from interference, it would still be necessary for the completion of the survey to measure them and record their titles and other particulars; and thus the exemption would very little lessen the labour of dealing with them. There seems no reason, therefore, with such an inquiry in prospect, to give up these lands in perpetuity; a measure which would not only be an unwise sacrifice of the rights of Government, but also an injustice to other holders of enam, and to the general payers of revenue.

9. Having thus recorded their views on the proposition respecting small enams, the Government proceed to consider the proper course to be pursued in the case of enams generally.

It is unnecessary to dwell in this place on the necessity of investigation, as that has already been fully admitted and affirmed in the Extract Minutes Consultation, of 14 August 1855, on the subject of a general revenue survey. It was there declared that, notwithstanding a special legal provision in 1802, directing the registration of all rent-free holdings, no such registration had been made to the present time; that, as a consequence, such holdings exist fraudulently to a very large extent in every district; and that the information possessed respecting such holdings is extremely meagre. Statement B, received with the Board's letter of the 9th February, supplies more complete statistics of existing enams than were in the possession of Government at the date of the order of the 14th August 1855, above referred to, though the information is still avowedly incomplete, and not to be fully relied on. Such as it is, however, the following are the facts which the statement supplies, as to the extent and value of enam holdings, omitting Ganjam, for which no accounts are forthcoming.

Paras. 6 and 7.

10. The total extent of enams subject to report, that is, enams neither attached to village offices in the revenue and police departments, under Regulation 6 of 1831, nor to religious and charitable institutions as endowments, under Regulation VII of 1817, is stated at 20,09,140 cawnies, or nearly 27 lacks of acres. Exclusive of Kurnool, where the value of the enams is not known, the annual revenue thus alienated amounts to 40,24,413 rupees; and assuming the enam of that district to be of the same average assessment as the rest, the amount may be computed at 43,53,000 rupees. The service enams amount to 39,24,862 rupees of net yearly alienation, and the religious endowments to 14,96,314 rupees; the extent of land of the last two descriptions of enam is not given. The total of the three, again omitting Kurnool, amounts to 94,45,589 rupees; and adding a reasonable proportion for that district and Ganjam, the whole may be assumed at 1,05,00,000 rupees, or upwards of 1,000,000 *l.* sterling of annual revenue; and even this represents only the value ostensibly held, and keeps altogether out of sight the additional extent of land obtained and held, by encroachment in excess of that professedly claimed. The land held thus surreptitiously, it is believed, is very extensive in some districts; and Rajahmundry, Masulipatan, and Nellore, may be named in particular. The total amount of these encroachments, over and above the avowed holdings, may safely be set down, on a very moderate estimate, at one-fifth of the ostensible holdings, or 21 lacks of rupees; raising the total amount of alienated revenue to 1,26,00,000 rupees, or above a million and a quarter sterling.

11. This brief review of the statistics of the case shows the magnitude of the interests concerned; and, coupled with the fact that these enams are found in every village, and always owned in great part by the office bearers and other most influential members of the community, it affords the means of forming some idea of the very powerful body leagued together to prevent or baffle investigation. The Government firmly believe that the great influence exercised over the native revenue officers of Government by the holders of this large amount

amount of property, is one main cause why an effective investigation of enam titles has never yet been made in any one district; and that the constant and engrossing occupation of collectors in their other multifarious duties is a second reason; and they are clearly of opinion, therefore, that unless the inquiry be entrusted to a special agency, as in Bombay, it will still be indefinitely postponed.

12. One other remark remains to be made with reference to the Board's Statement B. The heading in columns 6 and 7, "Enams subject to report," might be taken to imply that only enams entered in those columns are fit subjects of investigation; whereas this is not the case, nor does it seem to be the Board's meaning. The term "Enams subject to report" is no doubt intended to apply only to the present practice of reporting on lapse, which does not extend usually to service enams or religious endowments; but the general investigation which the Government have in contemplation is intended to take in enams of all classes. There is no doubt that a very large proportion of what are termed "Service Enams" (column 8) were fraudulently created, and are held without valid title; and though it is not probable that fraud will be found to the same extent in the "Religious Endowments" (column 9), yet there is reason to believe that unauthorised holdings exist in that class also; while in all there are certainly encroachments, *i.e.*, land held in excess of even the extent claimed, and all must be measured to ascertain the extent of such encroachment.

13. Of the justice and necessity of an investigation of the titles of enamdars there seems no room for question. It is just and necessary for two opposite objects: on the one hand, to vindicate the just rights of the State, meaning thereby not the Government, but the great body of the public, by retrenching exemptions and privileges standing on no valid ground, and injurious to the payers of revenue generally, and thus making it practicable to lighten the burden of taxation to the general body, or to devote a larger amount annually to the execution of public works for their advantage; and, on the other hand, to confirm the titles of the rightful holders of enam. This second object is scarcely less important than the first. At present the tenure of enam land is so uncertain, being dependent on arbitrary rules little known and liable to continual change, and the title being subject to interference and inquiry on every lapse, that it is undoubtedly less valuable as property than it otherwise would be. But an investigation such as is now contemplated will determine with authority the terms of every holding, and documents will be given and a register formed recording the particulars and the incidents of such tenures; and the holder will thenceforward be free to deal with his property, subject to those conditions, without interference, and without uncertainty. It may be added that the Honourable Court of Directors, in their Judicial despatch of the 18th May 1853, No. 2, expressed dissatisfaction (paras. 9 and 10) that a question of such importance as that of the rent-free tenures should have been left so long unsettled, and express the decided wish that it should be fairly investigated and adjusted without loss of time.

14. An Act of the Legislature will be required to give the powers necessary for investigating and deciding on the titles of enamdars, and the Government will here state the provisions which in their opinion such an Act should contain, and the principles which should guide the proceedings under it. Mr. Stokes, in his fourth Report on the revenue laws of this Presidency,* discusses both points, and gives a sketch of an Act such as he would propose; but this, so far as regards the principles of adjudication, relates only to enams held on grant, respecting which his draft is plain and positive. In regard to enams held without grant, the draft is silent, as Mr. Stokes was of opinion that the rules relating to such enams, not being based on any title of the holder, but emanating from the mere grace and favour of Government, ought not to be specified in a Legislative Act, but were properly a matter of regulation by the Executive.

* 17 Dec. 1855.

15. Some parts of Mr. Stokes' Draft Act, which accompanied his fourth Report, may here be noticed. Section 2 provides for the appointment of Commissioners with Assistants for the investigation and adjudication of enam titles. This is the course followed in Bombay, and it seems to the Government, as already said, to be quite necessary also at this Presidency, where the investigation by the ordinary agency would be quite impracticable. In the Extract Minutes of Consultation

* Para. 7.

tation of August 14, 1855, it was proposed* that these investigations should go on simultaneously with the survey, and where it was so, that the Superintendent of the survey should be a Commissioner under this Act. But it was noticed that in some cases, and especially in Bellary and Cuddapah, it would be proper to take in hand the investigation of enams at once, without waiting for the survey, which would not reach those districts for many years.

16. It appears to the Government that the first clause of section 4 of the Draft Act needs to be modified so as to protect those enamdars who duly produced their sunnuds when called on, in pursuance of sections 9 and 16, Regulation 31 of 1802. Such lands should not now be liable to interference, even though the sunnuds may not now be forthcoming, except to maintain the terms of the sunnud as recorded in the register. For example, encroachments in excess of the extent there specified may fairly be assessed to the revenue; and if land held on a personal or terminable grant shall have been inadvertently continued in excess of the interest conferred, the mistake may be corrected. In such cases, too, as in all others, a document or title-deed stating clearly all the particulars of the holdings should be given to the holder.

17. Section 5. Rules to be passed by Government respecting the descriptions of persons whose grants are to be recognised, should be furnished to the Commissioner before he commences his proceedings, and all questions of that nature arising subsequently and not clearly provided for in the rules should be referred for the decision of Government.

18. Clause 5, section 6, seems too stringent; it may be sufficient to provide that where a sunnud was not produced when called for, by proclamation or otherwise, under Regulation 31 of 1802, no plea for its non-production now shall be admitted, but the enam shall be treated as held without sunnud. Clause 6 will meet the case of omission to produce sunnuds when called on under the new Act.

19. As to enams without grant the case is less simple. In para. 38 of his fourth report Mr. Stokes states the course he would advocate as respects "invalid titles," including enams held without any grant. He proposes that enams of recent acquisition and those clearly showing marks of fraud, as well as those of which the conditions have been infringed, should be at once resumed; and that the remainder should be continued at the pleasure of Government for longer or shorter terms, according to circumstances. He also quotes a letter written by him on the subject of enams to the Commissioner in the Northern Circars in 1850, of which paras. 6 and 7 as appertaining to the subject now in hand are extracted below.

From Acting
Collector of
Guntoor, 21 April
1856. No. 17.

Para. 6. "Of the invalid enams, the following should be recommended for immediate resumption."

1. "All that have been alienated subsequently to the permanent settlement."
2. "All in regard to which there is evidence of fraudulent transactions, such as by fabrication of sunnuds, or mutilation, alteration, or destruction of records."
3. "All those which are 'murdah nushtah,' that is to say, those for which the rightful claimants have become extinct, and which are now unclaimed."
4. "Such of the above as have been fraudulently taken possession of by other parties."
5. "All such as have been diverted from their original intention."
6. "Those on which the quit rent or shrotrium has not been paid, unless some special cause can be shown for indulgence."
7. "The remainder of the enams classed as invalid, and which will comprise by far the greatest number in the district, should be recommended to the indulgence of Government, according to circumstances, either in perpetuity during the performance of service, or for one, two, or three lives. Under this head I conceive the strongest claim to be continued would attach to endowments, provided the charities for which they were granted are kept up; next, those given to communities such as agraharums; third, grants for service performed; fourth, personal grants, such as grants to pundits or relations of the zemindars. In the majority of such cases it will probably be found that enjoyment had already continued as long as was originally intended and the grant may either cease or be reduced on the lapse of the present incumbent."

20. The rules prescribed by Act 11 of 1852 for enams held without grant in the Bombay Presidency are extremely liberal, but are inapplicable to the circumstances of the Madras Presidency. By those rules the criterion and measure of title is possession for certain periods anterior to the acquirement by the British Government of the province in which the enam is situated. But it is remarkable that no proof of such alleged possession is demanded, but that if evidence is not forthcoming on the side of Government to disprove the allegation, it is to be admitted. In this presidency a resumption law based on such a rule would be almost entirely useless and inoperative. Nearly the whole of this presidency has been under the British Government for above half a century, and certainly no trustworthy accounts would be forthcoming of older date. The enactment of such a rule as that just quoted would lead to the wholesale fabrication of false accounts to establish the title of enams; but even that would be superfluous, as it would only be necessary to assert the required length of possession, and no accounts would be forthcoming to disprove it. There is the valuable testimony of Sir T. Munro to the fact that in the Ceded Districts very extensive lands were fraudulently entered as enam in the survey accounts by the village officers, because they knew well that it was their last opportunity.* Under such a rule as that of Bombay those very accounts would now become decisive proof of title.

See Provision 2d, under sect. 4 in Schedule B.

21. Sir T. Munro expressly declared that a large proportion of the enams entered in the survey accounts of the Ceded Districts were fraudulent; and he particularly stated that the titles of the whole ought to be carefully investigated; and though this has never been done, even the declaration and the protest are enough to vindicate the Government in refusing to admit the survey accounts as good evidence on this point. The same fraud no doubt took place in every district that has been surveyed, differing only in degree; and in those that have not been surveyed, there is not even the check of the imperfect and defective survey accounts, and frauds have gone on still more boldly and unscrupulously.

22. Mr. Stokes, alluding to enams without grant, expressed the opinion,† probably the true one, that such enams were disallowed by the framers of the regulations of 1802, from a conviction that they were most commonly fraudulent. He says "it is notorious that the village servants have at all times been in the habit of effecting surreptitious exemptions from assessment, and on a favourable opportunity, such as a change of Government, foisting them into the village accounts." He speaks of the village accounts as "most treacherous records," and advocates the leaving claims to the absolute indulgence of Government, rather than trust to those accounts.

† Fourth Report, para. 34.

23. Mr. Walter Elliot, in his final report on the affairs of the Guntoor District, dated 14th April 1846, paras. 85 to 93, writes much to the same effect. He says, "In no other district is the information regarding the former extent of the rent-free tenures so defective." "In Guntoor," he adds, "accurate returns do not appear to have ever been prepared." He quotes the opinions of Mr. Oakes and Mr. Whish, former collectors of the district, as showing that a large portion of such lands was held improperly. Mr. Oakes was of opinion that if a committee were appointed to settle in perpetuity the district under Amanee, meaning Palnad, "the whole of the present maniams would be resumed, and the illegitimate profit now enjoyed by a set of vicious and intriguing bramins be brought to Government account." Many of the agraharums he considered to be held on the most questionable documents, the sist fluctuating with the produce. Mr. Whish held that many of the enams in the Mulrauze Estate were of doubtful title, and that little dependence could be placed on the accounts or registers of such holdings. Comparing the English register of enams sent to the Board of Revenue by Mr. Collector Ram, and the office copy of that document in the Cutcherry, Mr. Whish discovered, amongst other things, that the quit-rents of the agraharums and enams were understated, that the amounts did not correspond either with the sunnuds or with the demand accounts of the same year; that a large extent of land was entered in the names of persons who never possessed any, while even the situation of the land so entered,

* Report on the survey of the Ceded Districts, 26 July 1807, para. 14.

entered could not be pointed out; that of the whole extent found by him to have been registered, viz., 4,463 cuchels, one-eighth, or 517 cuchels, had escheated, and were assessed with a revenue of 22,783 rupees, but that he had found, in addition, 3,806 cuchels in actual enjoyment, of which no mention was to be found in the register. The total extent of enam lands in the zemindary estates enjoyed at the date of this register, compared with that in possession of individuals in fusly 1,253, was shown to have fallen short of the latter by 56 per cent., or, in other words, that fraudulent occupation of lands prevailed to that extent at that period. Mr. Elliot notices the circumstances and mode in which one other register of enam lands, viz., that of fusly 1,217, was prepared, and shows that notwithstanding its little value and worthlessness as a public document, means had been taken with the connivance of the public servants and tampering with the catcherry records, to make it the groundwork of extensive frauds. His concluding remarks are to this effect: "No examination of the validity of the numerous titles to exemption appears ever to have taken place, and from the comparison of such data as can now be found, it is not improbable that from one-third to one-half will be proved to be defective."

24. A Report by Sir Henry Montgomery, when Commissioner in Rajahmundry, dated 18th March 1844, contains remarks to a similar purport.* Among the causes of the decrease of revenue enumerated by the Commissioner, one was the surreptitious enjoyment of Government land as enam; comparing the maniemis existing in fusly 1,252, with the accounts on which the permanent settlement was based, he showed that there was a net increase of 21 per cent. since that period; besides the alienations, he stated there were extensive unregistered encroachments on Government land. Numerous instances of these came to light during the four months that Sir H. Montgomery had charge of the collectorate, and he believed that there were but few villages in the district where the village servants and the principal ryots did not enjoy these illicit advantages to some extent. The quotations given in that Report show that the existence of unauthorised enams had been long previously known to the district officers.

25. With the facts thus presented by the authorities here cited, showing as they do how little the village accounts are to be relied on, and how systematically the village officers conspire to defraud the Government, especially in the matter of enams, it appears to Government that these accounts cannot by any means be admitted as proof of title; but, at the same time, it is difficult to find other evidence to appeal to. On the whole, the best and even the fairest course in the case of the village service enams, but more particularly those of the Reddy and Curnum, to which the frauds are chiefly confined, would seem to be to fix a maximum with reference to the revenue of the village, and to assess all above that. This course was actually followed by Mr. Nisbet, with the sanction of the Board of Revenue, in some talooks of the North Arcot District, where the village officers had notoriously obtained large enams fraudulently, in the mode described by Sir T. Munro and Mr. Stokes. The settlement of these enams will afford a good opportunity of securing another very desirable object, that of positively prohibiting their division and alienation from the office to which they properly belong. The holders of portions already so separated might be allowed to retain the land after providing the office-bearers with the regulated quantum; but such portions should be assessed to the revenue, either immediately or after a fixed term of years, or on demise of the incumbent, as might be most expedient. And future divisions should be absolutely prohibited on pain of forfeiture, and on such a prohibition being enacted, it should be strictly enforced.

26. Besides the village service enams, there are others which have largely been fraudulently created, or are held without any good title; such are the pullicuttoo, or enam for building a village or hamlet; the boorooz, for building a village tower of defence; the duswundum, for constructing a tank or channel, and others. Many of these were no doubt of rightful origin, except that they were almost invariably granted by persons who had no right to grant enams in perpetuity; but the others are fraudulent. In this description of enam, however, there is more likely to be some test of truth than in the case of the service enams proper. There are two questions to be considered in the disposal of such enams; first, whether the enam was a *bonâ fide* grant, and secondly, whether
by

by native custom it would be permanent; there is also the question alluded to above, and which affects all inquiries connected with enams in general, that is, the competency of the alleged granter. Very many of the existing enams, where they have the semblance of authentic origin, were given by parties who had no right at all to alienate revenue in perpetuity, such as renters, petty zemindars, poligars, &c. The Buttaverty enams which are for the maintenance of Bramins, also form a large class; these, though often of a very questionable origin, have usually been respected and regarded as hereditary. There are besides the Cuttoobady enams of which the service has ceased, Cawvul* enams, Poligar enams, and others; some of these have even originated under the British Government, but yet have not been subjected to any systematic rule as to duration, and have often been kept very much out of view. All these enams, as well as shrcetriums, were unsupported by grant, and the various other classes of miscellaneous enams may properly be dealt with after the manner proposed by Mr. Stokes, viz., be continued for one or more lives, according to circumstances. But it will be necessary in every case that the actual facts of the extent and other particulars of the enam, and the exact terms on which it is continued, should be carefully recorded in the register, and an extract of the entry given to the holder as his title deed.

27. The case of enams without grant has become somewhat complicated by the orders of the Honourable Court, communicated in their despatch in the Judicial Department, dated 13th October 1847, No. 19, declaring that long undisturbed possession both affords evidence of right, and constitutes a motive to Government not to interfere. The latter part of this proposition is matter of opinion; the former is certainly opposed both to the regulation law of this Presidency, and to fact. Section 8, Reg. 31 of 1802, expressly provides that possession for any length of time shall be no good plea; and it is hardly necessary to point out, after what has been said above, and under the certain absence of any general inquiry as to the validity of titles or even the extent of holdings, and the systematic practice of keeping such matters out of the view of the European officers as much as possible, that the absence of question of the title to an enam cannot in any degree be admitted as proof of its validity. There seems no doubt, indeed, that the Honourable Court's order just quoted was passed in view of a single case, without reference to the subject as a whole, or to the vast amount of revenue concerned. The Board of Revenue advert to this order, and they regard it as sufficient to prevent all measures of resumption in the case of the enams in question. For the reason just stated, the Government do not regard that order as being thus final; but it certainly renders it necessary to refer the point to the Honourable Court before taking measures for obtaining an Act on the subject. It must, however, be noticed, that the later despatch of the 27th September 1854, No. 21, which led to the reference to the Board to which they have now replied, indicates that the views of the Honourable Court had undergone material change.

Letter, 14 May
1855, para. 10.

28. In that despatch the Court express themselves as follows:

“Para. 3. We are disposed to deal liberally and considerately with them (the enamdars), but we must here reiterate an opinion we lately expressed to the Government of Bengal, that it is only justice to those who contribute to the expenses of Government, that immunities and privileges resting on no foundation of right should be gradually and considerately eradicated.”

“Para. 6. The rules framed for the guidance of the Bombay Enam Commission as detailed in Act No. 11 of 1852, appear to us to be as liberal and indulgent to the enamdars as is compatible with justice to the other interests involved in these questions, and we think it desirable that the provisions of that Act should form the basis of your future decisions of enam questions.”

29. In the former of these two passages the Honourable Court expressly contemplate the gradual annulment of exemptions from taxation not resting on right, and in the latter they advert to Act 11 of 1852, as containing provisions suited to this Presidency, which provisions expressly include enams held for very many years. It may be added, that para. 2 of the same despatch would seem to indicate that the Honourable Court were under a wrong impression as to the facts of the case as connected with the enams held without grant in this Presidency.

* Also written ‘Cavil.’

Presidency. Such enams are there described as having been in recognised possession of the holders "for a considerable period antecedently to British acquisition of the territory;" and where such is the case (as for example with the ancient shrotriums), great indulgence is due, especially at this distant time; but it is certain as already noticed, that a large part of the enams without grant, not only were never held at all before the British acquisition, but were obtained after that event by downright fraud, while another large portion were similarly obtained shortly before it.

30. It is here proper also to notice some circumstances which took place in Cuddapah a few years back. Certain orders had been issued affecting the Cuttoobady and the Buttaverty Enams, both which are very numerous in that district. Shortly after, a disturbance broke out in the northern parts of the district, headed by one Nursimma Reddy, which led to troops being called out; and after some difficulty, in consequence of the character of the country, the disturbance was put down, and Nursimma Reddy was taken and executed. The Special Commissioner appointed for the trial of the offenders, in reporting on the causes which led to the outbreak, attributed it immediately to the measures proposed respecting the Cuttoobady Enams, and stated that the general expectation of obnoxious proceedings regarding the Buttaverty Enams made the upper classes regard the disturbances more favourably than they would otherwise have done.

31. The Collector, Mr. Cochrane, in his remarks on the Special Commissioner's report, dissented from that officer's view as to the causes of the disturbances. Admitting that there might have been some discontent in the minds of those of the Cuttoobady Peons whose enams under the proposed reform would be liable to reduction, he pointed out that while this reform was to be general, the disturbances were local, and confined to a small part of the district, and to the Cuttoobadies of villages peculiarly connected with Nursimma Reddy's own family. As to the Buttaverty enamdars, Mr. Cochrane wholly discredited the assertion that they had been actuated by disloyal feelings. The real cause of the outbreak was held by the collector to be, that Nursimma Reddy was dissatisfied with the treatment which his family had received in the matter of a polliem formerly held by them; that he had long been brooding in discontent over the comparison of his ancestor's circumstances and his own; and that having been worked on by a gosoye or devotee, he was induced to try to improve his position by insurrection, and to call the former adherents and dependents of his family to join him, which many of them did.

32. The Government, after a careful investigation of the causes of the disturbances, recorded their views in Extract Minutes Consultation, June 4, 1852. They discarded the notion that the outbreak originated in the proceedings relating to enams, and noticed certain circumstances as tending to disprove such a belief. These were, first, that not one of the parties tried for taking part in the disturbances alleged those measures as a cause or plea; second, that the whole of the 300 cuttoobadies who joined Nursimma Reddy belonged exclusively to the nineteen villages which had formerly constituted the polliem of his family; those of the rest of the district to the number of 11,756, taking no part whatever in his proceedings; third, that of the 300 men who joined Nursimma Reddy, only 60 would have been injuriously affected by the contemplated changes, while 79 would have been directly benefited by them. Thus the idea of any common feeling among the cuttoobadies of the district in connexion with the disturbance was completely negatived; while at the same time the opinion that the treatment of the Cuttoobady Enams gave rise to it was directly contradicted by the fact, that men not affected at all by the proposed measures, and some actually benefited by them, joined in the insurrection; on the other hand, a positive and sufficient motive, viz., regard to their ancient family leaders, was present to actuate those who took part in the proceedings.

33. But though the Government thus conclusively showed that the proceeding in the matter of the Cuttoobady Enams had not caused the disturbances, yet they declared their opinion, apparently based on a resolution of Sir T. Munro's Government, that those enams must be regarded as hereditary; and this opinion applies equally to the enams of the Bellary district.* The Honourable Court of Directors, in reviewing these transactions, expressed similar sentiments as to the Cuttoobady Enams; and with respect to the Buttaverty, they declared themselves averse to any interference with property held for long periods exempt from taxation.

* Para. 9.

taxation. This opinion was formed, as already remarked, on a partial view of the subject, and it is at variance with the proceedings adopted in Bengal with the Honourable Court's concurrence, where very extensive resumptions of rent-free tenures were made in and about 1835, notwithstanding exemption since the permanent settlement in 1793; it is at variance also with the proceedings now actually going on in Bombay, and likewise so with opinions since expressed by the Honourable Court. Still as these sentiments are on record, it becomes necessary as already remarked to apply to the Honourable Court for a reconsideration of their orders, before initiating measures having for their object the ultimate resumption of lands long held free, though on invalid titles.

As regards the Cuttoobady Enams, too, in the Ceded Districts, it will be necessary to obtain the orders of the Honourable Court. If these tenures are to be regarded as permanent, the only thing to be done in their case will be to discover encroachments; and it may also be matter for consideration whether where lands nominally enam have been left uncultivated for many years, they should not be regarded as having been abandoned, and be resumed accordingly.

34. It must inevitably happen, that a measure of the nature of that now contemplated must be unpopular with the parties concerned; and care should therefore be taken to accompany it with all the alleviating circumstances which the case admits. In this point of view it will be important that the decision of the Commissioner should be pronounced on each case as soon as possible, and that a certificate should immediately be given to the enamdar, setting forth his right and interest in the land in detail, and exempting him to the full extent of such right and interest, from future interference and investigation by the talook officers. Thus the objects and effect of the examination will speedily become known. It will be seen that in the case of valid titles the result will be to confirm the title; and in that of titles of the opposite character, instances will be extremely rare in which resumption will take place at once, except in cases of proved encroachment. The course above suggested will therefore tend to quiet apprehensions.

Secondly. It will also be prudent and proper to commence the operations in the most open and accessible parts of the country; so that their real character may be well known before they advance into the hills and jungles.

35. These measures the Government think will operate to some extent to smooth difficulties and discontents in the way of a measure of which the abstract justice will not be denied even by the generality of those affected by it; but care should also be taken by previous proclamations to make the intentions of Government accurately known as generally as possible.

36. In the preceding paragraphs the Government have set forth their views as to the necessity of an investigation of enam titles, and have shown that the Honourable Court of Directors have also recognised the necessity of it; they have also pointed out the enormous amount of revenue which is involved in these alienations, viz., 126 lacs, or a million and a quarter sterling; they have shown the necessity of an Act for regulating proceedings in the investigation of titles, as well as for a special agent to conduct such investigations; they have also noticed some orders of the Honourable Court of Directors, which make it specially necessary to obtain the further instructions of that authority before taking active steps to carry those views into effect; and they have also referred to various other orders of the Honourable Court, as indicating that they are alive to the justice and necessity of a strict investigation of titles to exempt lands in consequence of the extensive frauds notoriously perpetrated in the creation of such holdings. The Government will now proceed to state briefly in general terms the provisions which they think the Act should embody.

37. They are of opinion that the general provisions should be similar to those of the Bombay Act 11 of 1852, as to the appointment of Commissioners and Assistants, and their powers; but instead of the two schedules to that Act which contain respectively the rules for the Commissioner and Assistant Commissioner in the discharge of their duties, and the rules for the adjudication of titles, the necessary provisions may be conveniently introduced into the body of the Act. In pursuance of the views above expressed, the Government are also of opinion that some change is desirable in the terms of the rules in both cases. As to the former, the vast multitude of the enams under this Presidency seems to make it necessary to adopt prompter modes of proceeding here than the Bombay Act

provides; nor does it appear to Government that any hardship will be inflicted on enamdars by somewhat lessening the time allowed to them. It is essential that every such person should have full notice that the inquiry is proceeding, and that he is required to produce his proof of title; but it does not by any means appear necessary to allow a period of two months for this appearance, or six months more if the party is not found. In general the investigation will be held within the collectorate to which it relates. Provision should be made in this part of the Act for full registration, and for delivering to every owner of a holding recognised after inquiry a paper containing full particulars of the holding, according to the views set forth above, in paras. 14 to 19 of this order.

38. With respect to the adjudication of titles, the following are the general rules which the Government would lay down on this subject:—

1st. No titles to be considered valid for the conveyance of hereditary and permanent rights, unless derived from the *de facto* sovereign power.

2d. Such sovereign power to be clearly defined for the several parts of the Madras territory, viz.:—

The Northern Circars.

The Ceded Districts.

Coimbatore and Salem.

The dominions of the Nabob of the Carnatic.

The Honourable Company's Jaghire.

The Kingdom of Tanjore.

3d. Grants by such sovereign to be hereditary, when couched in terms usually taken to constitute hereditary title.

4th. Grants by such sovereigns not hereditary in terms to be respected for the life of the present holder.

5th. Grants by naibs, zemindars, or farmers of revenue holding direct from the sovereign power, to be respected for two lives after the one in possession at the commencement of the general inquiry.

6th. Enams acquired during the same period, *i. e.*, before the transfer of the government to the English, to be continued for one life after that in possession at the commencement of the general inquiry.

7th. Grants by zemindars or farmers in the Northern Circars or the Jaghire, prior to the time of the permanent settlement in the former case, and to the cession of the Carnatic in the latter, to be continued for one life after that in possession at the commencement of the inquiry.

8th. Land acquired during the same period without grant to be continued for the life of the present possessor, provided there be no fraud apparent.

9th. All unauthorised alienations subsequent to the permanent settlement in the northern Circars, to the cession of the Carnatic in the Company's jaghire, or to the date of transfer to the English Government in the other provinces respectively, to be resumed on the demise of the parties holding at the commencement of the inquiry.

10th. All encroachments or holdings in excess of the extent warranted by the Government, or by the most authentic account or record, to be resumed immediately in every case.

39. The Government resolve to report these proceedings to the Honourable Court without delay, and to solicit the instructions of the Court as respects the course to be taken, and more especially on the points noticed above in paras. 27 to 29 of this order. They also resolve to solicit the sanction of the Honourable Court to the appointment of a Commissioner under the proposed Act, for the investigation and adjudication of Enam titles in those districts where the survey is not to be soon commenced, together with a number of Deputy-Commissioners, and with suitable establishments. The Government would propose 2,500 rupees as the salary of the Commissioner, and 1,200 rupees as that of the Deputy-Commissioners. These rates would give Government the means of ensuring for the important duty in contemplation, the services of men of competent experience in business, and of retaining them on this service without the evil of frequent change.

As to the office establishments of these officers, Government are not at present prepared to state details; these may be left to be determined hereafter under the sanction of the Government of India.

(signed) J. D. Bourdillon,
Secretary to Government.

SCALE of REMUNERATION for the MOONSIFFS in the *Guntoor* District.

ACCORDING TO THE CEDED DISTRICT SCALE OF CANTAROY PAGODAS, Furnished by the Collector of Guntoor.						According to the Scale of the Ceded Districts in Cantaroy Pagodas, converted into Rupees.	Comparison between Columns 6 and 7.		
CLASSES, &c.			ANNUAL ALLOWANCE.				Increase.	Decrease.	Centage.
Class.	Number of Villages.	Demand in Auding Moturfa, for Fusly 1258.	Number of Moonsiffs.	Allowance to each Individual per Annum.	Amount of Allowance per Annum for the whole Number of Individuals in Column 4.				
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
<i>Rs.</i>	<i>Rs.</i>	<i>Rs.</i>		<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>
From 50 to	5	321	4	12 - -	48 - -	- - -	48 - -	- - -	100 - -
Above - 200	6	1,133	5	12 - -	60 - -	58 5 4	1 10 8	- - -	2 15 -
250	7	1,610	6	12 - -	72 - -	75 13 4	- - -	2 13 4	5 - -
300	8	2,068	8	12 - -	96 - -	140 - -	- - -	44 - -	31 7 -
350	13	3,350	9	14 - -	126 - -	157 8 -	- - -	31 8 -	20 4 -
400	25	8,870	21	16 - -	336 - -	385 - -	- - -	49 - -	12 12 -
450	15	6,120	13	17 - -	221 - -	265 6 8	- - -	44 6 8	16 10 -
500	31	14,248	27	18 - -	486 - -	551 4 -	- - -	65 4 -	11 13 -
550	21	10,913	19	19 - -	361 - -	422 14 8	- - -	61 14 8	14 10 -
600	19	10,090	16	20 - -	320 - -	420 - -	- - -	100 - -	23 13 -
650	21	12,101	18	21 - -	378 - -	472 8 -	- - -	94 8 -	20 1 -
700	38	23,911	33	22 - -	726 - -	907 1 4	- - -	181 1 4	19 15 -
750	20	13,145	17	23 - -	391 - -	495 13 4	- - -	104 13 4	21 2 -
800	23	14,758	18	24 - -	432 - -	525 - -	- - -	93 - -	17 11 -
850	28	19,223	22	25 - -	550 - -	717 8 -	- - -	167 8 -	23 6 -
900	23	16,725	18	26 - -	408 - -	630 - -	- - -	162 - -	25 7 -
950	16	14,618	15	27 - -	465 - -	525 - -	- - -	120 - -	22 13 -
1,000	32	28,417	27	28 - -	756 - -	1,085 - -	- - -	329 - -	30 6 -
1,100	24	26,554	23	29 - -	667 - -	1,003 5 4	- - -	336 5 4	33 8 -
1,200	41	40,235	32	30 - -	960 - -	1,493 5 4	- - -	533 5 4	35 11 -
1,300	34	40,761	30	31 - -	930 - -	1,484 9 4	- - -	554 9 4	37 6 -
1,400	19	24,508	17	32 - -	544 - -	857 8 -	- - -	313 8 -	36 9 -
1,500	34	47,738	31	33 - -	1,023 - -	1,627 8 -	- - -	604 8 -	37 2 -
1,600	19	29,912	18	34 - -	612 - -	997 8 -	- - -	385 8 -	38 10 -
1,700	36	45,672	26	35 - -	910 - -	1,493 5 4	- - -	583 5 4	39 - -
1,800	26	38,796	21	36 - -	756 - -	1,225 - -	- - -	469 - -	38 4 -
1,900	18	29,207	15	37 - -	555 - -	918 12 -	- - -	363 12 -	39 10 -
2,000	9	18,382	9	38 - -	342 - -	562 14 8	- - -	220 14 8	39 4 -
2,100	24	45,112	21	38 8 -	808 8 -	1,353 5 4	- - -	544 13 4	40 4 -
2,200	21	35,862	16	39 - -	624 - -	1,073 5 4	- - -	449 5 4	41 13 -
2,300	20	37,629	16	39 8 -	632 - -	1,105 6 8	- - -	473 6 8	42 13 -
2,400	11	24,431	10	40 - -	400 - -	708 12 -	- - -	308 12 -	43 9 -
2,500	9	20,396	8	40 8 -	324 - -	583 5 4	- - -	259 5 4	44 7 -
2,600	13	29,274	11	41 - -	451 - -	828 5 4	- - -	377 5 4	45 - -
2,700	6	16,503	6	41 8 -	249 - -	460 13 4	- - -	211 13 4	45 10 -
2,800	8	20,033	7	42 - -	294 - -	551 4 -	- - -	257 4 -	46 10 -
2,900	12	26,482	9	42 8 -	382 8 -	729 2 8	- - -	346 10 8	47 9 -
3,000	15	33,368	11	43 - -	473 - -	898 5 4	- - -	425 5 4	47 9 -
3,100	4	9,531	3	43 8 -	130 8 -	245 - -	- - -	114 8 -	46 15 -
3,200	8	6,504	2	44 - -	88 - -	169 2 8	- - -	81 2 8	47 15 -
3,300	7	20,028	6	44 8 -	267 - -	507 8 -	- - -	240 8 -	47 4 -
3,400	8	27,729	8	45 - -	300 - -	676 10 8	- - -	316 10 8	46 13 -
3,500	5	17,732	5	45 8 -	227 8 -	437 8 -	- - -	210 - -	48 - -
3,600	10	29,064	8	46 - -	368 - -	700 - -	- - -	332 - -	47 7 -
3,700	9	30,131	8	46 8 -	372 - -	702 14 8	- - -	330 14 8	47 1 -
3,800	3	11,473	3	47 - -	141 - -	271 4 -	- - -	130 4 -	48 2 -
3,900	4	15,718	4	47 8 -	190 - -	361 10 8	- - -	171 10 8	47 8 -
4,000	30	115,382	26	48 - -	1,248 - -	2,485 - -	- - -	1,237 - -	49 12 -
5,000	27	123,557	23	53 - -	1,219 - -	2,415 - -	- - -	1,196 - -	49 8 -
6,000	4	18,187	3	58 - -	174 - -	332 8 -	- - -	158 8 -	47 12 -
6,100	2	12,309	2	59 - -	118 - -	224 9 4	- - -	106 9 4	47 9 -
6,200	2	12,479	2	60 - -	120 - -	224 9 4	- - -	104 9 4	46 11 -
6,300	2	6,388	1	61 - -	61 - -	112 4 8	- - -	51 4 8	45 8 -
6,400	2	12,928	2	62 - -	124 - -	227 8 -	- - -	103 8 -	45 10 -
6,500	2	13,141	2	63 - -	126 - -	227 8 -	- - -	101 8 -	44 12 -
6,600	1	6,698	1	64 - -	64 - -	113 12 -	- - -	49 12 -	43 14 -
6,628	1	6,928	1	66 12 -	66 12 -	115 3 4	- - -	48 7 4	42 2 -
6,694	1	6,994	1	67 8 -	67 8 -	115 3 4	- - -	47 11 4	41 8 -

SCALE of Remuneration for the Moonsiffs in the *Guntoor* District—*continued*.

ACCORDING TO THE CEDED DISTRICT SCALE OF CANTAROY PAGODAS, Furnished by the Collector of Guntoor.						According to the Scale of the Ceded Districts in Cantaroy Pagodas, converted into Rupees.	Comparison between Columns 6 and 7.			
CLASSES, &c.			ANNUAL ALLOWANCE.				Increase.	Decrease.	Centage.	
Class.	Number of Villages.	Demand in Auding Moturfa, for Fusly 1258.	No. of Moonsiffs.	Allowance to each Individual per Annum.	Amount of Allowance per Annum for the whole Number of Individuals in Column 4.					
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	
		<i>Rs.</i>		<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	
Above -	7,015	2	14,029	2	67 8 -	135 - -	233 5 4	- -	98 5 4	42 2 -
	7,099	1	7,099	1	68 4 -	68 4 -	116 10 8	- -	48 6 8	41 8 -
	7,431	1	7,431	1	71 8 -	71 8 -	118 2 -	- -	46 10 -	39 8 -
	7,494	2	7,494	1	72 - -	72 - -	118 2 -	- -	46 2 -	39 - -
	7,500	4	30,203	4	72 8 -	290 - -	473 15 4	- -	183 15 4	38 9 -
	8,100	2	8,158	1	78 12 -	78 12 -	121 - 8	- -	42 4 8	34 11 -
	8,400	1	8,430	1	81 - -	81 - -	122 8 -	- -	41 8 -	34 2 -
	8,600	4	8,677	1	83 - -	83 - -	123 15 4	- -	40 15 4	33 9 -
	9,000	1	9,019	1	87 - -	87 - -	125 6 8	- -	38 6 8	30 6 -
	9,200	2	9,258	1	89 - -	89 - -	126 14 -	- -	37 14 -	29 15 -
	9,500	1	9,578	1	92 - -	92 - -	128 5 4	- -	36 5 4	28 2 -
	9,900	2	9,984	1	95 - -	95 - -	131 4 -	- -	36 4 -	27 8 -
	10,300	1	10,314	1	99 8 -	99 8 -	132 11 4	- -	33 3 4	24 13 -
	10,500	1	10,509	1	101 8 -	101 8 -	134 2 8	- -	32 10 8	24 10 -
	10,700	1	10,790	1	103 8 -	103 8 -	134 2 8	- -	30 10 8	23 2 -
	11,000	1	11,085	1	106 - -	106 - -	137 1 4	- -	31 1 4	22 10 -
	11,100	1	11,131	1	107 8 -	107 8 -	137 1 4	- -	29 9 4	21 14 -
	11,300	1	11,349	1	109 - -	109 - -	137 1 4	- -	28 1 4	20 7 -
	13,400	1	13,437	1	120 - -	120 - -	148 12 -	- -	28 12 -	18 12 -
TOTAL - - -	908	15,43,936	767	- -	25,690 12 -	41,355 6 8	49 10 8		15,714 5 4	37 14 -
									15,664 10 8	

Commissioner's Office, Vizagapatam, }
19 October 1854. }

(signed) *H. Newill*,
Assistant Commissioner.

No. 956 of 1853.

To the Right Honourable the Governor in Council.

Fort St. George.
The humble Petition of Doogerauze Vencaturoyadoo and Dedoogoo Venkiah, &c. and other Curnums of Toomaragodoo Talook, 1st Division, in Palnaud of Guntoor.

We, the undersigned curnums of Toomaragodoo talook, the 1st division in Palnaud district, do hereby respectfully beg to submit this cur bewailing petition, soliciting that the Government will be kindly pleased to bring the following matter of our complaint into favourable consideration, and to grant us redress:—

1. Adhering to the minutes of consultation under date the 2d August 1849, and in conformity to the proceedings of the Commissioner thereon, passed on the 30th of that month, deprived us of our hereditary right of roosooms, and fixed a salary of three rupees per month to a person conducting the office of curnumship, and two rupees per hundred in the amount of the dowl, and levied a badega sist according to the estimation of sary lands, and deducting the

the amount of our salaries and of the roosooms in the amount of the sist of those deprived lands, and collecting the remainder in a very severe manner.

2. During the settlement of Zamabunde in this year we represented personally to the Collector in our district, that we are suffering very much and have sustained a great loss by the present system; to which he answered, that Mr. Stokes having considered this as an advantageous and favourable scale to our comfort, has applied and obtained sanction for this, consequently nothing can be done without putting it into force, and appeared as displeased much with our solicitations; we then being afraid of, considered ourselves that it should be the better mode to conduct our duties well to the satisfaction of the Collector, till we can merit his favour, and see us condescend our poor state of life, and be pleased to recommend us to reform the present system, and see to pass according to the former custom long since observed.

3. Neither we nor the ryots prayed that this new scale may be adopted. This supposed system is at last become to show the cause for a loss of nearly 2,500 rupees to Government per year, and for to make us grieve extremely for the deprivation of our lawful rights, and feel much by the insufficiency for our livelihood, as we cannot get more than five rupees per mensem, with exception of two or three village curnums that get seven rupees a month, as this year being a favourable one than all hitherto passed. To show the particulars of the loss both to Government and to us, a form of accounts is herein enclosed for your Lordship's information.

4. While we were getting our roosooms as prescribed in the regulations, and while we were on the receipt of twenty rupees per month, on average, we experienced much insufficient for our maintenance. Now the pay, together with the roosooms fixed, will not exceed five rupees per month. This in all being less to the salary of a peon, how shall we subsist, and do our duties?

5. When this Palnaud district become under the management of Government, it is proclaimed that a strict confidence should be reposed on Government, that they will not at all see to disturb or deprive the right of any one in the district; now, in direct violation to that favourable assurance, we are deprived of our right of curnekum maniem, and are levied on them a heavy sist, as is on sary lands, and at last our hereditary right of office is made to be disposed as uncertain, and of no inheritance, we therefore, with extreme sorry, beg to solicit that depriving us of our hereditary right is of no justice incumbent on a kingdom of righteousness, like this our British Government.

6. By this new system some curnums have lost their meerassy and their rights, and they get nothing, while others are left unemployed, in consequence of some agraharums are subjoined, with some other villages, under the management of Government. In a word, we beg to represent that this new scale is sustainable, showing a loss of nearly about 2,500 rupees to Government, and an unlawful cause for the deprivation of our just rights, thereby to plunge us into unbounded sea of sorrow.

7. Messrs. T. A. Oakes, and I. C. Whish, the late Collectors of this zillah, having fully observed of our exertions in striving to bring the district into a good state of produce, and exerting ourselves to look for increasing the sists, are highly pleased, and recommended that our badegas to be decreased, also a favourable recompense should be paid to us; we are sorry that we have lost everything, together with our maniem, rights of our office, and every other benefits thereof, while our present official functions and duties are much more increased and augmented.

8. In consequence of the Collector and the Commissioner not having been pleased to give any answer to our many petitions addressed to them on the subject, we are at last obliged and compelled to submit this, our bewailing representation, to your Lordship's valuable presence, begging that this petition will not be considered as violation to the petition rules; and, in conclusion, beg that the Government will be pleased to bring the matter into their favourable consideration, and grant us early redress, so as that former rules and customs be observed, and be put into force, as the regulations which contain them are not repealed.

In doing this act of justice, we waft up our prayers to Almighty for the increase of prosperity to Government, and remain in a grateful remembrance for ever. And we are all, as in duty bound, shall ever pray.

Signed by 51 Inhabitants.

Toomargodoo, in the zillah of Guntoor,
4 April 1853.

No. 956 of 1853.

Forwarded to the Commissioner for the Northern Circars for report, with reference to Extract Minutes of Consultation, dated 2d August 1849, and 6th ultimo, No. 587 of 1853.

(By order)
(signed) *H. C. Montgomery,*
Chief Secretary.

Fort St. George, 1 November 1853.

Fort St. George, Revenue Consultation of 20th April 1858.

No. 20. Read the following Papers:

Extract from the Proceedings of the Commissioner for the Northern Circars, dated Vizagapatam, 16th October 1854, No. 141.

Read the following Papers:

From the Collector of Guntoor, dated 18th August 1847, recorded in Consultation, 27th February 1848.

From the Board of Revenue, 3d April 1848.

Extract Minutes Consultation, 2d August 1849, in Consultation, 30th August 1849.

From the Acting Collector of Guntoor, 30th December 1852, in Consultation, 28th February 1853.

From the Acting Collector of Guntoor, 26th February 1853.

From - - do. - - do. - - 27th April 1853. (Here enter No. 23.)

From - - do. - - do. 23d and 27th May 1853. (Here enter Nos. 31 and 36.)

From - - do. - - do. - - 18th June 1853. (Here enter No. 43.)

Para. 1. The subject of the remission of the emoluments of the curnums of the Palnad, alluded to in the above papers, was brought forward by the Collector of Guntoor in his letter of 18th August 1847. He proposed to discontinue the whole of their present privileges now enjoyed, enam lands, fees, &c., and to substitute a remuneration of three rupees per mensem to each officiating individual, with a commission of two per cent. on the collections of the villages for the previous year, to be shared where more than one was appointed to the same village. The proposition was submitted by the Board of Revenue to Government, who approved the mode and scale of remuneration recommended by Mr. Stokes, but were of opinion that the enam lands should be continued, and that the profits they were capable of yielding, if cultivated, whether they were so or not, should be deducted from the amount assignable on the above scale. The Government further called for a statement showing the financial results involved in these and the other arrangements proposed for the reform of the village establishment of the district generally, with the view of its being laid before the Government of India for sanction.

2. Mr. Stokes, in his letter of the 30th December 1852, was of opinion that the principle of the arrangements proposed by him having been approved, there would be no objection to give effect to them provisionally in anticipation of the orders of the Government of India; and farther, that the scale approved by Government for village moonsiffs and mohtads might be carried out similarly in the whole district.

Proceedings,
3 April 1848.
Ext. Mins. Cons.
2 August 1849,
paras. 16 to 20.

Para. 6.
Ext. Mins. Cons.
2 August 1849.

3. The

3. The Commissioner did not feel himself at liberty to concur in this view. Many of the arrangements had not been brought under the notice of Government at all, and the preparation of a general financial statement of the whole appeared to be a necessary preliminary to soliciting the confirmation of the scheme. At the same time several petitions received from curnums in the Palnaud, and complaining of the new plan, were transmitted to the Acting Collector for report.

To Collector,
28 February 1853.
Nos. 166, 167, 179,
180, 188, 189, 190,
191, 192, 193, 194,
197, 198, 199, 200,
201, 202, and 203
of 1853.

4. Mr. Purvis stated in reply that his predecessor's orders had been suspended as regarded village moonsiffs of the whole district, that the change made by them in the position of the mohtads was so trifling that it was not necessary to disturb the arrangements in their case, and that the curnums of Palnaud having already been placed on the new footing, and the collection of fees hitherto enjoyed by them abolished by proclamation with reference to former orders, it would be inexpedient to return to the former state of things in their case.

Ext. Mins. Cons.
6 December 1847.
Ext. Mins. Cons.
20 August 1849.

5. The mohtads or watchers of the whole district, who will be noticed more at length in another communication,* and the curnums of Palnad only have thus, it will be seen, been placed on the new footing, and it is against the application of this system to them that the petitions† of the latter, forwarded to this office for report, have been addressed to Government.

* To Government,
19 October 1854.
† Nos. 956 of 1853,
and 937 of 1854.

6. In the second para. of his letter, the Acting Collector describes the mode in which the emoluments of the latter had been affected by these changes. The number of curnums were reduced from 183 to 173, who were appointed to the 75 villages or groups of villages comprised in the Palnad district. The enam lands were assessed to the full demand, minus the quit-rent; whether cultivated or waste, &c., a deduction of three rupees + two per cent. of the collections of the previous year was made at the jumabundy in the puttahs of each individual. Where the above assessment of the enams exceeded the amount of emoluments fixed by the standard, the difference was carried to the public account, where the same fell short of the standard, it was made up in money. The collection of fees was forbidden. Upon the receipt of the Commissioner's proceedings, the collection of that portion of the assessment on the enam land which was in excess of the standard of remuneration, was suspended where the lauds were waste, and the amount was allowed to stand over as balance.

From Government,
2 August 1849,
p. 19.

Note.—Mr. Stokes proposed that the commission should be calculated on the collections. The Government (above, para. 4) use the term revenue, but the Acting Collector has calculated it on the demand, which is an error.

26 February 1853.

7. The result of these arrangements is exhibited in the following Abstract Statement :

ITEMS.	Curnuma.	Gross No. of Villages.	DEDUCT.				ADD.				Grand Total now entertained.	PARTICULARS OF THE EMOLUMENTS.										Fees, &c., discontinued.
			Individuals who hitherto held Enam Lands.				Individuals transferred to other Villages.					Land Revenue Beris for 1261 Fudy.	Salary at 3 Rupees each per Mensem, and Commission on the Beriz at 2 Rupees per cent.	Lands hitherto under Occupation.					Excess of Profits to be paid to Sircar.	Deficiency to be Paid to Curnuma's.		
			Individuals transferred to other Villages.	Individuals Dismissed.	Total.		Individuals Remaining.	Individuals transferred to other Villages.	Individuals newly Nominated.	Total.*				Value of the Gross Extent of Enams.	From which deduct Cuttoo- bady.	Remaining Profit to Occu- pants.						
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.	22.	
	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	No.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Items which stand as before - -	23	30	52	-	-	-	52	-	-	-	52	60,981	3,058	3,990	912	4,902	2,479	2,429	259	924	1,757	
Items which have undergone change	52	113	131	15	14	29	102	15	4	19	121	1,39,487	7,140	8,394	2,277	10,671	5,264	5,407	448	2,181	4,252	
TOTAL - -	75	143	183	15	14	29	154	15	4	19	173	2,00,468	10,228	12,384	3,189	15,573	7,743	7,830	707	3,105	6,009	
																						Net Decrease - - - 2,398

From this, it appears that 154 curnums have remained undisturbed in their former villages, though some modification has been made in the shares of office with regard to 102 of them; 15 have been transferred to other villages, 14 have been reduced, and 4 newly appointed. The salary and commission for the whole number of 173 amounted to 10,228 rupees, the estimated proceeds of the enam lands, minus quit-rent, was 7,830 rupees, leaving a deficit of 2,398 rupees as a charge to Government, which, however, was increased to 3,105 rupees by the suspension of the collection of 707 rupees, the assumed income of waste land in excess of the standard as above explained.

8. The proportion of the remaining waste land is about one-fifth of the whole, the estimated income from which, minus quit-rent, has been taken at 1,521

Profits as above	-	-	-	-	Rs. 7,830	has been deducted on account of their emoluments, so that
Deduct estimate on waste lands	-	-	-	-	1,521	their actual remuneration from the land appears to be only
					<u>6,310</u>	6,310 rupees instead of 7,830 rupees, as above calculated,
Quit-rent on waste	-	-	-	-	1,668	and these profits are farther reduced to 4,642 rupees, by
					<u>4,642</u>	the quit-rent levied on account of waste lands on which this
Difference between actual and estimated profits					3,188	demand has hitherto been allowed to remain in abeyance,
					<u>Rs. 12,350</u>	so that they virtually fell short of the standard by 3,188
From Collector, 18th August 1847, para. 12.					6,341	rupees. Thus the deduction of these nominal profits
From enam lands	-	-	-	-	6,009	amounts to nearly one-third of the total allowance of 10,228
Fees, &c.	-	-	-	-		rupees contemplated by the new rules, the assessed amount

of their former income having been 12,350 rupees.

9. The invasion of the merassy right in those villages in which the separate existence of the office has been abolished or otherwise modified, the resumption of the enam lands in excess of the scale and the discontinuance of these fees, could not but prove distasteful to the curnums. Their dissatisfaction has been increased by the orders regarding their waste lands. Hitherto they have been allowed under that contingency to leave the quit-rent in arrears, upon the ground that it was a commutation of "Pootla bedige," or quit-rent in kind payable in proportion to the actual produce. The enforcement of the quit-rent upon the waste enams was considered by them a hardship, but when the estimated profits of their lands was assessed as if they had been under cultivation and deducted from the amount of emoluments allowed by the new scale, thus in reality reducing it by about one-third, as above shown, it is not surprising that a general feeling of discontent should have been called forth. This last measure was approved by the Government in Extract Minutes Consultation, 2d August 1849, but from what has been said it is clear that it must press very hardly upon the holders of enams in many cases.

10. The following statement shows what would be the effect of calculating the profits of the enam upon the income derived from the cultivated lands only.

ITEMS.	Villages.	Curnums.	Land Revenue Beris for 1861, Fussy of Palnad.	Salary at 3 Rupees per Mensem, and Commission at 2 per cent. on the Beris.	Cultivated Enams hitherto under Occupation.				Comparison between Cols. 5 and 9.		Items that should be discontinued.					
					Land.	Full Sixt of Land with reference to Sery Land.	Of which deduct Cuttoobady.	Remainder.	Increase.	Decrease.	Waste Enams.				Fees, &c., discontinued.	Total.
											Land.	Full Sixt of Land with reference to Sery Lands.	Of which deduct Cuttoobady.	Remainder.		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
1. Enams, the profits of which are above the new scale	No. 21	No. 26	Rs. 33,715	Rs. 1,606	Rs. 2,373	Rs. 3,302	Rs. 1,433	Rs. 1,869	Rs. 263	-	Rs. 439	Rs. 596	Rs. 283	Rs. 313	Rs. 875	Rs. 1,188
2. Ditto ditto Ditto below ditto	122	147	1,66,753	8,622	7,222	9,081	4,640	4,441	-	4,181	2,213	2,592	1,385	1,207	5,134	6,341
TOTAL -	143	173	2,00,468	10,228	9,595	12,383	6,073	6,310	263	4,181	2,652	3,188	1,668	1,520	6,009	7,529

Net Decrease - - - 3,918

Twenty-six curnums would thus be left in possession of lands yielding more than the standard by a total of 263 rupees, while the profits of the remaining 147 would come short of it by 4,181 rupees, leaving a net deficiency of 3,918 rupees.

11. The Commissioner is of opinion that a modification of the measures above described is required to secure the efficiency of this class of public servants. The Acting Collector is in favour of reverting to Mr. Stokes' original proposition of resuming all the enam lands. This would leave 3,917 rupees as a charge to Government, and the quit-rent on the waste lands would also be relinquished to the amount of 1,668 rupees; but as this has not been hitherto realised, and something would be obtained in lieu of it as pasture rent (poollery), or by extension of cultivation, the latter cannot be reckoned as all loss. The Government, however, did not concur in the proposition of resuming the lands.

Full assessment of cultivated enams	-	-	Rs.	12,384
Deduct quit-rent now payable on them	-	-		6,073
Available resource	-	-		6,311
The emoluments are	-	-		10,228
The deficit is	-	-		3,917

12. Since the foregoing was drafted, the Acting Collector has submitted proposal for accepting the offer of several curnums and other village officers by whom arrears of quit-rent are due, to relinquish portions of their lands on being relieved from the demand under the considerations specified in Extract Commissioner's Proceedings, 31st July last, para. 22, the result of which is as follows :

From Acting Collector,
23 September 1854.

ITEMS.	Groups of Villages amalgamated under one Office.			Amount paid to Curnums, according to the Settlement made in Fussy 1263.	Sist of Enam Land possessed by the Curnum.			Sist of Enam Land, the Relinquishment of which is admissible.			Sist of Enam Lands retained by the Curnums.			Comparison between Cols. 5 and 14.		
	No. Villages.	No. Curnums.	Rs.		Sist.	Cuttoobady.	Profit.	Sist.	Cuttoobady.	Profit.	Sist.	Cuttoobady.	Profit.	Amount profitable to Government.	Amount payable to Government.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	
1. Proposals for relinquishment of land admissible in full -	No.	No.	No.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
31	65	75	4,557	8,700	4,242	4,458	2,503	1,283	1,220	6,197	2,959	3,238	-	1,319		
2. Proposals for relinquishment of land partly admissible -	15	28	31	1,781	3,101	1,602	1,499	1,312	694	618	1,789	908	881	-	900	
Total - - -	46	93	106	6,338	11,801	5,844	5,957	3,815	1,977	1,838	7,986	3,867	4,119	-	2,219	
3. Proposals for relinquishment of land not admissible -	15	30	37	2,205	1,785	862	923	-	-	-	1,785	862	923	-	1,282	
Total - - -	61	123	143	8,543	13,586	6,706	6,880	3,815	1,977	1,838	9,771	4,729	5,042	-	3,501	
4. Curnums who submitted no proposals for relinquishing their enams - - -	14	16	30	1,731	1,975	1,017	958	-	-	-	1,975	1,017	958	-	773	
GRAND TOTAL - - -	75	139	173	10,274	15,561	7,723	7,838	3,815	1,977	1,838	11,746	5,746	6,000	-	4,274	
								3,815	1,977	1,838	Lands recommended by Collector to be relinquished.					
								952	453	499	Terms of relinquishment disapproved by Collector.					
								TOTAL - - -	4,767	2,430	2,337					

From this it will be seen, that the proposals of 106 individuals to give up lands liable to an assessment of 3,815 rupees, and bearing an actual quit-rent of 1,977 rupees, are deemed admissible, and those of 37 persons have been rejected.

13. The portion now relinquished, it will be observed, is somewhat in excess of that shown to be uncultivated in para. 10, and on which the estimated sist is 3,188, the cuttoobady 1,668 rupees, and the nominal profits 1,520 rupees. Before receiving the Collector's last letter, the Commissioner had intended to have recommended that the estimation of the curnums' profits should be confined to those derived from the cultivated portions of their enams. This would have left a deficit of 4,181 rupees to be made up by deductions from the putta sist, without taking into account the sum of 263 rupees, the excess of profits of enams above the scale of emoluments.

14. The arrangements now submitted by the Acting Collector appear to have answered the above object of relieving the curnums of their unprofitable enams, and result in a deduction to be made from the putta sist of 4,274 rupees; and as they seem to be unobjectionable, the Commissioner recommends their adoption, and Mr. Wood has been directed to submit detailed accounts of the arrears for adjustment.

15. These proposals are submitted as temporary measures only. The remuneration of the village establishments will be made the subject of a separate communication, and will be submitted immediately.

Nos. 956 of 1853,
and 937 of 1854.

16. The petitions received with the endorsements of Government calling for report on this subject are herewith returned.

Ordered, that copies of the foregoing proceedings be forwarded to Government and to the Acting Collector of Guntoor.

(A true extract.)

(signed) *Walter Elliot*, Commissioner.

The enclosed petitions are not printed.

No. 21.—Extract from the Proceedings of the Commissioner for the Northern Circars, dated Vizagapatani, 19th October 1854, No. 150.

Read again Extract Minutes Consultation, dated 2d, recorded in Consultation 30th August 1849.

Read also letters from the Collector of Guntoor, dated 21 November 1849, recorded in Consultation 13th January 1851, 19th July in Consultation 12th August 1850, and 12th August 1850.

(Here enter No. 71.)

From Collector,
31 July 1846.
To Collector,
14 June 1847.
From Collector,
18 August 1847

Para. 1. The subject of the remuneration to be granted to village officers in the Guntoor collectorate, which has formed the subject of the correspondence noted in the margin, was laid before Government by the Board of Revenue in their proceedings of the 3d April 1848, and renewed in Extract Minutes Consultation 2d August 1849. In accordance with the orders therein contained, Mr. Stokes submitted a further report on the 21st November 1849, which has led to the correspondence above recorded.

2. In the orders of the 2d August 1849, the Right Honourable the Governor in Council approved of the adoption of the scale of remuneration for moonsiffs arranged by Sir T. Munro for the Ceded Districts, which, however, was to vary in

in Guntoor with the fluctuations of the revenue, save in seasons of account of 767 loss and calamity, when the amount was to be regulated by the vetties enjoy three last preceding years. The minimum was fixed at 12 rupees, that has been at 120 rupees per annum; the amount to be granted by a remission puttah of the individual appointed to the office, who should be bound up the usual extent of cultivation, and lastly, where practicable, two of been Moonsiffs. villages under certain provisoes were to be placed under one moonsiff. many From Collector, 21 November 1849, page 5.

3. With regard to mohtads, who are in future to discharge the village police duties, explanation was requested as to the omission to provide for the office in 56 villages; those in the remaining villages were ordered to be continued in possession of their service lands, one or more being selected for the office of village watcher, and where the assessment on the land in their possession fell short of the remuneration allowed by the scale, the difference was to be made up in money, the other mohtads of the same village not included in the arrangement retaining their lands, and continuing to perform their revenue duties only.

Rs.
25,690½
25,052

4. The Collector was requested to submit a clear and comprehensive statement prepared with reference to these instructions, which will be found in Mr. Stokes' letter of the 21st November 1849, in which, for reasons stated, he excludes the consideration of the question as regards curnums at present, and introduces an important modification of the scale applicable to moonsiffs.

Encl. in No. .
from Collector,
21 November 1849

5. Between the date of the Board's proceedings and that of the orders of Government above referred to, Mr. Stokes brought to notice that the Ceded District scale received from the Board with their Secretary's letter of 26th March 1827, was expressed in Cantaroy pagodas, while that now forwarded by them, as well as that formerly drawn out by Mr. Orr, was prepared in rupees, and that as the calculations framed on the latter gave a sum far below the former, he begged to know which he was to follow. The Board, in reply, requested to be furnished with the amount according to both principles, and ultimately decided in favour of the rupee scale.

From Collector,
8 May 1848.
From Collector,
18 October 1847.
To Collector,
29 May 1848.
From Collector,
31 March 1849.
Board's Pro.,
7 June 1849.

6. The returns now submitted as finally modified by the Collector, refer to the village moonsiffs and vetties of both Guntoor and Palnad, but to the mohtads of Guntoor alone; the remuneration of the latter class in Palnad being considered ample under the determination of Government that they should not be molested in the enjoyment of their existing emoluments.

7. The following Table exhibits the present and proposed amount of remuneration for these several classes of village officers according to the rupee scale :—

REMUNERATION.

Description of Village Officers.	Villages.	Individuals.	AT PRESENT.									Collected	
			Enams in Land.	Russooms.	TOTAL.	Cuttoobady.	Net Remuneration.	In Money.	TOTAL.	Proposed by the Collector for the Future.	TOTAL.	Per Village.	Per Individual.
			4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.
	No.	No.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Moonsiffs	908	767	527 10 4	- - -	527 10 4	- - -	527 10 4	- - -	527 10 4	25,600 12 -	20,218 6 4	20 3 3	34 9 2
Mohtads -	854	996	8,831 2 5	- - -	8,831 2 5	110 11 -	8,720 7 5	12,087 9 -	20,808 - 5	1,300 13 2	22,207 1 7	26 - 1	22 4 8
Vetties -	956	-	1,415 8 10	17,239 13 -	31,455 5 10	1,918 6 9	29,536 15 1	- - -	20,536 15 1	- - -	20,536 15 1	30 9 9	-
TOTAL -	-	-	23,574 5 7	17,239 13 -	40,814 2 7	2,029 1 9	38,785 - 10	12,087 9 -	50,872 9 10	27,000 9 2	77,968 - -	-	-

RESPONDENCE, &c. RELATING TO

The increase of charge is thus shown to be Rs. 25,690. 12. on account of 767 moonsiffs, and Rs. 1,399. 13. 2. on account of 996 mohtads. The vetties enjoy at present an annual emolument of 29,537 rupees, but no adjustment has been proposed with reference to them.

8. The number of villages now included in the Collector's statement has been corrected with reference to modifications in the accounts, by which many anomalous entries (as of sub-divisions of villages or single mouzahs, &c.,) derived from the period of zemindary management, have been reduced to a more regular form.

Moonsiffs.

From Collector,
21 November 1849,
page 5.

9. The Collector is of opinion that the maximum fixed by Government, or 120 rupees per annum, should be reduced to 60 rupees in the first instance, and that it should only be increased with reference to future improvement of the beriz of the village. The saving, as regards the whole, is trifling, and the extent to which a few of the more important villages would be affected considerable. The object to be kept in view is not merely economy, but the maintenance of the principal village officers in a position of respectability. The Government have already curtailed the allowance of the superior villages by the adoption of a maximum rate, and this should not be farther reduced. Mr. Stokes continues to give a preference to his own plan of allowing a fixed sum of 12 rupees to all moonsiffs, with 1 per cent. on the collections in addition. This is in accordance with the old native plan, by which village and district officers received, in addition to their maniem lands and grain fees (meralu), a per-centage, or roossum, calculated on the amount of collections realised by them. Its adoption would give a sum of 24,419 rupees on the collections of 1258 Fusly, which differs but little from the amount determined by the proposed rupee scale, but if the maximum be reduced to 60 rupees, as he has farther suggested, a deduction of 1,298 $\frac{1}{2}$ rupees must be made, thus reducing the whole charge to 23,120 $\frac{1}{2}$ rupees, but the principle having already been disapproved, both by the Board of Revenue and by Government, it is not necessary to advert to it farther. The allowances, Mr. Stokes rightly observes, are calculated always on the collections.

	Rs.		Rs.
According to 120	-	25,690 $\frac{1}{2}$	
According to 60	-	25,052	

10. The principal point for consideration in regard to the moonsiffs, is the change in the denomination of the currency in which the grades of the scale are calculated from the Cantaroy pagoda to the rupee, which has not hitherto been brought under the consideration of Government.

11. The former of these, which is now in force in the Ceded Districts, commences with villages, the revenue of which does not exceed 50 pagodas, to which is attached an allowance of 4 pagodas, increasing at the rate of 4 for every 100 pagodas of assessment till it reaches 450 pagodas, after which the rate of increment is 2 pagodas per cent. as far as 1,000 pagodas, then 1 per cent. to 2,000 pagodas, and one half per cent. to 6,000 pagodas, which is the maximum of the scale. The Guntoor scale changes the denomination from pagodas to rupees, and thus entirely changes the principle of the former scheme. The first few steps are so low as to afford no adequate remuneration, and this necessitates the adoption of the maximum rate already sanctioned. Afterwards the rates, which are tolerably equal at first, become more discrepant as the value of the village increases. Thus the moonsiff of a village of 450 pagodas (or 1,312 rupees), in the Bellary scale, receives 17 pagodas, equal to 49 $\frac{1}{2}$ rupees, while in Guntoor the allowance in a village of 4,000 rupees (or 1,400 pagodas) is only 48 rupees, producing the same result as if the single column of salary had been adapted to the Bellary scale, by simply altering the denomination from pagodas to rupees, without reference to the real amount of the revenue. The salary attached to a beriz of 2,000 in the pagoda scale is 38 pagodas, equivalent to 114 rupees; while in the rupee scale, on a beriz equal to 2,000 pagodas, it is only 58 rupees, or about half. But the question is not as to the disagreement between the two plans, but as to the sufficiency of the rupee scale in Guntoor. The Collector seems to entertain no apprehension on the subject; and where the heads of the village have hitherto been without any remuneration, or only received their expenses from the Rajah Khurch Fund, the scale now proposed, especially when given as intended, in the shape of a deduction from the beriz, will be esteemed a boon. On the other hand, the collector has reported that

Enclosure No. 2.

the pagoda scale must be adopted in providing for the curnums, and an anomaly will thus be created which cannot fail to produce dissatisfaction on the part of the moonsiffs. A statement has been drawn up in this office to show the relative working of the two schemes in the 908 villages of this district, which have been arranged into 77 classes, according to the settlement of 1258 Fusly (or 15,43,936 rupees). This shows the remuneration of the moonsiffs by the rupee

Note.—The authorised exchange of the Cantaroy pagoda is Rs. 2. 14. 8., at which rate the amount of remuneration would be 40,439½ rupees, but to simplify the calculations the rate of conversion has been taken at three rupees in the enclosure, which occasions the excess in the text.

scale to be 25,690½ rupees, and by the pagoda scale Rs. 41,355. 6. 8., being an excess of Rs. 15,664. 10. 8. over the former, or nearly 36¼ per cent. Further observations on the scale of remuneration to be allowed to village officers will be reserved for a communication which will be submitted with reference to the treatment of the question for the whole of the Northern Circars.

12. The Collector has followed out the recommendation of the Board of Revenue wherever it was practicable, by appointing one moonsiff to two or more villages. The extent to which this plan has been carried is shown below.

Particulars.	ITEMS.	Villages.	Moonsiffs.	Settlement of Fusly 1258, including Mohturpha.	Remuneration according to the Rupee Scale.	Remuneration according to the Cantaroy Scale.	Comparison of Columns 5 and 6.		Average per Moonsiff.		
							Increase.	Decrease.	Beriz, Col. 4.	Remuneration, Col. 5.	Remuneration, Col. 6.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	
Aggregate.	Guntoor - - -	No. 773	No. 657	Rs. 13,48,051	Rs. a. p. 22,239 12 -	Rs. a. p. 35,850 3 4 -	-	Rs. a. p. 13,610 7 4 -	Rs. a. p. 2,052 33-14 -	Rs. a. p. 54 9 -	
	Palnad - - -	135	110	1,95,885	3,451 - -	5,505 3 4 -	-	2,054 3 4 -	1,781 31 6 -	50 1 -	
	Total - - -	908	767	15,43,936	25,690 12 -	41,355 6 8 -	-	15,664 10 8 -	2,013 33 8 -	53 14 -	
Detailed.	1 Village to 1 moonsiff -	631	631	12,37,506	20,901 4 -	33,534 6 -	-	Rs. a. p. 12,633 2 -	Rs. a. p. 1,961 33 2 -	Rs. a. p. 53 2 -	
	2 ditto to ditto -	208	104	2,13,042	3,522 12 -	5,667 1 4 -	-	2,144 5 4 -	2,048 33 14 -	54 8 -	
	3 ditto to ditto -	33	11	14,581	310 - -	466 10 8 -	-	156 10 8 -	1,326 28 3 -	42 7 -	
	4 ditto to ditto -	8	2	9,055	97 - -	141 7 4 -	-	44 7 4 -	4,528 48 8 -	71 7 -	
	5 ditto to ditto -	10	2	4,862	78 - -	140 - -	-	62 - -	2,431 37 - -	70 - -	
	Total - - -	890	750	14,79,046	24,909 - -	39,949 9 4 -	-	15,040 9 4 -	1,972 33 3 -	53 4 -	
Hamlets to which separate moonsiffs were appointed - - -	18	17	64,690	781 12 -	5,041 13 4 -	-	624 1 4 -	3,817 46 - -	62 11 -		
GRAND TOTAL - - -	908	767	15,43,936	25,690 12 -	41,355 6 8 -	-	15,664 10 8 -	2,013 33 8 -	53 15 -		

13. The emoluments at present in the enjoyment of moonsiffs are valued at Rs. 527. 10. 4. in column 15 of Statement No. 1, and it is proposed to deduct them in each case from the amount allowed by the scale. The sum differs from that given in Statement No. 2 of the Collector's letter of 31st March 1849, which has arisen from the additions and omissions particularised in Statement No. 2 of the Collector's report, dated 21st November 1849.

14. The Collector's statement does not include the agraharum villages, 148 in number, for which the Government cannot be expected to provide a salary by granting a remission in the quit-rent. Mr. Stokes proposes that one of the agraharumdars should fill the office where they are resident, but where such is not the case, the moonsiff should be selected from the ryots, and the agraharumdars be required to assign emoluments in land or money, or to nominate one of their own number to be located in the village and undertake the office. These recommendations appear just and fair, and in carrying them out the Acting Collector may leave it to the agraharumdars of each village to provide for the performance of the service in whichever of these ways may be most agreeable to themselves. Of the whole number, 28 are deserted, and there are 75 moonsiffs in the remaining 120, on what emoluments is not known. In granting sunnuds to these and to those to be hereafter appointed, this point should be ascertained, the Collector being responsible for the efficiency of the office.

Mohtads.

15. Little alteration appears to be necessary in regulating the condition of mohtads so as to make them effective for the performance of police duties. These

These officers exist in almost every village, and all that is necessary is to select the individuals and to make up their pay to the prescribed amount.

16. Out of 110 agraharum villages, 49 are already provided with mohtads to the number of 51 persons, and it is proposed to nominate 58 additional ones for the remaining 61. On a former occasion, the Collector adverted to the difficulty of obliging the agraharumdars to supply emoluments in all cases, and the Board of Revenue in reply observed that as the relations in which the new mohtads would stand to the State was that of police officers alone, and it had always been the practice for the Government to undertake for the discharge of police functions in the case of permanently settled villages, the additional expense should be defrayed from the public treasury. Mr. Stokes, however, rightly observes that it will be impossible to prevent the agraharumdars from making use of the services of these persons, and recommends that their pay should be restricted to 18 rupees. It is a fundamental principle in all parts of India that the village servants are supported out of the village resources, and where this is not the case the omission is probably the consequence of abuse or usurpation. Under this view, therefore, it will follow that in the same manner as the agraharum provides for the office of moonsiff, it may fairly be charged with the remuneration of the mohtad, who in his capacity of village watcher is an integral member of the village community, and renders duties which are directly and constantly beneficial to the inhabitants. The Commissioner, therefore, recommends that the burthen should be thrown on the revenue of the village. The public treasury would thus be relieved from the greater part of the charge exhibited in the Collector's statement, viz. 1,127 rupees, and the additional expense to the State be limited to 273 rupees.

From Collector,
31 March 1849. *e*
Proceedings,
7 June 1849.

17. Mr. Stokes states that difficulty has been experienced in ascertaining the exact amount of remuneration to be granted to watchers from the impossibility of discovering the true value of the lands now enjoyed, and recommends that the mohtad in every instance should have the option of receiving his salary of 24 rupees in money or an equivalent of sery land now paying that amount, instead of his present maniem. Several petitions have been received from mohtads complaining of the barrenness of their lands, and praying for a money allowance instead, and on the other hand, urzees have been presented from parties who have been ousted from their land praying for its restoration. In many cases, these lands appear to be of the poorest description. The mohtads themselves are generally Mahomedans, and but indifferent cultivators; they are not, therefore, always in a condition to derive adequate support from their land. The Commissioner concurs so far with the Collector as to give them the choice of receiving their allowance in land or money, in the former case permitting them to retain their present maniem at a discretionary valuation according to the prevailing village rates, and making up the difference in money. This plan appears in many respects preferable to that of making the retention of their present lands compulsory.

18. The number of these officers at present is 878 in 744 sery villages, with emoluments of 12,069½ rupees in cash, and 8,060 rupees in land. An addition of nine individuals and of 273 rupees is required to complete the establishment, as exhibited in the subjoined Statement:

DESCRIPTION VILLAGES.	AT PRESENT.					PROPOSED.				
	Villages.	Individuals.	Enama.	Salary.	TOTAL.	Individuals.	Enama.	Salary.	TOTAL.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	
			<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>		<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	
Zeroyaty - - -	744	878	8,060 4 9	12,069 9 -	20,129 13 9	887	8,058 4 9	12,344 6 2	20,402 10 11	
Agraharums - - -	110	51	660 2 8	18 - -	678 2 8	109	660 2 8	1,145 - -	1,805 2 8	
TOTAL - - -	854	929	8,720 7 5	12,087 9 -	20,808 - 5	996	8,718 7 5	13,489 6 2	22,207 13 7	

DESCRIPTION of VILLAGES.	Villages.	ACTUAL INCREASE.			ACTUAL DECREASE.			NET INCREASE.			
		Newly Appointed.		Increase to existing Servants.	Entirely Abolished.		Decrease to existing Servants.	TOTAL.	Individuals.	Amount of Remuneration.	
		Individuals.	Remuneration.		Individuals.	Remuneration.					
		11.	12.	13.	14.	15.	16.	17.	18.		
			<i>Rs.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>		<i>Rs.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>		<i>Rs. a. p.</i>
Zeroyaty - - -	744	28	276	320 1 5	596 1 5	19	222	101 4 3	323 4 3	9	272 13 2
- - -	110	59	1,062	65 - -	1,127 - -	1	-	- - -	- - -	58	1,127 - -
TOTAL - - -	854	87	1,338	385 1 5	1,723 1 5	20	222	101 4 3	323 4 3	67	1,399 13 2

The omission to provide for 56 villages, noticed in Extract Minutes Consultation 2d August 1849, occurs in the

Total Palnad villages - - - - -	152
Of which furnished with mohatads - - - - -	96
Agraharums - - - - -	18
Entered in former statement as without mohatads, but now found to possess them	6
Duty performed by cuttoobady peons - - - - -	9
Villages in which mohatads enams, but no enamdars - - - - -	2
Villages without mohatads, and not requiring them as being waste - - - - -	21
	56
	152

Palnad, the particulars of which are shown in the margin. The actual number is only 50, of which 21 are uninhabited sery villages, 18 agraharums, and in the remainder the police duties are adequately supplied.

19. The additional charge required to make the office efficient both in assessed and alienated villages is *Rs.* 1,399. 13. 2. No application has been received from the Acting Collector for authority to disburse this money since the arrangements were carried into effect in December 1852. Mr. Wood is requested to furnish information on this point.

Vetties.

20. No information has been supplied with reference to this useful, but too little considered class of village servants. Their emoluments in land and fees appear to be as follows:—

	Villages.	Emoluments.
		<i>Rs. a. p.</i>
1. Those enjoying enams alone - - -	45	569 13 2
2. Ditto ditto ditto and fees - - -	521	23,452 6 7
3. Ditto ditto fees alone - - -	389	5,514 11 4
4. Ditto ditto nothing - - -	85	-
	1,040	29,536 15 1

It will probably be most advisable to leave those already provided in the possession of such income as they already enjoy, making provision for the rest. The Collector's proposal for resuming their fees will probably be difficult to accomplish, for

or the ryots having constant need of the vetties' services are too glad to recompense them in the way most convenient to themselves, by gifts of grain. The Acting Collector is requested to prepare a separate statement of the remuneration required for placing this class of servants in an effective position, and to submit it at his early convenience.

Ordered, that a copy of the foregoing proceedings be sent to Government and to the Acting Collector of Guntoor.

(True extract.)

(signed) *Walter Elliot*, Commissioner.

From *H. Stokes*, Esq., Collector of Guntoor, to *Walter Elliot*, Esq., Commissioner, Northern Circars, Vizagapatam, dated Guntoor, 21 November 1849, No. 48.

Sir,

I HAVE the honour to acknowledge the receipt of the extract from your proceedings, dated the 30th August, communicating the views of Government, recorded in the Minutes of Consultation, under date the 2d of that month, on the proposed reform of the village establishment, discussed in the correspondence noted in the margin.

To Board, 31st July 1846.
To Board, 18th August 1847.
Board's Pro. 3d April 1848.
To Board, 8th May 1848.
From Board, 29th May 1848.
From Board, 21st December 1848.
To Board, 31st March 1849.
Pro. 7 June 1849.
Pro. Comr. N. C., 30th August 1849.

2. Prior to the receipt of these papers a detailed statement had been made out, and a report almost completed, intended to supply the further information required by the Board, and to show in juxtaposition the result of the Ceded District scale of remuneration, calculated according to the rupee and pagoda respectively for the curnums. The orders of Government now communicated supersede the necessity of some of the columns in the statement, and, as desired in the conclusion of the proceedings now acknowledged, the settlement of Fusly 1258, has been taken as the basis of calculation instead of 1256, as in the original estimates.

3. In endeavouring, however, to include in the same report the curnum establishment, I have met with a serious impediment in the uncertainty and suspicion in which in the Guntoor cirkar their enams are involved. The extent of the landed endowments for the curnum's office as returned by the tahasildars in the statement of their present emoluments, differs widely from the extent of enams actually in possession of the curnum's family, as found in the jamabundy and other accounts, and it seems that enam lands originally granted for service have since been entered as bhattavrootee or charitable grants, and that of those still designated as service, many are in possession of members of the family who perform no service, I have therefore omitted the curnums from the statement, to be separately reported on, proceeding meanwhile with the revision and commutation of the curnum's fees in money and kind, and providing for their collection together with the land revenue through the officers of Government, and I now confine myself to the arrangement proposed for village moonsiffs, motauds, and vettymen.

4. Accordingly the statement now submitted exhibits the present and proposed number and emoluments of moonsiffs and motauds, and present fees of the gettymen, with the area, population, and settlement of 1258 for all the villages, omitting, however, the motauds in the Palnaud. The proposed emoluments of the moonsiffs are calculated after the Bellary manner, but on the rupee scale, with a minimum of 12 rupees, and a maximum of 120 rupees; together with this are shown the emoluments, calculated in the manner proposed by me, of 12 rupees, with one per cent. on the revenue, which is found not to differ very widely from the other calculation, though slightly falling below it. It is more of the nature of a sliding scale than the other, though perhaps the other possesses an advantage in allowing more in proportion to the moonsiffs of small villages. It has also occurred to me to suggest, as a modification of the Government maximum, which is perhaps unnecessarily ample, that in the first instance, no moonsiff

receive more than 60 rupees annually, but that he be entitled to the rateable increase on all future additions to the revenue of his village for 1258. The result of this arrangement is also shown. When the establishment is finally sanctioned, it is understood that the allowances will be calculated, as proposed by me, on the collections of the preceding year. The condition prescribed by Government will be insisted on, that the present extent of cultivation be kept up.

5. In explanation of the apparent discrepancies noticed by the Board in the statements laid before them at different times, it may be sufficient to state that, as I wished to have the general principles and outline of the measure settled before the details were drawn up, I based my former calculations not on a detailed examination of each village, but only upon the number of villages entered in the accounts, which afford but fallacious data for the present purpose. For in the zemindaries 14 villages having been shared, one into four, and the rest into two divisions, have hitherto stood in the accounts as 30 distinct villages, while on the other hand, several entered as single villages, in fact consisted of mootahs or clusters of villages, several of which, from their size and distance from the chief village, require to be separately provided for. Again, some villages with considerable revenue now contain no habitations, and do not require a separate police.

6. However much I regret the delay that has occurred on my part in submitting the present statement, this advantage has resulted from it, that meanwhile I have had the opportunity of acquiring more local knowledge and acquaintance with the real exigencies of the villages, while at the same time the gradual bringing up of the establishment both of moonsiffs and mohtauds to the proposed complement during the last three settlements, has obviated any serious practical evil.

7. The total number of village moonsiffs required for Government villages in the 14 talooks is fixed by me at 767; their emoluments, calculated according to the Ceded District's rate on the rupee scale, with a maximum of 120 rupees, will amount to Rs. 25,690. 12, and with a present maximum of 60 rupees, to 25,052 rupees; calculated in the manner proposed by me with the maximum of 120 rupees, they will amount to 24,419 rupees, or to Rs. 23,120. 8, if the present limit be restricted to 60 rupees. The only present available resources in enams are Rs. 527. 10. 4.

8. There are 148 agraharums, of which 28 are without resident inhabitants. In the rest there are moonsiffs in 75, and some require to be nominated, but the whole will involve no charge to Government.

Mohtauds.

9. According to the liberal views of the Government, by which all the present mohtauds holding enams are allowed to retain them, little change has been required in the existing establishment for Government villages. There are, (omitting the Palnaud) villages in which from their smallness, or from having Cutoobody peons, or being uninhabited, or shares of villages, mohtauds are unnecessary. The proposed number is 887 in 755 villages, of which 878 are already provided. The present charge is in enams to the value of Rs. 8,060. 4. 9. and money pay Rs. 12,069. 9. annually. The total charge for the proposed number will be Rs. 8,058. 4. 9. for enam, and Rs. 12,344. 6. 2. in money annually.

10. Of the agraharums, 49 villages have at present 51 mohtauds. It is proposed to provide 58 additional mohtauds at the charge of Government, but in consideration that they will also serve the agraharumdars, it seems fair to limit their pay to 18 rupees annually. The charge to Government on this account will be 1,145 rupees per annum.

11. A difficulty has occurred in knowing where to apply the principle sanctioned by Government, of making up the value of emoluments in land by ready-money payment to the standard for at least one mohtaud in a village; I have done so to the best of my judgment according to the information available, but the value of the enams is uncertain. If in each case the mohtaud be allowed the option of receiving a money allowance of 24 rupees annually, or sirkar land paying that amount of sist, in exchange for his present enam, all complaint would be obviated, but some addition would be made to the present charge.

12. It is found that in the Mulrazge estate the number of mohtauds in some cases, and in many the value of the enams, exceed the standard proposed by me, but under the orders of Government they will not be disturbed.

13. The total proposed charge annually for sirkars and agraaharum mohtauds will be—

	Rs.	a.	p.
In land - - - - -	8,718	7	5
In money - - - - -	13,489	6	2
TOTAL - -	22,207	13	7

14. The villages in the Palnaud at present without mohtauds, and where it does not seem necessary to provide them, are found to be only 50, and not 56. These include 18 agraaharums, in 10 of which hitherto the needful police duties are provided for by the villagers, and eight are uninhabited; 21 sirkar villages without inhabitants, and nine villages in which the duties are performed by Cuttoobady peons. In the remaining two villages, there are enams for mohtauds, but the office requires to be filled up.

15. The emoluments of the vetty people as returned by the tahsildars are as follows:—

	VILLAGES.	EMOLUMENTS.
		Rs. a. p.
Enjoying enams only - - - - -	45	569 13 2
Ditto enams and fees - - - - -	521	23,452 6 7
Ditto fees only - - - - -	389	5,514 11 4
Without emoluments - - - - -	85	—
	1,040	29,536 15 1

No course has yet been laid down for regulating this part of the establishment. I would propose as a general standard to fix their emoluments, where not already settled, at half that of the moonsiff, to be raised to two-thirds in villages along a frequented road; to allow those who now hold enams to remain *in statu quo*; where fees are now paid, to add them to the assessment and to allow the remuneration to be held in land, remitting the assessment to the value assigned. Should this plan not be approved of, enams might be assigned to them out of those which will have to be resumed when the titles are examined.

16. I take this opportunity of recommending the remission of the arrears of bedigee or service enams in the Palnaud; of which a separate statement will be submitted. As few lands in the Palnaud can bear cultivation every year, it may be better hereafter to allow the service maniemdars to hold half their present extent of bedigee land free of sist, or let them have seree land and enjoy a deduction from the demand equal to the present amount of bedigee.

17. I regret to state that I have not been able to trace the cause of the difference in the value of moonsiff's enams as shown in former statements, and those now apparent. It will doubtless be found in the investigation of enams, that some have been diverted from their original design, and are held now by persons not entitled to them.

Note.—The information procurable is given in Memo. No. 2.

(True copy.)

(signed) *H. Newill,*
Assistant Commissioner.

Enclosed statements are not printed.

No. 22.

From *Walter Elliot, Esq.*, Commissioner Northern Circars, to *Sir H. C. Montgomery, Bart.*, Chief Secretary to Government, Fort Saint George, dated Vizagapatam, 20 November 1854, No. 163.

Sir,

Revenue Department.

Para. 1. THE plan which the Government may decide in adopting for the remuneration of village officers with reference to the statements for those of Guntoor submitted in Extracts Proceedings of the 16th and 19th ultimo, Nos. 141 and 141½, will probably serve as a guide for the extension of the same measure in the other districts of the Northern Circars. I request permission, therefore, to offer a few observations on the general condition of the village institutions in this tract, which will be affected by the adoption of such a standard.

2. These will be found to present certain peculiarities, which must be kept in view in considering arrangements for restoring them to a state of efficiency.

3. In the three southern collectorates of Guntoor, Masulipatam, and Rajahmundry, the office of potal or single head of the village is unknown. The functions of the office are exercised by a few of the head ryots, who under the designations of pettanadars or pedda capoos, take charge of the cultivation and collections, and exercise a general control over the affairs of the community. They vary in number from two to six persons, and occasionally even more, according to the size of the village. One of them has generally been selected for the office of moonsiff since the enactment of Regulation IV. of 1816, and has thus come to be recognised as the head man, but all the pettanadars continue to perform their revenue duties as heretofore. With rare exceptions, they neither hold lands nor receive fees of office, but to a late period they were allowed remuneration for their services from the bajah-khurch or village contingent fund. Since the abolition of that cess, they have been paid a certain sum out of the revenue in Rajahmundry; in Guntoor the moonsiffs receive a temporary annual allowance of 12 rupees, and in Masulipatam they get nothing.

4. The heads of villages in Ganjam and Vizagapatam approximate more nearly to the condition of those in other parts of the country. In the former they are called carjees and dolabheras to the north, and naidoos to the south. With few exceptions they hold lands, but do not receive fees. In some places they are entitled to an annual cloth. There is generally one such officer to every village, who also holds the office of moonsiff. In large villages two may be found, but rarely more; all are much under the influence of the curnums.

5. In Vizagapatam they are also called naidoos, and vary in number from one to five in each village, taken from the two or three distinct families which will generally be found to have inherited the office. Most of them hold service-lands, but they do not receive fees; and many have no authorised remuneration. Here also the curnums exercise a predominating influence.

6. The office of curnum exists in every village. In parts of Ganjam it appears to be of recent origin, the zemindar of Goomsur, for instance, having first appointed them in that talook about 50 years ago, with reference apparently to the enactment of Regulation XXIX. of 1802. Nearly all enjoy lands, and receive fees, most frequently on the produce, but sometimes on the extent of cultivation or on the number of ploughs in use. In some villages it is not usual to give fees, and in a very few instances, they are paid in fees alone. A large proportion are of Odia race, and are called Shiste-curnums, the rest are Bramins. The former keep their accounts in the Odia language.

7. The same remarks apply in some degree to Vizagapatam. The number of Odias is fewer. Sometimes an Odia and a Bramin curnum are found in the same village, each keeping a distinct set of accounts. The officiating officers alone receive fees. But the lands are subdivided among all the members of the family whether they perform duty or not. From one to five individuals officiate in the same village, and they exercise the same superior control over the affairs of the village as in Ganjam.

8. The

8. The curnums of Rajahmundry are all Niyoghi Bramins. The office is generally richly endowed with land, but the incumbents do not receive fees. They used, however, to be allowed batta for attendance at the talook cutcherry, and payment of other contingent charges from the bajah-khurch collections till that fund was discontinued. The largeness of the maniem has led to their being extensively subdivided, so that as many as 20 or 30 co-partners may be found in the same village, two or three of whom, according to the amount of the revenue, are selected by the Collector to carry on the duties.

9. The state of the office in Masulipatam is the reverse of that in Rajahmundry; scarcely any curnums have lands, but all receive fees, either in grain or money, and these are sometimes divided between the officiating and non-officiating members of the family. They used to have all their expenses paid from the bajah-khurch fund, when absent from the village on duty, and the abolition of that cess has reduced them to such straits that the Collector has been directed to make a deduction from the revenue of every village in which it might be found necessary to provide for the subsistence of the curnum, as has been done in Rajahmundry. The influence of these officers is altogether secondary to that of the pettanadars, who transact all the affairs of the village, and keep public accounts distinct from the curnums, particularly in matters connected with the grama-khurch, the details of which were generally settled by the pettanadars, in concert with the whole body of the cultivators.

To Collector, 15
February 1854.

10. The circumstances of the Guntoor curnums have been brought under notice elsewhere. They enjoy lands in some instances, and fees in others, and more rarely both. The lands and sometimes the fees are shared, as in Rajahmundry, among the different members of the family, whether they officiate or not.

To Government
16 October 1854,
No. 141.

11. The village policeman, or talliar, is unknown in the Circars, with the exception of some villages in the Bapetla Talook of Guntoor, where it is held by persons of the Yanadi caste,* and in Ganjam, where they exist, under the name of Dundasis, on small assignments of land. Their duties, in the other parts of the Circars, are partly fulfilled by a sort of village peons appointed of late years by the zemindars, and called Mohtads in Guntoor, Naikwadies in Masulipatam, and Wassas in Rajahmundry, for the purpose originally of securing the revenue during the time it was levied in kind, to which has been subsequently added the business, in conjunction with the barkees and vetties, of the detection of crime. The barkees are the watchers of the village crops, and are equivalent to the totie of the south. The vetties, who perform the part of village drudge, are found everywhere, but the scale of remuneration allowed to the two latter classes is very small, and generally insufficient. A former Collector of Ganjam represented the paucity of village carpenters and blacksmiths in that district, and recommended an addition to their numbers, on account of the dependence of the ryots on their services in agricultural operations.

From Collector,
9 September 1836.

12. Propositions for the reform of these different offices have been repeatedly under consideration. But the impediments interposed by the difficulty of obtaining information from villages under zemindary tenure, and by the imperfect character of many of the institutions themselves, have caused them to prove abortive. The Court of Foujdary Udalt even expressed their apprehension that all endeavours to render the village police functionaries in the Northern Circars efficient under such circumstances would fail of success. The obstacles which prompted that opinion have now in a great measure been removed by the lapse to Government of many permanently settled estates in every district, and it remains to be considered in what manner the arrangements commenced in Guntoor can be most usefully carried out in the rest.

Circular, 19 April 1827.
To Government, 21 October 1830.
Proceedings, 7 April 1831.
Circular, 18 July 1831.
Proceedings, 8 February 1844
Proceedings, 19 February 1844.
From Regr. S. U. 25 May 1831, in.
From Government, 31 May 1831.
To Government, 27 June 1831.

13. Such a measure of reform may be introduced, either by substituting an entirely new system for the defective one now in existence, or by retaining the character of the original institution, and improving it so as to restore its usefulness.

14. The

* Note — A wild race inhabiting the Jungles of the Nellore districts.

From Pl. Collr. to
his Sub-Collector,
14 April 1807.

14. The first principle was adopted in organizing the police of the Bengal at the time of permanent settlement, and its extension to the Northern Circars was contemplated at the same period. The second is that which has been generally followed in this Presidency. Its most successful application was to the reform of the village officers in the Ceded Districts in 1806, which, of late years at least, has invariably been recommended as a model for similar measures elsewhere. But it was devised for villages each under the control of a single headman; and the preceding remarks show that it is not adapted to the oligarchical constitution of the northern villages. It may be doubted, therefore, whether Sir T. Munro, who always consulted old-established usages, would have recommended the substitution of potails for pettanadars under such circumstances.

Dharma-khurch.

Durbar-khurch.

* Note.—Called
Jimmas.

15. The chief obstacle experienced to the successful management of the Circars has been the levy of the extra collections, known by the name of *bajah*, or *grama-khurch*, a fund raised by voluntary assessment for expenses incurred by the village officers on behalf of the community at large. A fertile source of corruption was thus opened. The money so raised was not employed for the remuneration of the village servants only, but also for religious and charitable purposes, and for securing the good-will and assistance of public officers. The abuses and disorders which ensued have been too often brought under the notice of Government to call for description. Any scheme for improving the village establishments, which goes to deprive some of its most influential members of their position and privileges, would lead to the continuance of this system. The pettanadars are always the wealthiest and the most intelligent members of the community. They have for generations conducted the whole of the public business of the village, either collectively or in portions,* each one superintended by a single pettanadar. Should their rights be overlooked, they will be tempted to return to their former practices. Their influence will remain intact, and they will meet neither with opposition nor difficulty in looking after their own interests. The new headman will be inclined, from old associations, to connive at their proceedings, or should he not, he will be thwarted and opposed. Even if the pretensions of the pettanadars are eventually put down, it will be effected by alienating the good-will of the most substantial individuals of the community.

From Collector Rajahmundry, 18 November 1835.
From Collector Rajahmundry, 15 July 1839.
From Collector Rajahmundry, 12 April 1841.
Board's Proceedings, 31 May 1841.

Under some such ideas, the plans of village reform submitted by Collectors in the Circars have sometimes recognised the claims of these persons, and both justice and good policy appear to recommend this view.

The rate of exchange is *Rs.* 2. 14. 8. per *Cantaroy* pagoda; to facilitate calculations it has been taken at 3 rupees in this letter.

16. Calculations have been made on data obtained in Rajahmundry to determine the probable charge of placing the office on a better footing, both when held by a single individual and when exercised by a body of pettanadars. The rates of remuneration have been framed with a general reference to that of the ceded districts adopted in the settlement of the *Guntoor* villages; but as this was prepared in the then currency of *Cantaroy* pagodas, the conversion of which is troublesome, it is proposed to substitute a new scale, which shall serve when approved as a standard hereafter.

Moonsiffs or
single heads of
villages.

17. The following table exhibits the Ceded Districts' scale, that proposed for *Guntoor*, by taking pagodas for rupees, and three modified scales, the highest of which is nearly the same as the Ceded Districts' scale, and the lowest the same as that proposed by Mr. Stokes. It also includes a proposed scale for *curnums*:

No.	CLASSES.		VILLAGE MOONSIFFS.					CURNUMS.			
	Bellary, Scale in Cantaroy Pagodas.	Do. in Rupees, at 3 per Pagoda.	Bellary Scale.		Proposal of Mr. Stokes, Collector of Guntoor.	Present Proposal.			Bellary Scale.		Present Proposal, Rupees.
			In Cantaroy Pagodas.	In Rupees, at 3 per Pagoda.		1st Scale.	2nd Scale.	3rd Scale.	In Cantaroy Pagodas.	In Rupees, at 3 per Pagoda.	
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
Revenue Demand, not exceeding Pagodas	Revenue Demand, Rupees	Pagodas			Rs.	Rs.	Rs.				
1	50	150	4 -	12 -	12 -	12 -	12 -	12 -	6 -	18 -	18 -
2	100	300	6 -	18 -	12 -	18 -	18 -	18 -	9 -	27 -	27 -
3	150	450	7 -	21 -	17 -	21 -	21 -	21 -	11 -	33 -	33 -
4	200	600	9 -	27 -	20 -	27 -	27 -	27 -	13 5	40 5	40 5
5	250	750	10 -	30 -	23 -	30 -	30 -	30 -	16 -	48 -	48 -
6	300	900	12 -	36 -	26 -	33 12	33 -	33 -	18 -	54 -	52 8
7	350	1,050	14 -	42 -	28 8	37 8	36 -	36 -	20 -	60 -	57 -
8	400	1,200	16 -	48 -	30 -	41 4	39 -	39 -	22 5	67 -	61 8
9	450	1,350	17 -	51 -	31 8	44 4	42 -	42 -	23 2½	70 -	66 -
10	500	1,500	18 -	54 -	33 -	47 4	45 -	45 -	24 -	72 -	70 8
11	550	1,650	19 -	57 -	34 8	50 4	50 4	47 4	46 8	25 2½	76 -
12	600	1,800	20 -	60 -	36 -	53 4	49 8	48 -	26 5	79 -	76 8
13	650	1,950	21 -	63 -	37 8	56 4	51 12	49 8	27 7½	83 -	79 8
14	700	2,100	22 -	66 -	38 8	59 4	54 -	51 -	29 -	87 -	82 8
15	750	2,250	23 -	69 -	39 4	61 8	56 4	52 8	30 5	91 -	85 8
16	800	2,400	24 -	72 -	40 -	63 12	58 8	54 -	32 -	96 -	88 8
17	850	2,550	25 -	75 -	40 12	66 -	60 12	55 8	33 5	100 -	91 8
18	900	2,700	26 -	78 -	41 8	68 4	63 4	57 -	35 -	105 -	94 8
19	950	2,850	27 -	81 -	42 4	70 8	65 4	58 8	36 -	108 -	97 8
20	1,000	3,000	28 -	84 -	43 -	72 12	67 8	60 -	37 -	111 -	100 8
21	1,100	3,300	29 -	87 -	44 8	75 12	70 8	61 8	38 - ¼	115 -	103 8
22	1,200	3,600	30 -	90 -	46 -	78 12	73 12	63 -	39 - ⅙	119 -	106 8
23	1,300	3,900	31 -	93 -	47 8	81 12	76 12	64 8	41 - ⅙	124 -	109 8
24	1,400	4,200	32 -	96 -	49 -	84 12	79 8	66 -	42 - ⅙	128 -	112 8
25	1,500	4,500	33 -	99 -	50 8	87 12	82 8	67 8	44 -	132 -	115 8
26	1,600	4,800	34 -	102 -	52 -	90 12	85 8	69 -	45 4 ⅙	136 -	118 8
27	1,700	5,100	35 -	105 -	53 8	92 4	87 4	70 8	46 - ⅙	140 -	121 -
28	1,800	5,400	36 -	108 -	55 -	93 12	88 8	72 -	48 - ⅙	145 -	124 8
29	1,900	5,700	37 -	111 -	56 8	95 4	90 4	73 8	49 - ⅙	149 -	127 8
30	2,000	6,000	38 -	114 -	58 -	96 12	91 8	75 -	51 -	153 -	130 8
31	3,000	9,000	43 -	129 -	73 -	111 12	106 8	90 -	57 -	171 -	145 8
32	3,100	9,300	43 5	130 8	74 8	113 4	108 -	91 -	57 - ⅙	173 -	147 -
33	3,200	9,600	44 -	132 -	76 -	114 12	109 8	93 -	58 - ⅙	175 -	148 8
34	3,300	9,900	44 5	133 8	77 8	116 4	111 -	94 8	58 - ⅙	176 -	150 -
35	3,400	10,200	45 -	135 -	79 -	117 12	112 8	96 -	59 - ⅙	178 -	151 8
36	3,500	10,500	45 5	136 8	80 8	119 4	114 -	97 8	60 -	180 -	153 -
37	3,600	10,800	46 -	138 -	82 -	120 12	115 8	99 -	60 - ⅙	182 -	154 8
38	3,700	11,100	46 5	139 8	83 8	122 4	117 -	100 8	61 - ⅙	184 -	156 -
39	3,800	11,400	47 -	141 -	85 -	123 12	118 8	102 -	61 - ⅙	187 -	157 8
40	3,900	11,700	47 5	142 8	86 8	125 4	120 -	103 8	62 - ⅙	187 -	159 -
41	4,000	12,000	48 -	144 -	88 -	126 12	121 8	105 -	63 -	189 -	160 8
42	5,000	15,000	53 -	159 -	103 -	141 12	136 8	120 -	69 -	207 -	175 8
43	5,500	16,500	55 5	166 8	110 8	149 4	144 -	127 8	72 -	216 -	183 -
44	6,000	18,000	58 -	174 -	118 -	156 12	151 8	135 -	75 -	225 -	190 8

Before determining which is to be taken for a standard, it is proper to remark that the scale of Sir T. Munro was devised in a spirit of liberality which has been excluded from succeeding adaptations of it to other districts. The two principles on which he proceeded, were,

1. To place the offices on an efficient footing where the emoluments were deficient or wanting.

2. To compensate for the large alienations of land in the enjoyment of some village officers by imposing a cuttoobody on the excess where it was more than three times the amount of remuneration allowed by the scale.

18. The latter consideration has been set aside in all the plans recently under discussion which contemplate the resumption of all lands and emoluments in excess of the scale; such a proceeding appears both arbitrary and unjust. It is true that in many cases the village officers have been enabled by their position to encroach on the public lands, but their emans will pass through the scrutiny which will be made into the titles of all maniams, and it does not appear on what principle they can be excluded from the consideration extended to other classes.

Extract Commission-
er's proceed-
ings 19th ultimo.

19. I have already pointed out the bearing of the adoption of the rupee scale on the remuneration of moonsiffs in Guntoor. A few examples of which taken from the preceding table are given in the margin. I consider that the reduction

Classes in Villages yielding a Revenue of	Number of Individuals required.	As per Bellary Scale converted to Rupees.	As per Rupee Scale.	Difference between Columns 3 and 4.
Rs.		Rs.	Rs. a. p.	Rs. a. p.
750 -	1	30	23 - -	7 - -
2,100 -	1	66	38 8 -	27 8 -
3,000 -	1	84	43 - -	41 - -
4,500 -	2	99	50 8 -	48 8 -
5,100 -	2	105	53 8 -	51 8 -
9,000 -	3	129	73 - -	56 - -

made by this change and the adoption of a maximum rate of allowance to moonsiffs, ordered by Government in Extract Minutes of Consultation, 2nd August 1849, will render the salaries of officers in the larger villages insufficient to secure a faithful discharge of their duties. A minimum rate was indispensable, because less would not suffice to maintain the incumbent in a small village. But the objection to an excessive allowance has been met by the decreasing rates of increment in the higher grades of the scale. It must be remembered, moreover, that in the larger villages a single officer cannot perform the duties, and that when two or more have shared the prescribed allowance, their remuneration becomes less than that enjoyed by single incumbents of smaller villages.

20. For the above reasons, I recommend that existing emoluments should not be touched, except on considerations of validity of title; that scale, No. 1, should be taken as the standard for single heads of village, and that its operation should not be restricted by the introduction of a maximum, the danger of excessive emoluments being guarded against by modifications of the scale if necessary.

Bellary Scale.		Present Proposal.					
Classes.	Increase per cent.	1st Scale.		2nd Scale.		3rd Scale.	
		Classes.	Increase per cent.	Classes.	Increase per cent.	Classes.	Increase per cent.
3	4 -	3	2 8	5	2 -	5	2 -
12	2 -	6	2 -	10	1 8	10	1 -
11	1 -	6	1 8	6	1 -	24	- 8
3	- 8	6	1 -	18	- 8	-	-
-	-	18	- 8	-	-	-	-
		39		39		39	

21. The mode of doing this will be rendered apparent by examining the principle on which the scales have been framed, as shown in the margin. Excluding the five first classes in the tabular statement at para. 17, which come under the operation of the minimum rate, the 39 grades form four divisions under the Ceded Districts arrangements, designated in the table* by transverse red lines. The rate of increase in the first division is 4 per cent. on the Beriz, that of the second 2 per cent., that of the third 1, and that of the fourth $\frac{1}{2}$. In the first of the newly-proposed scales there are five divisions, the rates of increment diminishing from $2\frac{1}{2}$ per cent. to $\frac{1}{2}$ per cent.

22. With regard to the application of the scale, I concur (with the exceptions above noticed) generally in the proposition of Mr. Stokes, viz., that the allowance should be given by a deduction from their puttah in the case of heads of villages, and that the collection of fees should be prohibited.

23. Let

* Para. 17.

23. Let us now turn to the proposition for remunerating all the pettanadars. The following shows the number of this class as found at present in Rajahmundry.

Villages having	1	pettanadar only	-	-	-	47
Ditto	-	2	pettanadars	-	-	217
Ditto	-	3	ditto	-	-	233
Ditto	-	4	ditto	-	-	90
Ditto	-	5	ditto	-	-	49
Ditto	-	6	ditto	-	-	15
Ditto	-	7	ditto	-	-	7
Ditto	-	8	ditto	-	-	8
Ditto	-	9	ditto	-	-	4
Ditto	-	10	ditto	-	-	1
Ditto	-	11	ditto	-	-	1
						672

or, on an average, three for each village.

24. The emolument which would fall to a headman for each village, according to the Bellary scale, would come to 37,008 rupees, and according to the three new scales in the table at para. 17,

No. 1 to 33,042½; No. 2 to 31,306; No. 3 to 28,904;

but the effect of dividing the sum proposed for single officers among a number of pettanadars would in some cases reduce the share of each to a mere pittance, so that if not augmented, the main object of the arrangement would be defeated. Many calculations have been made with a view to secure an adequate remuneration in every case, having due regard to the bounds within which the general charge for such a purpose must be kept, but all present more or less of difficulty. That which seems open to the fewest objections is to adopt the revised scale, No. 3, as a general guide for the sum to be allowed to each village, to divide the amount among the number of pettanadars actually officiating, and where the sum so apportioned to each individual falls too low, to raise it to a minimum, determined with reference to the revenue of the village. For this purpose, the whole number of villages have been classed under the following heads:

In those not exceeding	750	the minimum has been fixed at	12	rupees.
Ditto	-	3,000	-	ditto - ditto - 15 „
Ditto	-	6,000	-	ditto - ditto - 20 „
Ditto exceeding	-	6,000	-	ditto - ditto - 25 „

and it is proposed, wherever the application of the scale may bring the share of any pettanadar below the minimum, to raise it to that sum.

25. These data have been applied to the actual condition of the villages of Rajahmundry in the following table:—

ITEMS.	Number of Villages.	Number of Pettanadars.	Of 750 Rupees.				
			Of 150 Rupees.	Of 300 Rupees.	Of 450 Rupees.	Of 600 Rupees.	Of 750 Rupees.
Having 1 Pottanadar - - -	37	37	12 -	18 -	21 -	27 -	30 -
„ 2 ditto - - -	109	218	6 -	9 -	10 8	13 8	15 -
„ 3 ditto - - -	36	108	4 -	6 -	7 -	9 -	10 -
„ 4 ditto - - -	11	44	3 -	-	5 4	6 12	7 8
„ 5 ditto - - -	3	15	-	3 9	-	5 6	-
TOTAL - - -	196	422					

CORRESPONDENCE, &c. RELATING TO

ITEMS.	Number of Villages.	Number of Pettanadars.	Of 900 Rupees.		Of 1,050 Rupees.		Of 1,200 Rupees.		Of 1,350 Rupees.		Of 1,500 Rupees.											
Of 1,500 Rupees.																						
Having 1 Pettanadar	7	7	33	-	36	-	39	-	21	-	22	-										
" 2 ditto	59	118	16	8	18	-	19	8	14	-	15	8										
" 3 ditto	82	246	11	-	12	-	13	-	10	8	11	4										
" 4 ditto	17	69	8	4	9	-	9	12	8	6	9	8										
" 5 ditto	7	35	6	10	7	3	7	13	-	-	7	8										
" 6 ditto	3	18	5	8	-	-	-	-	-	-	7	8										
" 8 ditto	2	16	-	-	-	-	-	-	5	4	-	-										
" 9 ditto	1	9	-	-	-	-	-	-	-	-	-	-										
TOTAL	178	517																				
			Of 1,650 Rupees.		Of 1,800 Rupees.		Of 1,950 Rupees.		Of 2,100 Rupees.		Of 2,250 Rupees.		Of 2,400 Rupees.		Of 2,550 Rupees.		Of 2,700 Rupees.		Of 2,850 Rupees.		Of 3,000 Rupees.	
Of 3,000 Rupees.																						
Having 1 Pettanadar	3	3	46	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	58	8	-	-
" 2 ditto	43	86	23	4	24	-	24	12	25	8	26	4	27	-	-	-	-	28	8	29	4	30
" 3 ditto	74	222	15	8	16	-	16	8	17	-	17	8	18	-	18	8	19	8	19	8	20	-
" 4 ditto	27	108	11	11	12	-	12	6	12	12	13	2	13	8	13	14	14	4	14	10	15	-
" 5 ditto	14	70	9	5	-	-	9	14	-	-	10	8	-	-	11	2	11	6	11	11	12	-
" 6 ditto	6	36	-	-	-	-	-	-	-	-	-	-	9	-	-	-	9	8	9	12	10	9
" 7 ditto	4	28	6	10	6	14	-	-	-	-	-	-	-	-	-	-	-	-	7	5	8	9
" 8 ditto	1	8	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
" 9 ditto	2	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	6	8	6	11
TOTAL	174	579																				
			Of 3,300 Rupees.		Of 3,600 Rupees.		Of 3,900 Rupees.		Of 4,200 Rupees.		Of 4,500 Rupees.		Of 4,800 Rupees.		Of 5,100 Rupees.		Of 5,400 Rupees.		Of 5,700 Rupees.		Of 6,000 Rupees.	
Of 6,000 Rupees.																						
Having 2 Pettanadars	6	12	30	12	31	8	-	-	33	-	33	12	-	-	-	-	-	-	-	-	37	8
" 3 ditto	40	120	20	8	21	-	21	8	22	-	22	8	23	-	23	8	24	-	24	8	25	-
" 4 ditto	33	132	15	6	15	12	16	2	16	8	16	14	17	4	17	10	18	6	18	6	18	12
" 5 ditto	23	115	12	5	12	9	12	15	13	2	13	8	13	13	14	2	14	6	14	11	15	15
" 6 ditto	6	36	-	-	-	-	10	12	11	-	-	-	-	-	-	-	-	-	12	14	12	8
" 7 ditto	3	21	-	-	9	-	-	-	-	-	-	-	10	1	-	-	-	-	-	-	10	11
" 8 ditto	3	24	-	-	7	14	-	-	-	-	-	-	-	-	-	-	-	-	-	-	9	6
" 9 ditto	1	9	-	-	-	-	-	-	7	5	-	-	-	-	-	-	-	-	-	-	7	8
" 10 ditto	1	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	116	479																				
			Of 9,000 Rupees.		Of 9,300 Rupees.		Of 9,600 Rupees.		Of 9,900 Rupees.		Of 10,200 Rupees.		Of 10,500 Rupees.		Of 11,400 Rupees.		Of 16,500 Rupees.					
More than 6,000 Rupees.																						
Having 3 Pettanadars	1	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
" 4 ditto	2	8	22	8	-	-	-	-	-	-	32	-	-	-	-	-						
" 5 ditto	2	10	-	-	18	5	-	-	-	-	-	-	-	25	8	-						
" 8 ditto	2	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
" 11 ditto	1	11	-	-	-	-	11	10	11	13	-	-	-	-	-	-						
TOTAL	8	48																				
GRAND TOTAL	672																					

26. From this it appears that the highest emolument which will be obtained by any pettanadar under Scale No. 3 will be 58½ rupees per annum, and the lowest 3 rupees.

27. The number of villages in which the sum allowed by the scale falls short of a fair provision is shown in the next statement, together with the sum which will be required to bring it up to the proposed minimum.

Divisions or Groups of Villages.	Classes as per Scale.	In which the Allowance is deemed sufficient.				In which it is insufficient on account of the greater Number of Pettanadars.						TOTAL.				
		Number of Villages.	Number of Pettanadars.	Annual Allowance according to the Scale.	Average per 1 Pettanadar.	Number of Villages.	Number of Pettanadars.	Allowance according to the Scale.		Addition to be given as Compensation.	Total of Columns 9 and 10.	Average Allowance per 1 Pettanadar as per Columns 8 and 11.	Number of Villages.	Number of Pettanadars.	Of Columns 6 and 11.	Average per 1 Pettanadar, as per Columns 14 and 16.
								Allowance.	Average per 1 Pettanadar.							
1.	2.	3.	4.	5. Rs. a.	6. Rs. a.	7.	8.	9. Rs. a. Rs. a.		10. Rs. a.	11. Rs. a.	12. Rs.	13.	14.	15. Rs. a.	16. Rs. a.
Of 750 rupees -	5	85	183	2,078 -	15 10	111	289	2,334 -	8 1	1,134 8	3,468 8	12	106	422	5,541 8	13 2
Of 1,500 rupees -	6	81	170	3,129 -	18 6	97	347	3,618 -	10 7	1,587 6	5,205 6	15	178	617	8,334 6	16 2
Of 3,000 rupees -	10	53	110	2,746 8	24 15	121	469	6,361 8	18 9	8,018 8	9,379 11	20	174	579	12,126 3	20 15
Of 6,000 rupees -	10	9	21	621 -	29 10	107	458	7,269 -	15 14	4,181 11	11,450 11	25	116	479	12,071 11	25 3
Upwards of 6,000 rupees.	8	2	7	198 -	28 5	6	41	594 -	14 8	481 4	1,025 4	25	8	48	1,223 4	25 8
TOTAL - -	38	230	441	8,767 8	19 14	442	1,604	21,176 8	12 9	10,353 -	30,527 8	19	672	2,045	39,297 -	19 8

Thus in 215 villages the scale affords 8,092½ rupees to the existing pettanadars, which is considered sufficient, but in 457 an increase of 10,353 rupees will be required over and above the 20,851½ rupees allowed by the scale, making a total charge for the whole body of 39,297 rupees, which exceeds the Ceded District scale by 2,200 rupees.

28. But as one of the pettanadars must be selected to perform the duties of village moonsiff under Regulation IV. of 1816, and of village head of police under Regulation XI. of 1816, reason and fairness demand that some difference should be made between him and his fellow pettanadars. This can only be managed by a small addition to his salary, which may be accomplished either by allowing a uniform fixed salary for these officers in all villages, or by proportioning the sum to the revenue of the particular village.

29. In the annexed statement both these principles are applied, the graduated rates rising from 4 rupees per annum in small villages to 10 in the largest, and the fixed additional salaries being calculated at 5, 9, and 12 rupees per annum.

Divisions or Groups of Villages.	No. of Villages.	Villages requiring no Increase of Allowance.	Villages requiring Increase of Allowance to the Mooniffs.	Graduated Scale of Increase.	Total Amount of Allowance to the Villages in Column 4.	Increase at a fixed Rate of 5 Rupees per Village.	Increase at a fixed Rate of 9 Rupees per Village.	Increase at a fixed Rate of 12 Rupees per Village.
1.	2.	3.	4.	5.	6.	7.	8.	9.
Of 750 Rupees - -	196	37	159	4	636	795	1,431	1,908
" 1,500 " - -	178	7	171	5	855	855	1,539	2,052
" 3,000 " - -	174	3	171	7	1,197	855	1,539	2,052
" 6,000 " - -	116	-	116	9	1,044	580	1,044	1,392
Upwards of 6,000 Rupees	8	-	8	10	80	40	72	96
TOTAL - -	672	47	625		3,812	3,125	5,625	7,500

30. Such an addition would raise the charge from 43,000 to 47,000 rupees, or something more than 3 per cent. on the revenue.

ITEMS.	Revenue.	ALLOWANCE			Centage of Allowance in Column 5 on the Revenue in Column 2.
		To Pettanadars.	To Mooniffs.	Total.	
1.	2.	3.	4.	5.	6.
Amount of Pettanadars' Allowance, with Increase to Mooniffs, according to the Scale - - - - -	Rs.	Rs.	Rs.	Rs.	Rs. a. p.
Amount of Pettanadars' Allowance, at a fixed Salary to Mooniffs of 5 Rupees per Village - - - - -	- - - - -	- - - - -	3,804	43,101	3 1 9
Amount of Pettanadars' Allowance, with a fixed Salary to Mooniffs of 9 Rupees - - - - -	13,86,163	39,297	3,125	42,422	-
Amount of Pettanadars' Allowance, with a fixed Salary to Mooniffs of 12 Rupees - - - - -	- - - - -	- - - - -	5,625	44,922	3 3 10
	- - - - -	- - - - -	7,500	46,797	3 6 -

31. I am aware that many objections may be urged to the above calculations, particularly with reference to the inequality observable in the proportion of remuneration which falls to persons performing the same duties in different villages. But we are dealing with a state of things which has grown up with the lapse of time, and which cannot be swept away, to make room for a more symmetrical arrangement, without injustice to individuals, and an interference with long-established institutions repugnant to the habits and feelings of the whole body of cultivators.

32. The scale of remuneration which has been proposed is believed to be on a liberal scale, and sufficient to secure the willing co-operation of the parties interested. It should be granted in the shape of a deduction from the puttah. The charge, however, may be easily modified by altering the minimum rates, as in the following statement, where they are taken at 10, 12, 15, and 20.

Divisions, or Groups of Villages.	Classes as per Scale.	In which the Allowance is deemed sufficient.				In which it is insufficient on Account of the greater Number of Pettendars.							TOTAL.			
		Number of Villages.	Number of Pettendars.	Annual Allowance according to the Scale.	Average per 1 Pettendar.	Number of Villages.	Number of Pettendars.	Allowance according to the Scale.		Addition to be given as Compensation.	Total of Columns 9 and 10.	Average Allowance per 1 Pettendar, as per Columns 8 and 9.	Number of Villages.	Number of Pettendars.	Of Columns 5 and 11.	Average per 1 Pettendar, as per Columns 14 and 15.
								Allowance.	Average per 1 Pettendar.							
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
Of 750 rupees -	5	126	228	Rs. a. 3,051 -	Rs. a. 13 6	70	194	Rs. a. 1,356 -	Rs. a. 7 -	Rs. a. 584 8	Rs. a. 1,940 8	Rs. 10	196	422	Rs. a. 4,991 8	Rs. a. 11 13
Of 1,500 rupees -	5	129	314	4,986 -	15 14	49	203	1,761 -	8 10	675 6	2,436 6	12	178	517	7,422 6	14 5
Of 3,000 rupees -	10	124	327	6,447 -	19 12	50	252	2,661 -	10 7	1,118 11	3,779 11	15	174	579	10,226 11	17 12
Of 6,000 rupees -	10	46	132	3,063 -	23 3	70	347	4,827 -	13 15	2,113 4	6,940 4	20	116	479	10,003 4	25 14
Upwards of 6,000 rupees -	8	3	11	288 -	26 3	5	37	504 -	13 10	236 4	740 4	20	8	48	1,028 4	21 6
TOTAL - -	38	428	1,012	17,835 -	17 10	244	1,038	11,109 -	10 12	4,728 1	15,897 1	15	672	2,045	38,672 1	16 7

This will give a charge of 33,672 rupees, or very nearly the amount of the revised scale No. 1., which will be raised to about 38,000 rupees by the additional pay to the moonsiffs and heads of village police.

33. Provision may be made for modifying the number of pettendars to be recognised hereafter, and in villages where the present number is in excess of that required, collectors may be desired to see whether they cannot be reduced within proper limits. Although, considered to be a hereditary institution, the number are found to fluctuate occasionally with reference to the circumstances of individuals or of the village.

Curnums.

From Collector, Guntoor, 31 March 1849.
Board's Proceedings 7 June 1849.

34. Three schemes have been suggested for the reform of the curnum's office, viz., 1st, by regulating the remuneration of the office according to the Ceded District scale; 2dly, by the modification of it according to which pagodas are taken as rupees; and 3dly, by the proposition of Mr. Stokes, that each officiating curnum should receive a monthly salary of three rupees, to be augmented by a commission of 2 per cent. on the preceding year's collection, or in case of a bad year, on the average of three preceding fair seasons.

From Collector,
31 March 1849,
in Consultation
7 June, para. 6.

35. The first is liable to the objection noticed in the case of moonsiffs, that it is prepared in an inconvenient and obsolete currency; the second is admitted by Mr. Stokes himself to be inadequate, and though recommended by him for moonsiffs, he considers that the Bellary rates must be retained for curnums. This induces a further objection, arising out of the anomaly of employing a principle for one class of functionaries differing essentially from that applied to another. The 3d scheme has many recommendations in its favour. It secures the enjoyment of the whole remuneration to the individual actually performing the duty; the per-centage on the collections gives the incumbent a direct interest in the prosperity of the village, and is a revival of the old item of emolument enjoyed by hereditary revenue officers under the name of "roossum," while the adjustment of the whole by a deduction from the assessment on the Government lands in the occupation of the individual

Extract Commissioner's Proceedings 19 ultimo.

	<i>Rupees.</i>
According to Mr. Stokes' scale - - -	1,028
According to Bellary scale - - -	7,052
Excess in former - - -	3,176

or 31 per cent.

converts the balance into a quit rent, and creates a favourable tenure also in accordance with the original constitution of the office. But on the other hand, the measure requires the resumption of all present emoluments, an interference with proprietary rights which can only be viewed as an act of spoliation. The charge will also be much heavier than even that involved in the Ceded District scale. According to the calculations prepared for the Palnad curnums, the excess there would have been one-third. For these reasons, its application to districts like Guntoor and Rajahmundry, where it would occasion extensive changes, cannot be recommended, however appropriate in those where the office has to be newly endowed, as in Masulipatam.

Bellary Scale.		Present Proposal.	
Classes.	Rates of Increase per Cent.	Classes.	Rates of Increase per Cent.
	<i>Rs. a.</i>		<i>Rs. a.</i>
2	4 -	5	3 -
1	5 -	10	2 -
2	1 8	10	1 -
4	2 8	14	- 8
4	3 -	—	—
2	2 -	—	—
10	1 6	—	—
14	- 9½	—	—
39		39	

From Collector, 30 December 1852.

To Collector, 6 January 1852.

To Acting Collector, 26 February 1853.

From Collector, 27 April 1853.

From Collector, 23 May 1853.

From Collector, 18 June 1853.

36. A new scale has therefore been devised to reconcile all difficulties, which will be found to yield a result approximating to the Ceded District standard. The principle on which it is prepared is shown in the margin. Excluding the 6 minimum classes, the Bellary scale exhibits 8 grades of irregular increment, from 9½ annas to 4 rupees, while the proposed standard has only 4.

* Note.—As reduced at the rate of Rs. 2. 14. 8. per pagoda.

37. The late acting collector has submitted accounts of the present emoluments of the curnums in Guntoor proper, as required by para. 20 of Extract Minutes Consultation, 2d August 1849, and those of Rajahmundry were procured during the last circuit in that district. Those of Masulipatam, as observed above, are nil or nearly so, and although detailed accounts have not been furnished from Vizagapatam and Ganjam, the information procured suffices for a general view of the condition of the office in them.

Note.—Exclusion of Palnad.

38. From the annexed statement, prepared from the accounts forwarded by the acting collector of Guntoor, it will be seen that in 401 villages of Guntoor Proper, the curnums enjoy remuneration in lands and fees of grain (Seelagalu) or money wartana, averaging 10 or 35 per cent. on the revenue; that in 17 villages they possess lands only, causing a charge of 6 per cent., and in 328 villages they receive fees alone estimated at 30,221 rupees, or 3.78 per cent. on the demand, giving a total of 88,045 rupees, or an average charge of 6.5 per cent.

Number.	TALOOKS.	Villages in which Curnums enjoy Enam Lands and Fees.				Villages in which Curnums hold Enam Lands alone.				Villages in which Curnums enjoy Fees				TOTAL.			
		2. Number of Villages.	3. Revenue of 1258 Fusly, inclusive of Moturpha.	4. Profits, exclusive of Cuttoobady or Quit-rent.	5. Centage of Column 3 on Column 4.	6. Number of Villages.	7. Revenue of 1258 Fusly, inclusive of Moturpha.	8. Profits, exclusive of Cuttoobady or Quit-rent.	9. Centage of Column 8 on Column 7.	10. Number of Villages.	11. Revenue of 1258 Fusly, inclusive of Moturpha.	12. Profits, exclusive of Cuttoobady or Quit-rent.	13. Centage of Column 12 on Column 11.	14. Number of Villages.	15. Revenue of 1258 Fusly, inclusive of Moturpha.	16. Profits, exclusive of Cuttoobady or Quit-rent.	17. Centage of Column 16 on Column 15.
1.			Rs.	Rs.	Rs.		Rs.	Rs.	Rs.		Rs.	Rs.	Rs.		Rs.	Rs.	Rs.
1	Prettepad - - -	11	29,821	1,986	6.66	-	-	-	-	31	1,26,642	4,101	3.24	42	1,56,463	6,087	3.88
2	Mungalagherry - - -	17	35,003	1,533	4.38	-	-	-	-	40	1,17,507	4,782	4.07	66	1,52,510	6,315	4.14
3	Banputta - - -	5	17,027	1,829	10.74	-	-	-	-	16	97,215	2,891	2.97	21	1,14,242	4,720	4.13
4	Ponnoor - - -	29	61,670	4,246	6.88	-	-	-	-	29	62,047	2,858	4.54	58	1,24,617	7,104	5.69
5	Martoor - - -	52	1,05,176	12,205	11.60	1	1,456	109	7.46	2	8,638	74	0.86	55	1,15,270	12,478	10.82
6	Reypully - - -	10	17,969	1,038	5.78	-	-	-	-	59	92,096	4,652	5.04	60	1,10,065	5,990	5.17
7	Tenally - - -	-	-	-	-	-	-	-	-	46	1,29,999	6,186	4.75	46	1,29,999	6,187	4.75
8	Guntoor - - -	37	54,696	4,236	7.75	-	-	-	-	20	44,886	1,671	3.71	57	99,582	5,906	5.98
9	Coorpad - - -	62	49,900	5,158	10.34	7	608	85	12.73	53	78,033	2,091	2.68	122	1,28,601	7,334	5.70
10	Condaveed - - -	28	48,831	2,691	5.51	3	3,847	77	1.99	11	19,321	519	2.69	42	72,001	3,287	4.56
11	Narsarowpett - - -	71	74,045	10,619	14.34	-	-	-	-	9	9,564	236	2.47	80	83,609	10,855	12.98
12	Innaconda - - -	77	60,108	11,595	19.29	6	985	154	15.68	-	-	-	83	61,093	11,749	19.22	
13	Villages appertaining to the Talook of Datchepilly - - -	2	889	173	19.50	-	-	-	-	1	3,905	100	4.09	3	4,794	333	6.95
	TOTAL - - -	401	5,55,135	57,399	1.34	17	6,956	425	6.10	326	7,90,755	30,221	3.82	744	13,52,846	88,045	5.50

Not only are the emoluments thus various in kind, and irregularly distributed, but their value varies greatly in different parts of the district, averaging from 3 to 19 per cent. in different talooks. The charge, however, includes the deduction known by the name of Wandra (11,128 rupees), an unauthorised innovation of recent origin, and the calculation of the receipts from fees cannot be relied on. Taking the emoluments, however, as returned by the acting collector, the following will be the effect produced by substituting for them the different scales of remuneration under consideration.

SCALE.	Allowances payable to Curnum according to Scale.	Emoluments was enjoyed by the Curnums.						Comparison between Columns 2 and 8.			
		Net outturn of the Enams after deducting Cuttobady.	Seelagalu, &c.				Total of Col. 3 & 7.	According to the Circumstances of each Village.		Net Results.	
			Grain.	In ready Money.	Wandra discontinued.	TOTAL.		Excess to be resumed.	Deficiency to be made up.	Net Excess.	Net Deficiency.
1. As per Ceded District Caunteroy Pagoda - -	49,171 8	-	-	-	-	-	-	43,782½	4,913	38,873½	-
2. As per ditto ditto, considered as rupees - -	28,906 -	38,244	10,598	28,075	11,128	49,801	88,045	60,158½	1,019½	59,139	-
3. As per Scale now proposed - -	45,865 8	-	-	-	-	-	-	46,289½	4,110	42,179½	-

On the scale recommended in para. 35, the value of the advantages now enjoyed by this class which would have to be resumed will be 46,289½ rupees on nearly one-half. But as the curnum have no right to the deduction in column 6 (wandra), and the fees are properly voluntary contributions by the ryots, the same objection does not apply to the discontinuance of these items as to the resumption of the enam lands. Should it be determined to abstain from interference with the lands as far as they may be supported by good titles, and to make up the salary in every instance to the scale proposed in para. 35, the result will be as follows.

According to the Different Scales.	Allowance according to the Scale.	Revenue of Land in the enjoyment of Curnums, after deducting Cuttubady.	Amount enjoyed in excess of Rates.	Deficiency to be made up according to Scale.	NET	
					Increase.	Decrease.
1.	2.	3.	4.	5.	6.	7.
The Cantaroy Pagoda Scale of Ceded Districts - - -	Rs. a. p. 49,171 8 -	Rupees. 38,244	Rs. a. p. 20,933 - -	Rs. a. p. 31,860 8 -	Rupees. - -	Rs. a. p. 10,927 8 -
Ditto, considered as rupees ditto - - -	28,906 - -	38,244	26,129 12 -	16,791 12 -	9,338	-
Ditto per proposed Scale, No. 1 - - -	45,865 8 -	38,244	21,485 8 -	29,107 - -	- -	7,621 8 -

The total charge according to the proposed scale No. 1 would thus amount to 67,951 rupees, or 5 per cent. on the revenue, and the excess above the scale would be 21,485 rupees, but there can be little doubt that this large excess will suffer diminution when the titles of the land now under enjoyment are examined, and that the pending investigation of enams will bring to light many usurpations and encroachments in this as well as in other descriptions of rent-free tenures. The habit of paying in fees for services rendered has prevailed for so long a time that it will hardly be possible altogether to put a stop to it. The curnum has it in his power to perform many acts useful and necessary to the ryot, so that it is an object with the latter to conciliate his good will, and as the other village servants

servants will continue to receive their fees as usual, it will be difficult to prevent the receipt of them by the curnum also. I at one time thought of recommending that it should still be left optional with the ryots to give or withhold the payment of fees, but it will leave an opening for reverting to the habit of levying Rajah Khurch, which ought to be closed.

39. But the greatest bar to the efficiency of the curnum's office is the abuse which has gradually crept in, and now prevails very generally, of partitioning the emoluments of the office among all the members of the family. The evil of this state of things has been fully exposed by Sir Henry Montgomery, in his Report on the Curnums of Rajahmundry. The following statement exhibits the present condition in this respect of the office in Guntoor and Rajahmundry, the districts where the abuse has reached the greatest height.

Dated 29 June 1844.

Districts.	ITEMS.	Number of Individuals.	Land.	Sist.	OTHER EMOLUMENTS.				GRAND TOTAL.
					Money Allowance.	Fees.	Wandra.	Total.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Guntoor -	Curnums officiating -	1,780	Acres. 16,324	Rs. 16,737	Rs. 29,336	Rs. 6,592	Rs. 11,128	Rs. 47,056	Rs. 63,793
	" non-officiating -	2,371	20,245	21,507	2,012	733	-	2,745	24,252
		4,151	36,674	38,244	31,348	7,325	11,128	49,801	88,045
Rajahmundry -	Curnums officiating -	1,396	19,720	42,683	663	7,322	-	7,985	50,668
	" non-officiating -	3,377	22,928	46,774	-	250	-	250	47,024
		4,773	42,648	89,457	663	7,572	-	8,235	97,692

Comment on such a state of things is superfluous. No one will dispute that a remedy is urgently called for, but the difficulty is how to apply it. Sir Henry Montgomery submitted four propositions as the result of his reflections on the subject.

- 1st. That the emoluments of the office should be declared inseparable from the performance of the duties.
- 2d. That where they were excessive the surplus should be applied to make up deficiencies elsewhere.
- 3d. That on conviction of gross fraud, the heirs of the offender should be excluded from succession.
- 4th. That females should be held incapable of succeeding.

40. These provisions are unobjectionable in the abstract, but an immediate enforcement of the two first would be productive of much distress, and not unreasonable discontent. For its effect in the two districts more immediately under consideration would be, as shown in the preceding para., to deprive from 5,000 to 6,000 families of their present means of support. As the evil has been allowed to spring up by degrees, so it should gradually be abated. Moreover, as the present state of things has been sanctioned by long sufferance, and as in many instances the subdivisions have taken place by decisions of courts of law, under Regulation XXIX. of 1802, during the prevalence of the zemindary tenure, it is very doubtful whether the Government is competent to carry out such a general measure of resumption without the sanction of a special enactment for the purpose. Such a law exists under the Presidency of Bombay, and in the belief that a similar enactment is urgently called for here, I submit a draught of the points which appear applicable to the state of things in this Presidency. It will be observed that I do not contemplate an immediate resumption of the misappropriated lands, but only such provisions as will tend to bring them back to the head of the family.

Reg. XVI. of 1827, chap. 3.
Act XI. of 1843.
Enclosure A.

41. A calculation has been made of the probable charge to be incurred for rendering the offices of head man and curnum efficient in all the Government villages of the circars, the result of which will be found below.

Items.	No.	DISTRICTS.	REVENUE.			REVISED ALLOWANCES.					CENTAGE ON THE REVENUE.			PRESENT ALLOWANCES.				
			Number of Villages.	Amount of Settled Demand.	Average.	As per Bellary Scale of Cantaroy Pagodas.	Cantaroy Pagodas considered as Rupees.	Proposed Scales.			As per Bellary Scale of Cantaroy Pagodas.	Cantaroy Pagodas considered as Rupees.	Proposed Scale.			Enam Lands.	Meranartanums, including Money Allowances.	TOTAL.
								First Scale.	Second Scale.	Third Scale.			No. 1.	No. 2.	No. 3.			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.		
Moonsiffs.	1	Gunjam - - -	660	Rs. 4,59,647	696	Rs. 17,295	Rs. 12,403	Rs. 16,381	Rs. 15,072	Rs. 16,780	Rs. 3.076	Rs. 2.070	Rs. 3.050	Rs. 3.048	Rs. 3.043	Rs. 7,917	Rs. 1,912	Rs. 9,829
	2	Vizagapatam - - -	251	2,61,099	1,040	8,870	5,888	8,196	7,919	7,726	3.030	2.025	3.014	3.003	3.000	5,645	0	5,645
	3	Rajahmundry - - -	710	14,32,646	2,018	38,418	22,805	34,331	32,540	30,094	2.008	1.060	2.040	2.027	2.010	1,809	21,041	22,850
	4	Masulipatam - - -	583	7,15,245	1,227	22,221	14,354	20,394	19,574	18,717	3.011	2.001	2.085	2.074	2.002	[312]	[1,080]	[1,992]
	5	Guntoor - - -	862	15,40,366	1,787	42,892	25,935	38,582	36,640	34,335	2.079	1.068	2.051	2.038	2.022	528	-	528
		TOTAL - - -	3,066	44,09,003	1,438	1,29,696	81,385	1,17,884	1,12,654	1,00,552	2.094	1.085	2.068	2.055	2.041	10,211	24,039	40,850
Curums.	1	Gunjam - - -	660	4,59,647	696	25,268	17,199	24,011	- - -	- - -	5.052	3.074	5.085	- - -	- - -	12,895	9,815	22,710
	2	Vizagapatam - - -	251	2,61,099	1,040	12,664	7,887	12,179	- - -	- - -	4.085	3.002	4.066	- - -	- - -	21,558	4,448	26,006
	3	Rajahmundry - - -	710	14,32,646	2,018	52,788	30,369	48,905	- - -	- - -	3.069	2.012	3.041	- - -	- - -	69,457	8,235	97,692
	4	Masulipatam - - -	583	7,15,245	1,227	31,398	19,434	29,840	- - -	- - -	4.039	2.072	4.017	- - -	- - -	[8,908]	[28,072]	[36,980]
	5	Guntoor - - -	862	15,40,366	1,787	59,171	34,652	55,261	- - -	- - -	3.084	2.025	3.059	- - -	- - -	46,074	55,810	1,01,884
		TOTAL - - -	3,066	44,09,003	1,438	1,81,289	1,09,541	1,70,796	- - -	- - -	4.011	2.049	3,088	- - -	- - -	1,28,892	1,06,380	2,85,272
			622	37,857	Villages whose revenue is below 150 rupees, not included because they are generally dependent on the larger villages, or if not may be made so.													
	GRAND TOTAL - - -	3,688	44,46,862	<p>Note.—The figures between brackets [] entered in columns 16 and 17 are not quite correct, having been taken from such records as were at hand. The emoluments enjoyed by the village officers in the recently acquired estates of Pentapad and Nedadavole are not included, there being no accounts of those estates in this office.</p>														

Thus, the total charge for head men, required by the new scale No. 1, will be about 1,17,884 rupees, or something more than two per cent. of the revenue; that for curnums comes to 1,70,796 rupees, or a little above three per cent. The recognition of the office of pettanadars will raise the former charge to three per cent. It will be perceived that the charge is in an inverse ratio to the size and importance of the village, a necessary consequence of the principle on which the scales are drawn. The ratio of charge will, therefore, diminish as the country improves. The revenue on which the calculations are framed is the settled demand of 1,260 fusly, with the exception of a few villages in Masulipatam (belonging to estates which lapsed in that year), where the revenue taken is that of 1,261 fusly. The present emoluments of the village officers in these have not been ascertained. The sums given for that district in columns 15, 16 and 17 are therefore incomplete.

42. The returns called for regarding the offices of village watchers and vetties have not been received. The following remarks are necessarily therefore incomplete.

Talliarics and Vetties.

43. The persons filling these offices in other parts of India generally belong to aboriginal races, which have been reduced to slavery, or driven to wilds and fastnesses by later intruders. But, as observed above, this is not generally the case in the Circars with regard to the talliarics, except in Ganjam and a small part of Guntoor. In Ganjam, the dundasis are of the pariah caste, and number 488 individuals in 489 villages; but in 58 villages the office is held by sirdras. Their duties are, to attend to all matters of police, to watch crops and protect them from plunder, and to aid in collecting the revenue.

Note.—As the Bhillis and Kulis of Central India. The Ramoossies of the Dekhan. The Bedars, Marawars Kullers, &c., of the south, and the Dhers, Maugs, Malas, and various designations of Pariahs.

Talliarics.

44. In the remaining four districts (with the exception of the Bapetlah Talliarics in Guntoor), there is no such office properly so called; but the duties are in part performed by persons of caste, of comparatively recent appointment, Mussalmans, Telingas, &c. In Ganjam, Vizagapatam and part of Rajahmundry, the village barber is also required to serve as watchman and guardian.

45. One such officer is indispensably necessary in every village, with the exception of the very smallest, and two or more in those of larger size. Their services to the ryots will always secure to them the customary gift of grain fees, a practice free from objection. In addition to this they should receive a salary from the State of from 18 to 24 rupees a year, according to the size and revenue of the village. Where they hold lands on valid titles, they should be left undisturbed, and the income derived from them be deducted from their money allowance. These data applied to the whole number of villages in the Circars, with the exception of those yielding less than 150 rupees of revenue, will give the results noted in the margin, or a charge of 82,482 rupees will be required for the payment of 3,934 watchmen in 3,066 villages.

CLASSIFICATION or VILLAGES.	TOTAL of the Five Districts.				
	2. Number of Villages.	3. Number of Servants required to each Village in each Class.	4. Total Number of Servants.	5. Allowance to each Servant per Annum.	6. Total Amount of Allowance per Annum.
1.					
With a revenue not exceeding - 750 rupees	1,531	1	1,531	Rs. 16	Rs. 27,558
1,500 "	687	1	687	20	13,740
3,000 "	532	2	1,064	24	25,536
6,000 "	296	2	592	24	14,208
Above - 6,000 "	20	3	60	24	1,440
TOTAL - - -	3,066	-	3,934	-	82,482
Under - 150 rupees	622				

46. The particulars for each District are shown in the annexed Statement :

Classification of Villages. 1.	Ganjam.			Vizagapatam.			Rajahmundry.			Masulipatam.			Guntoor.		
	Number of Villages.	Number of Servants required.	Amount of Annual Allowance to these.	Number of Villages.	Number of Servants required.	Amount of Annual Allowance to these.	Number of Villages.	Number of Servants required.	Amount of Annual Allowance to these.	Number of Villages.	Number of Servants required.	Amount of Annual Allowance to these.	Number of Villages.	Number of Servants required.	Amount of Annual Allowance to these.
	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.
Not exceeding 750 rupees	510	510	Rs. 9,180	147	147	2,646	218	218	3,924	325	325	5,350	331	331	5,958
1,500 "	105	105	2,100	63	63	1,260	185	185	3,700	128	128	2,560	206	206	4,120
3,000 "	37	74	1,776	34	68	1,632	176	352	8,448	86	172	4,128	199	398	9,552
6,000 "	8	16	384	6	12	288	123	246	5,904	42	84	3,016	117	234	5,616
above 6,000 "	-	-	-	1	3	72	8	24	576	2	6	144	9	27	648
TOTAL - -	660	705	13,440	251	293	5,898	710	1,025	22,552	583	715	14,698	862	1,196	25,894

The emoluments at present enjoyed by this class are very imperfectly known. The following Statement shows them as far as at present ascertained. The valuation of the grain fees in Ganjam is a mere estimate, and a very arbitrary one, evidently far below the truth. No estimate has been obtained for the other districts, although there also the same privileges are enjoyed. The money allowances are only known exactly for Guntoor. In para. 18 of my Proceedings of the 19th ultimo, it will be observed that the amount proposed by Mr. Stokes to make up the allowances of the mohtads, was 20,402 rupees for Guntoor Proper. The present calculation, including Palnad, is 25,894 rupees.

Districts.	Present Estimate.			PRESENT ENJOYMENT.							
	Number of Villages.	Number of Servants.	Amount of Allowance.	Number of Villages.	Remarks.	Number of Servants.	Produce of Esam Lands.	Ruzsums.			GRAND TOTAL.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Ganjam - -	660	705	Rs. 13,440	547	-- Exclusive of the Hoondahs of Cutchmepooram and Polaky.	547	Rs. 2,946	Rs. 1,475	Rs. 225	Rs. 1,700	Rs. 4,046
Vizagapatam -	251	293	5,898	-	- - -	-	796	28	-	28	82
Rajahmundry -	710	1,025	22,552	-	- - -	-	-	-	2,849	-	-
Masulipatam -	583	715	14,698	601	-- Exclusive of Railangly and Pentapad Talook.	-	2,585	-	-	6,103	8,688
Guntoor - -	862	1,196	25,894	744	-- Exclusive of Palnad.	478	8,000	-	12,070	12,070	20,130
TOTAL - -	3,066	3,934	82,482								
Villages bearing suits below 150 rupees - -	622										
GRAND TOTAL	3,688										

47. Although

Vetties.

47. Although the lowest of village officers, the vetties are not the least useful. They may emphatically be described as the village slaves, the hardest worked and worst paid members of the community. Their functions are both revenue and police. They take part in all duties of watching, whether public property or the crops of the ryots; they assist in the collections, carry messages, show the road, transport records and all burthens on behalf of the village, serve the post either as carriers of cross-posts, or attending the regular dāk runners at night with lights, and perform every sort of miscellaneous service required by or for the community. They are generally of two descriptions, pariahs (malas), and curriers (madigas), the latter supplying the ryots with sandals and all manner of leathern articles required in their forms. Both descriptions live apart from the rest of the inhabitants, in detached hamlets, and although the official enam, where in existence, is only in the name of one or two, the whole body, often amounting to many families, is called upon to assist in performing the multifarious services to which the vettie is liable. This provision is generally very inadequate, but the amount is made up in some degree by the liberality of the ryots, each of whom bestows fees of grain on the individual vetti who has been most useful to him.

48. No proposition has been submitted for the remuneration of this class of servants. The arrangement which I would recommend is, to allow a certain extent of land, according to the size of the village, to be enjoyed free of rent by the whole body of vetties, as the vetti manyem, and to select one or more individuals as the recognised or official vetti officer, each of whom should receive a salary of 12 rupees a year in money, the financial result of which will be as follows:

CLASSIFICATION OF VILLAGES.	TOTAL OF THE FIVE DISTRICTS.					OF WHICH PARTICULARS.														
	Number of Villages.	Number of Servants required to each Village in each Class.	Total Number of Servants required.	All-wance to each Servant per Annum.	Total Amount of Allowance per Annum.	GANJAM.			VIZAGAPATAM.			RAJAHMUNDRY.			MASULIPATAM.			GUNTOOR.		
						Number of Villages.	Number of Servants.	Amount of Annual Allowance.	Number of Villages.	Number of Servants.	Amount of Annual Allowance.	Number of Villages.	Number of Servants.	Amount of Annual Allowance.	Number of Villages.	Number of Servants.	Amount of Annual Allowance.	Number of Villages.	Number of Servants.	Amount of Annual Allowance.
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.	20.	21.
Rs.				Rs.	Rs.			Rs.			Rs.			Rs.			Rs.			Rs.
1,050 - -	1,865	1	1,865	12	22,380	562	562	6,744	174	174	2,088	311	311	3,732	397	397	4,764	421	421	5,052
3,000 - -	885	2	1,770	12	21,240	90	180	2,160	70	140	1,680	268	536	6,432	142	284	3,408	315	630	7,560
6,000 - -	296	3	588	12	10,656	8	24	288	6	18	216	123	369	4,428	42	126	1,512	117	351	4,212
Above 6,000 - -	20	4	80	12	960	-	-	-	1	4	48	8	32	384	2	8	96	9	36	432
TOTAL -	3,006	-	4,603	-	55,236	660	766	9,192	251	336	4,032	710	1,248	14,976	583	815	9,780	862	1,438	17,256
Rs.																				
Under 150 - -	622																			
GRAND TOTAL -	3,628																			

49. The present emoluments of the vetties have only been partially ascertained. They are shown below as far as known.

Districts.	Present Estimate.			PRESENT ENJOYMENT.							
	Number of Villages.	Number of Servants.	Amount of Allowance.	Number of Villages.	Remarks.	Number of Servants.	Produce of the Enam Lands.	Russums.			GRAND TOTAL.
								Maralu.	Ready Money.	TOTAL.	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
Ganjam - -	660	766	Rs. 9,192	646	-- Excluding the hoonahs of Lutchimipuram and Poloky.	701	Rs. 3,679	Rs. 1,953	Rs. 171	Rs. 2,124	Rs. 5,803
Vizagapatam -	251	336	4,032	-	- - -	-	4,500	1,218	-	1,218	5,718
Rajahmundry -	710	1,248	14,976	-	- - -	-	-	-	-	-	-
Masulipatam -	583	815	9,780	638	-- Exclusive of the talooks of Pentapad and Ralungy.	-	3,462	-	-	3,080	7,142
Guntoor - -	862	1,438	17,256	696	-- Exclusive of Palnad.	-	11,634	15,455	1,175	16,640	28,274
TOTAL - -	3,066	4,603	55,236								

The extent of land already allowed is considerable, and should not be touched. In villages where none is enjoyed it should be given. It is not proposed to make any deductions on account of the profits of the land from the money paid as salary. The number of persons to be supported is so considerable, and they are all so poor, that even with the addition recommended, they will still continue an indigent race.

50 The total charge for the four description of village officers above described

DISTRICTS.	Salaries to Mooniffs according to the First Scale.	Salaries to Curnum.	Salaries to Mohataits.	Salaries to Vetties.	TOTAL Charges.
1.	2.	3.	4.	4.	6.
	Rs.	Rs.	Rs.	Rs.	Rs.
Ganjam - -	16,381	24,611	13,440	9,192	63,624
Vizagapatam -	8,196	12,179	5,898	4,032	30,305
Rajahmundry -	34,381	48,905	22,552	14,976	1,20,764
Masulipatam -	20,394	29,840	14,698	9,780	74,712
Guntoor - -	38,582	55,261	25,894	17,256	1,36,993
TOTAL - -	117,884	170,796	82,482	55,236	4,26,398.

will, on the calculations submitted, amount to 4,26,398 rupees; a large sum, if constituting by so much a diminution of the public resources. But it must be remembered that all these persons are already living at the public expense. When the authorised allowance appended to the office is insufficient, it is eked out by unlawful appropriations of what would otherwise find its way into the public treasury. The effect, therefore, of providing adequate remuneration for the several offices will be to relieve the revenue from depredation, and to promote the efficient dis-

charge of those services by which its realisation is secured.

51. In the foregoing observations I have endeavoured to give such a description of the village establishments in the Northern Circars as may enable the Government, on a consideration of their deficiencies, and of the cost of supplying them, to lay down some general rule by which the collectors may be guided in their proceedings for the purpose. The points to be determined are:

1. A standard of allowance for each office.
2. The degree to which existing emoluments are to be respected.
3. The recognition of the existing heads of villages called pettanadars, or the restriction of the office to a single individual, or to the number allowed in large villages elsewhere.
4. The consolidation of the curnum enams where parcelled out infinitesimally.

DRAFT of an ACT for the better Discharge of the Duties of the Office of Village Curnum under the Presidency of Fort Saint George.

WHEREAS it is found that the emoluments provided for the remuneration of the office of village curnum have been diverted from the purpose for which they were conferred by the practice of dividing and subdividing them among members of the family who perform no service; and whereas the hereditary tenure of the office has caused it to fall into the hands of improper or inefficient persons, it is hereby enacted:

Note.—The draft refers only to curnums. It is however worthy of consideration whether it might not be extended advantageously to all village hereditary officers. In some districts it is believed the patels enam has been subdivided: wherever the office is held by a Bramin such will be the case.

That the allowances enjoyed by a sole proprietor or occupant of the office of village curnum, whether derived from land, fees, money, or other source, shall in future be considered strictly as the official remuneration of the person filling the office, and as such shall not be subject to division or alienation in any manner whatsoever.

Sect. Cl. 1.

Where division has already taken place, the official emoluments enjoyed by a co-sharer shall not be liable to further subdivision, and if they revert to a sole proprietor or occupant of the office, they shall henceforth follow the provisions of the preceding clause.

Cl. 2.

The adoption of a son by any member of a curnum's family shall not entitle the individual so adopted to perform the duties of the office or to enjoy any part of the official emoluments, unless such adoption shall have been confirmed by the Governor in Council.

Cl. 3.

And it is hereby further enacted, that whenever any curnum shall be convicted of fraud or malversation under Regulation IX. of 1822, or of any criminal offence in the conduct of the duties of the office by any six removal court, it shall be lawful for the said Governor in Council to direct the confiscation of the official emoluments either wholly or in part, and after such confiscation the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the official emoluments, or any surplus portion of them, after providing for the due discharge of the duties, shall be disposed of for the benefit of the parties previously entitled thereto, or otherwise, in such manner as the said Governor in Council may direct.

Sect. 2.

And it is hereby enacted that no female shall perform in person the duties of the office of curnum.

Sect. 3.

And it is hereby enacted that if any curnum is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the collector or controlling officer to call upon him or her, or his or her guardians, to appoint a deputy, subject to his approval, and on the party or parties failing to appoint a fit deputy within a reasonable period to be named by the collector, the appointment shall be made by the said collector or controlling officer, subject to the approval of the Board of Revenue.

Sect. 4.

And it is hereby enacted that all deputies appointed to perform the duties of the curnums shall be subject to the same rules and penalties as the principals, and that the emoluments of the office shall be liable to confiscation upon the conviction under Regulation IX. of 1822, or by any criminal court of any deputy appointed by the hereditary officer, in the same manner as it would be under the 11th section of this Act upon the conviction of the hereditary officer himself.

Sect. 5.

And it is hereby enacted, that if the portion of the official emoluments enjoyed by any co-sharer in the office of curnum appointed to perform the duties of the office shall be found insufficient in the judgment of the collector to support him in the right discharge of such duties it shall be competent to the collector, or other controlling officer, at his discretion, to fix and assign a specific amount of the whole emoluments for the fit maintenance of the officiating officer or officers, leaving the remainder only subject to the claims of the other sharers.

Sect. 6.

And it is hereby enacted, that whenever it may be necessary, as hereinbefore provided, that the collector or controlling officer shall appoint a deputy to conduct the duties of the curnum's office, it shall be lawful for him at his discretion to assign to such deputy a fit remuneration from the rents and profits of the said office.

Sect. 7.

(No. 23.)

From *H. Newill*, Esq., Acting Collector of Guntoor, to *J. D. Bourdillon*, Esq., Secretary to Government, Fort St. George, dated Moondradoo Dindy, 16th June 1856, No. 32.

Sir,

• Received this day.

1. IN reply to your official memorandum of the 9th* instant, I have the honour to state, that the measure proposed by Mr. Stokes, and approved of by Government, with certain modifications, in regard to the remuneration of the village curnums in the Palnaud, were carried out in Fusly 1262, as reported in Mr. Purvis's letter of the 23d May 1853, No. 31.

2. Under this arrangement, the pay of each curnum has been fixed at three rupees a month, with an allowance of two per cent. upon the revenue of the village for the previous year. The existing emoluments were adjusted to the above standard by making up any deficiencies in their amount by remissions of quit-rent on the enams, or of assessment on other lands, or by the levy of any excess above the standard in the shape of assessment imposed upon the enams. The latter process was, however, found to operate with much severity, owing to the profits being nominal and not real on large tracts of waste enams, which were ordered by Government to be taken at their full cultivable value, and a relaxation was made in the original rule, the particulars of which will be found in the late Commissioner's proceedings of 16th October 1854, which appears to have been submitted to the Government at the time. The subject of the subsequent report to the Commissioner, dated 24th December 1855, and 27th February 1856, regarding the relinquishment of unprofitable enams, appears also from a communication from that authority to have been submitted to Government.

3. Copy of Mr. Stokes' communication, of the 18th August 1847, is forwarded herewith, as requested in para. 2 of the memorandum under reply; the several statements which accompanied it are not with the records now on circuit, but copies will be furnished shortly if required.

From *H. Stokes*, Esq., Collector of Guntoor, to the Secretary to the Board of Revenue, Fort St. George, dated Guntoor, 18th August 1847, No. 125.

Sir,

1. WITH reference to the second para. of your letter of the 14th June, and to my letter, dated 31st July 1846, on the subject of remunerating the village police, I have the honour to submit, for the consideration of the Board, the accompanying statements, Nos. 1 and 2, showing for the two talooks of the Palnaud the present emoluments of the curnums and the change that I think it would be desirable to effect. If the principle be adopted, I consider it still more desirable for the Guntoor sircar, and similar statements shall be prepared for the utter so soon as the sentiments of the Board are known.

2. It will be seen that the curnums' emoluments at present consist of enam lands paying quit-rent; sullagaloo, or fees in grain, which they collect from the ryots, originally at so much per pootty of grain as per estimated crop, but now in some cases at a fixed rate per acre; vertina, or commission from moturpha ryots at half a rupee on each loom; presents at marriages, and some other sources.

3. The system of remuneration by enam lands appears to have been recommended under the native governments by several considerations. It appears, though, it is not really less expensive. Under native governments cash salaries were always liable to be much taxed in the channels through which they were paid, and to be paid irregularly, and it was an object to render village functionaries to a great degree independent of the superior offices; but these disadvantages do not exist under our Government; and, on the other hand, service maniments seem in principle objectionable for the following reasons:—

4. The value of the remuneration is liable to constant fluctuations from the seasons,

seasons, prices, difficulty of procuring tenants, and other causes, and its real is usually less than its nominal value.

Service maniums present great temptations to fraud in the way of encroachment or sery lands, and changing the manium field for a better one; and this temptation is greater in the case of curnums than other enamdars, as they have in their own hand almost the only means of detection, the village records. They are always held as family property, and, notwithstanding the regulations to the contrary, the emoluments of office are continually diverted from their proper object to the maintenance of the rest of the family. Shares of the enam fall into the possession of widows or others who are unable to cultivate them, and the result is that both the due remuneration of the office is not received, and the quit-rent falls into arrear, or constant family disputes take place, and occupy the time and attention of the curnums, and claims to the office are continually put forward. Lastly, there is this general objection against all manium lands, that the management requires part of that time and attention which should be wholly at the command of Government.

5. The other methods by which the curnums' emoluments are made up are likewise objectionable. The levy of fees in grain from ryots is a fertile source of disputes and mutual annoyance, and it is difficult to perceive why the curnums should in any degree be permitted to be in the pay of the ryots.

6. The natural result of inadequate and irregular pay is to produce ill qualified and careless servants; under the present system, the office descends like family property, and there is little fear of losing it from personal disqualifications.

7. It may, perhaps, be thought that such a change as I am advocating is to be deprecated, as a departure from the old village institutions of the country, tending to infringe their self-preserving and independent character. The answer to this objection has already been given. Such institutions, however wisely adapted to the exigencies of native government, are unnecessary under the British Government, which proceeds on altogether different principles.

8. The following are the principles on which I propose to remodel the curnum establishments; all their present enams are to be resumed and incorporated with the shery lands. They are to be prohibited from demanding from the ryots fees, collections, or presents on any pretence whatsoever. The number of curnums in each village is to be not less than two, because if there be only one, inconvenience may frequently arise from his death, sickness, absence, or other causes, and while one may be required at the tahsildar's cutcherry, one is needed in the village to assist the village moonsiff, and for other purposes. In some few large villages three curnums will be allowed, and in still larger villages, which comprise different hamlets at some distance from one another, four are considered desirable.

9. The pay I propose to make partly fixed, and partly fluctuating, each curnum is to have three rupees per month, and commission at two per cent. on the collections of the village, to be shared equally by the curnums. This commission is to be calculated on the preceding year, and to be paid monthly along with the fixed pay.

10. The advantages of a partly sliding scale of pay appear twofold; it adapts itself to the fluctuations in the labour and responsibility of the office, and supplies to the curnums what I think will be an effectual, and in the present state of native principle almost the only effectual motive, that of personal interest, to advance the prosperity of their village.

11. I have already recommended the same principle of remuneration on the same grounds for the heads of villages, and it may not be out of place to observe that it appears to have commended itself to the judgment of the Court of Directors, from their recent suggestion on the subject of the allowances of the zemindars.

Mins. of Cons.
22 June 1847.

12. The result of the measure will be as follows: there are at present in the Palnaud 201 curnums, whose reported emoluments amount to Rs. 12,349. 13. 3., of which they derive Rs. 6,341. 6. 7. from enam lands, and Rs. 6,008. 6. 8. from the ryots. It is proposed instead to have 173 curnums, whose emoluments will consist of, as fixed salary, 6,228 rupees, and commission Rs. 3,113. 13. 3.

on the collections of Fusly 1255. In some cases at present small villages lying near each other are under the same curnums, and this is also proposed to be done in the new arrangement. To meet the proposed disbursements the assessment on enain lands now under cultivation will yield Rs. 6,341. 6. 7., and a further sum of Rs. 1,518. 4. 8. when the lands now waste may be cultivated; the proportion of waste and uncultivated is shown in the margin. The ryots will be relieved from an annual charge of Rs. 6,008. 6. 8., and there will be an increase of charge to the Government of Rs. 1,482. 2. I strongly recommend that this may be borne by Government, but if this cannot be, the difference should be added to the present sist. The present highest monthly receipts of an individual curnum is Rs. 21. 7. 5., and the lowest Rs. 0. 2. 8.; as proposed, the highest will be Rs. 6. 1. 4., and the lowest Rs. 3. 6. 2.

Cultivated
Waste

A.	c.
- 10,081	22
- 2,110	16
<u>12,191</u>	<u>38</u>

13. With respect to the remaining enams enjoyed by village functionaries who perform no public service, such as washermen, barbers, smiths, potters, &c., I think they should be resumed on the demise of the present incumbents. The enams of the village vetty people may be continued.

(True copy.)

(signed)

H. Newill,
Acting Collector.

(No. 24.)

ORDER thereon, No. 489; dated 17 April 1858.

Para. 1. On the 2d of August 1849, the Government had under their consideration a review by the Board of Revenue of a report from the Collector of Guntoor upon the state of the village police of that district, and upon the measures necessary for the revision and augmentation of their allowances. The review also embraced a letter from the collector on the subject of the condition and emoluments of the curnums of Palnaud.

2. The classes which constitute the village police of Guntoor are, the moonsiffs and heads of villages, the mohrauds, or village watchers, the vetty men and the Cuttoobody peons. All these classes, as well as the curnums of the district, were remunerated by enams in land, and by fees, paid partly in grain and partly in money. The collector discussed the principles on which he proposed that the emoluments of these classes should be reformed; his suggestions were considered by the Board in their proceedings of the 3d April 1848, as far as it was practicable to do so with the materials and information placed before them; and the Government finally in their resolution of 2d August 1849, No. 731, recorded their views on the several propositions for improving the village establishments of this district, and directed that the collector might be instructed to arrange his propositions in conformity with those views, and to submit a clear statement of the financial results involved in his arrangements, in order to the sanction of the Government of India being obtained to the same.

From Commr. 10 Sept 1849, No. 11
in Diary to Cons. 23 Oct. 1849, Nos.
17, 18.

Paras. 9 and 12.

3. Pending the completion of the arrangements thus authorised, the collector had issued orders for suspending the collection of the assessment on the lands held by the heads of villages for Fuslies 1256 and 1257, to the extent of 12 rupees each man, the minimum amount of allowance assigned to this office by the Board's proceedings of the 3d April 1848, approved in the orders of the 2d August 1849. The sums thus remitted to this class of officers amounted to Rs. 15,494. 8. 7., and as this appeared as an outstanding balance in the collector's books, the Commissioner recommended that sanction should be granted for writing it off. In a letter to the Government of India, dated 19th October 1849, this Government, in applying for sanction for the remission of the above amount, reported the measures that had been authorised generally for reforming the village police of Guntoor, and promised a final report on the financial results of the scheme, as soon as these were furnished by the collector. The President in Council in granting the sanction solicited, expressed a hope of receiving, at an early period, the promised report.

From Govt. of India, 2 November
1849.
In Cons, 4 December 1849, Nos.
25, 26

4. The

4. The proceedings of the Commissioner of the Northern Circars, dated 16th and 19th October 1854, recorded above, report the measures that had been taken up to that period in pursuance of the resolution of the 2d August 1849. His communication of the 16th October refers more particularly to the revision of the emoluments of the Palnaud curnums. Mr. Stokes, then Collector of Guntoor, held that, as the principle of the arrangements proposed by him had been approved, there would be no objection to give effect to them provisionally, in anticipation of the orders of the Government of India, and he was also of opinion that the scale approved by Government for village moonsiffs and mohauds might be carried out in the whole district.

Pro. 16 October
1854, para. 2.

5. The Commissioner did not feel himself at liberty to concur in this view, because many of the arrangements had not been brought under the notice of Government at all, and because a general financial statement of the whole had not been submitted in compliance with the requisition of Government to this effect. The Commissioner, moreover, received many petitions from the Palnaud curnums, complaining of the new arrangements, and some to the same purport were addressed to Government. On these complaints being transmitted to Mr. Purvis, who succeeded to the Guntoor collectorate, he reported that his predecessor's orders had been suspended in regard to the village moonsiffs; that the change made by those orders in the position of the mohauds was so trifling, that it was unnecessary to disturb the arrangements; and that the curnums of Palnaud having already been placed on the new footing, and the collection of the fees hitherto enjoyed by them abolished by proclamation, it was inexpedient to return to the former state of things.

Pro. 16 October
1854, para. 3.

6. The Commissioner thus shows that the new arrangements have been actually brought into operation in respect of the mohauds of the whole district, and the curnums of Palnaud. As regards the latter, he explains in what respects the new arrangements affect adversely their emoluments; and suggests the modification which he thinks would ensure the efficiency of this class of public servants. He also brings to notice a proposal submitted by the acting collector for accepting the offer made by several curnums and other village officers by whom arrears of quit-rent were due, to relinquish portions of their lands on being relieved from the demand against them. This measure also appears, from the correspondence received with the acting collector's letter of the 16th June 1856, to have been carried out to a great extent.

Paras. 6 to 9.
Paras. 10 and 11
Para. 12.

From Acting Col-
lector, 16 June
1856, No. 32.

7. The Commissioner's proceedings of the 19th October 1854, give cover to some further correspondence with the collector, and take up generally the subject of the remuneration of village officers proposed in the resolution of Government, dated 2d August 1849. In these proceedings, the Commissioner brings to notice, as connected with the contemplated remuneration to moonsiffs, an important modification introduced by Mr. Stokes in the substitution of the rupee scale for that of the Ceded Districts expressed in Conteroy pagodas. The present emoluments and proposed amount of remuneration for the different classes of village officers, viz., the moonsiff, the mohaud, and the vetty, are shown in the Table appended to para. 7; and in para. 13 is given a further statement, explanatory of the extent to which the remuneration to the moonsiffs would be affected by the adoption of the Conteroy scale.

8. The Right Honourable the Governor in Council does not consider the present a fitting time to notice all the details touched upon by the Commissioner in his proceedings, or to pass orders on the points that have been more prominently brought before him. The improvement of the village establishments is decidedly an object of paramount importance; it has long engaged the attention of the local officers, the Board, and the Government, and attempts have been made towards effecting it, and have been carried out wherever it was found practicable. It cannot however be denied, that the question is beset with difficulties not easily to be overcome, as might be instanced in the fact brought forward in the Commissioner's proceedings of the 16th October; that the arrangement which was held to afford a fair remuneration to the curnum for his labour has not proved acceptable. One of the chief difficulties to a proper settlement of the question is to be found in the village officers being partly remunerated in land, and the absence of any satisfactory information as to the extent and condition or value of these service enams.

Ex. M. of C. 14
August 1855, No.
951, in letter to
Hon. Court, 11
October 1855,
No. 44.

9. In the arrangements recommended to the Honourable Court of Directors for a general survey of the provinces of the Madras Presidency, which received the sanction of that authority on the 17th December 1856, it was proposed that the survey operations should extend to the enam lands, and that advantage should likewise be taken of the opportunity offered by the survey of instituting an investigation into rent-free tenures generally. In a later letter to the Honourable Court, dated 6 February 1857, the Government have recommended the appointment, under a law to be enacted for the purpose, of a special agency to conduct investigations into enam tenures. Under these circumstances, it appears to the Governor in Council advisable to await the Honourable Court's instructions on the later reference, and to defer the settlement of the question until an officer shall have been nominated to the special duty. In the meantime, the partial changes that have already been made will continue undisturbed, and the collector will be instructed, through the Board of Revenue, to abstain from further interference with the emoluments of the village establishments generally, until he is furnished with fresh orders from Government.

10. In his later letter of the 20th November 1854, the Commissioner has reported on the general condition of the village institutions in all the districts of the Northern Circars, and on the measures he would propose for placing them on an efficient footing; but, for the reasons above recorded, the Government resolve to defer its consideration until sanction is received for the appointment of an Enam Commissioner.

The Board of Revenue will be requested to bring this subject again to the notice of Government whenever the appointment of an Enam Commission shall have been sanctioned, and the proceedings of the Commissioner shall have so far advanced as to enable the Government to come to a definite decision.

(signed) *H. Forbes,*
Acting Secretary to Government.

(True copies.)

(signed) *M. Norman,*
Deputy Secretary to Government.

ENAM COMMISSION.

REVENUE DESPATCH to the Government of Fort St. George, No. 8, dated
1st September 1858.

Letter dated 15th January (No. 1) 1857
Letter dated 6th February (No. 3) 1857
Letter dated 1st July (No. 23) 1857
Letter dated 8th January (No. 1) 1858
Letter dated 15th May (No. 19.) 1858

1. We shall reply in this despatch to so much only of the letters noted in the margin as relates to the investigation proposed to be instituted into the titles to alienated revenues under your Presidency. In regard to the survey and assessment of the Presidency, and to the intended revision of its revenue laws, to which the greater part of these papers relates, if we refrain in this despatch from a further consideration of them, it is not from any notion that their importance is diminished, but because you have at different times been made fully acquainted with our general opinions of these subjects, and of the importance which we attach to the speedy execution of the improvements contemplated in respect to them. But we must again urge upon you the necessity of procuring an amendment of the law for regulating the powers and duties of the revenue officers under your Government, to which we especially directed your attention in our despatches of the 5th of September (No. 14) 1855, paragraph 5, and the 3d of December (No. 16) 1856, paragraph 7, and which formed the subject of Mr. Stokes' third report. In reply to the despatch last cited, you informed us that you had directed the preparation of a Draft Act, for transmission to the Madras member of the Legislative Council, but we have not received a copy of such Draft Act, nor have we been informed of its actual transmission to Calcutta. We desire that you will use your utmost endeavours to expedite this amendment of a state of the law which, as it now stands, is not creditable to our Government.

6 May No. 10,
1857, para. 11.

2. The

2. The amount of revenue involved in this question is very considerable. For the whole of the Presidency (omitting Ganjam and Kurnool, for which accounts are not forthcoming), the annual value of the lands held in enam is stated to be 94,45,589 rupees; and adding a reasonable proportion for the omitted districts, the total value may be assumed at 1,05,00,000 rupees. This sum, however, only represents the assessment which it is calculated would be yielded by the lands ostensibly held in enam; while it is well known that a large additional extent of land has been obtained by encroachments, over and above the avowed holdings; and you are of opinion that the quantity thus surreptitiously held may safely be set down at not less than one-fifth of the ostensible holdings, thereby raising the total supposed assessment of the lands held without payment of revenue to the sum of one crore and 26 lacs of rupees (1,26,00,000 rupees) per annum; or, deducting lands held by hereditary district and village officers, valued at 39,24,862 rupees per annum (in return for which we trust that equivalent services are rendered), to upwards of 86 lacs (86,00,000 rupees) per annum.

	Rs.
Service enams - - -	39,24,862
Religious endowments - - -	14,96,314
Others - - -	40,24,413
TOTAL - - -	<u>Rs. 94,45,589</u>

3. You express your strong conviction that a large portion of this amount is enjoyed by persons who have no legal or equitable claim to be exempted from assessment. In our despatch, dated the 17th December (No. 17) 1856, paragraph 5, we have fully recognised the necessity which exists that a careful examination of rent-free tenures should everywhere advance with, if not precede, the survey; though, at the same time, we thought it right to warn you that we did not share with you the expectation that no serious objection would be made to the investigation if conducted in a proper spirit.

4. The opinions we then expressed, on the wisdom of taking advantage of the opportunity of the survey to institute the investigation into the titles of enamdars, which has been so repeatedly called for by us, have undergone no change; and we concur entirely in your remark, that an inquiry of this nature is necessary, for two opposite objects: "on the one hand, to vindicate the just rights of the State, meaning thereby, not the Government, but the great body of the public, by retrenching exemptions and privileges standing on no valid ground, and injurious to the payers of revenue generally, and thus making it practicable to lighten the burthen of taxation to the general body, or to devote a larger amount annually to the execution of public works for their advantage; and, on the other hand, to confirm the titles of the rightful holders of enam." This latter object we consider to be of the highest importance, inasmuch as the insecure and uncertain tenure on which rent-free grants are at present held, must not only greatly lessen their value as property, but the circumstance of their being liable to inquiry and interference on every lapse must afford openings to the inferior revenue officers to practise extortion and oppression on holders whose hereditary title may be satisfactorily proved to be valid.

5. In our despatch of the 27th September (No. 21) 1854, we suggested that the provisions of Act XI. of 1852, for the guidance of the Bombay Enam Commission, should form the basis of your decisions on enam questions, and that they appeared to us to be as liberal and indulgent to the enamdars as is compatible with justice to the other interests involved. In your Minutes of Consultation of the 14th of August 1855, paragraph 34, in which you resolved to apply for a commission, you also adopted this enactment as a model on which the regulations for your Presidency should be framed. But, in your resolution of the 19th of January 1857 (paragraph 20 *et seq.*), you have given at length your reasons for considering the rules laid down in that Act to be inapplicable to the circumstances of your Presidency, nearly the whole of which has been under the British Government for more than half a century, and you assure us that no trustworthy records of older date would be forthcoming. You observe that Sir Thomas Munro bore testimony to the fact, that in the Ceded Districts a great extent of land was fraudulently entered as enam in the survey accounts by the village officers, and that he recommended the institution of a strict investigation into the titles of all so entered. The same fraud doubtless took place in other surveyed districts, and in all such cases the very survey records themselves would be produced as decisive evidence of title. You have elsewhere remarked that "a large part of the enams without grant not only were never held at all before

the British acquisition, but were obtained after that event by downright fraud, while another large portion were similarly obtained shortly before it."

6. You have referred to the eighth section of Regulation XXXI. of 1802, of the Madras code, quoted in the margin,* as a proof of the unsoundness of the opinion expressed by us in our judicial despatch of the 13th of October 1847, that long undisturbed possession both afforded an evidence of right, and constituted a motive to Government not to interfere. You complain that by this instruction this difficult question has "become complicated;" and you have stated your impression that the order was passed by us in the view of a single case, without reference to the subject as a whole, and in ignorance of the vast amount of revenue concerned; that it is not in unison with certain passages of our despatch of the 27th of September 1854, whilst the Board of Revenue regard it as sufficient to prevent all measures of resumption in the case of enams without grant.

Para. 20, p. 83.

7. We must confess that we are at a loss to understand how the orders which you have asked us to re-consider, with a view to their being recalled, could be taken in any other than a general sense. The terms employed were intended to be, and in our opinion were, extremely comprehensive, and were afterwards explained in our despatch of the 19th of January 1848 (No. 2), para. 13, to be applicable to grants in all the districts of the Presidency. No objection was at the time raised by you to this order. It was the foundation of circular orders issued by the Board of Revenue with your consent, which have, as Mr. Stokes remarked, ever since continued to be the guide for Collectors on the occurrence of lapses. In your letter, indeed, dated March the 8th (No. 6) 1854, in the Judicial Department, you informed us that these orders had obviated the necessity for any general investigation into the enams of the Ceded Districts, and strongly recommended that the system based upon them should remain unaltered.

Para. 23 of Report,
p. 83.

Para. 13, p. 81.

8 March 1854.

Circular Orders
(1848), 460-I.

8. It seems to us impossible that long undisturbed possession of a property should not carry with it great weight in favour of the individual who claims that property, and to this is, we believe, to be ascribed the fact alluded to by Mr. Stokes, that of late years the views of the ruling authorities in India generally have undergone a vast change as regards the treatment of enams, and that "the later" has been "the more lenient theory." The several enactments and circular orders promulgated on this subject testify abundantly to this fact. We may refer, for instance, to the Act XII. of 1851, for the lakhiraj lands of the town of Madras, mentioned by Mr. Stokes, and to the Act for Bombay, XI. of 1852. Many passages might also be cited in evidence of this from your own proceedings. Besides the letter already cited, in which you explain the rules for the continuance, in certain cases, of enams held without grant, and deriving their title entirely from prescriptive possession, we may refer also to your Minutes of Consultation of the 9th of May 1848, and to those of the 14th of August 1855; in para. 7 of the latter of which you speak of the consideration due to the presumptive interest which has grown out of "a permissive enjoyment of above half a century;" and in para. 34 you observe, in regard to "mere usurpations," that "after the long possession which has been tacitly permitted, it would only be fair to deal liberally" with the enamdars, a sentiment which we repeated, in order to express our concurrence with it, in our despatch of the 17th of December 1853.

"Works," vol. i.,
p. 318.

9. We must observe that this is not a new principle in India, even among the advocates for resuming lands held on invalid tenures. In 1801, Sir Thomas Munro instructs Mr. Thackeray that enams granted "originally by aumildars, or inferior revenue officers, might be continued, provided they had been held 40 years without interruption; for," said he, "so long a possession may be allowed to constitute a kind of prescriptive right;" and this right, we need not remind you

* "It shall not be competent for persons holding exempted lands under invalid titles to plead possession for any length of time whatever, in bar to the right of Government to resume such lands; and persons resisting the demands of Government on the grounds of long possession only, shall be nonsuited, with costs of suit."

you, must have been much strengthened by the period which has elapsed since 1801. Again, in a letter to the Board of Revenue, dated the 8th of June 1821, your Government declare that "the want of a sunnud does not necessarily imply the want of a good title to maniem, any more than the possession of a sunnud is sufficient by itself to establish such a title. If the maniem was acquired without fraud, or had been possessed for generations, it would be unjust to resume it, though the sunnud may be defective." Another authority, Mr. Holt Mackenzie, in a memorandum on this subject, as applied to Bengal, says that "length of possession is in favour of the lakhirajdars."

Bengal Revenue
Selections (1826),
III., 51.

10. Nor can we perceive any inconsistency between these sentiments and our despatch of the 27th of September 1854 (No. 21). That despatch was written to explain the distinction which, in our view, should be drawn between lands held with and those held without sunnud; and the passage cited by you was applied to the class of enams held in the first manner, but for a limited time. In the preceding paragraph, however, our language was strictly in accordance with our orders in 1847; for we said: "In the case of lands for the holding of which rent free no deed of grant is forthcoming or traceable, there being no evidence whatever of the original nature of the tenure, there must, by reason of recognised possession for a considerable period antecedently to British acquisition of the territory, be a presumptive title in the family of the occupants; and the enam-dars have, on the ground of this presumption, a claim to a liberal interpretation of the doubt as to the original title."

11. We fully admit the difficult position in which the long delays which have taken place in investigating these titles have placed this question. On the one hand, the enormous extent to which these exemptions from taxation, whenever we secure no equivalent in service, obtain in the Madras Presidency, is no doubt a serious evil, not only as diminishing the revenue and preventing an equitable apportionment of the necessary burdens of the State upon the general community, but as being highly injurious to good government, if the frauds on which many of these claims are supposed to rest should be successful.

12. On the other hand, the investigation, however mildly conducted, or how liberal soever may be the rules of resumption, cannot fail to be in some degree vexatious to all to whom it extends, no less to the holders of valid than to those of invalid tenures. The person who succeeds in proving the validity of his tenure will, perhaps, be compensated for the inconvenience he has undergone by the confirmation of his title, and the assurance that it shall not again be subjected to investigation. But it may well be pleaded by many holders of enams, that their predecessors or themselves would have had the advantage of much oral, and perhaps of some written testimony, had the Government not delayed the threatened inquiry in some cases for 90, and in others for nearly 60 years. In very few cases will the original grantee be still alive; in most, the estate will be already in the third generation, and it cannot be supposed that the possessor will acknowledge the justice of resuming inherited rights, which he had looked upon as a future inheritance for his children. And in the settlement of this question something more than strict right is to be taken into account. It is one very dependent on the peculiar customs and habits of thought of the natives of India. If according to that standard, a resumption would approve itself as a just proceeding to the majority of the community, there seems to be no reason in equity why that resumption should not take place; but, on the contrary, if the resumption would militate against the feelings and habits of the people, such an act should be condemned, although its performance might be conformable to European notions of equitable dealing. In such a case, there would be arrayed against us, not only the hostility of the persons actually deprived, and of their dependent cultivators, who will continue to look upon them (as has been the case in many parts of India) as their legitimate landlords, but also the sympathies of those belonging to the same condition of life, apprehensive of similar treatment. Such being our opinions, we cannot consent to recall our former instructions in regard to long possession; and moreover, in respect to the applicability of Act XI. of 1852 to your Presidency, further reflection on the length of time during which these provinces have been under our rule, and during which possession has been tacitly permitted to the holders of these lands, has led us to

think that we must relax the stringency of our previous remarks in paragraph 6 of our despatch of 24th September 1854, that the provisions of that Act "appeared to us to be as liberal and indulgent to the enamdars as was compatible with justice to the other interests involved."

13. We are sensible, that in arrangements of this delicate character much must be left to the decision of the authority on the spot, and we are confident that we may safely leave them to the discretion and liberality of your Government. We shall not, therefore, attempt to fetter you with minute directions; but we think it is only fair to you, after the objections we have felt ourselves obliged to make to some of your views, to state the general nature of the rules on which we think this investigation should be based.

14. We think, then, that in the case of lands held rent-free under sunnuds by the same family uninterruptedly since the introduction of the British rule (provided such lands should not since have escheated or been resumed for any cause by competent authority), even when granted by persons not having more than a temporary, and perhaps an accidental, power of making the grant, they should be confirmed according to the terms of the sunnud. Where, however, the limits of the grant have been exceeded, or are about to expire, indulgence should be shown to the holder, and perhaps to his next heirs, by imposing a gradual assessment or otherwise, according to the discretion of the Governor in Council.

15. We are of opinion that enams acquired before the British rule, and held by the same family in undisturbed possession ever since, but without any sunnud, should be confirmed, according to the principles laid down in our despatch, No. 21, of 27th September 1854, the holders being regarded as if they possessed a grant in the full terms claimed by them. When resumptions take place, indulgence may be shown according to the discretion of the Governor in Council.

16. Lands acquired, by grants or otherwise, since the accession of the British to power, are on a different footing, as their lawful origin may be more easily ascertained; and if not hereditarily granted, they may fairly be resumed. In these cases also, indulgence should be shown by the Governor in Council.

17. It is far from our intention to secure by these rules the possession of rent-free lands acquired by any kind of fraud. But even in that case, we would treat with indulgence the actual possessors who have not been accessories to the fraud (and very few of them can have been so), and not at once resume the lands. Such portions, also, of grants as would have been valid without the fraud should be still continued, and only the portions fraudulently obtained resumed. All encroachments on original holdings should be at once resumed, as well as land nominally enam left unoccupied for a specified number of years, which may equitably be regarded, as you suggest, as abandoned: but due notice by open proclamation should be given, some time beforehand, of the intended resumption.

18. In dealing with this matter it must be borne in mind that the native Governments to which we have succeeded always claimed, and not unfrequently exercised, the right of resuming the grants made by their predecessors; and that it was also their constant practice to exact from the holders of rent-free lands a payment, proportioned to their extent, on every succession, under the designation of nuzzerana; so that the enamdars, and others similarly circumstanced, were not exempted from contributing, in a moderate degree, to the requirements of the State. Notwithstanding that this practice has fallen into desuetude under our administration, we think that, in consideration of its having always been an incident to the tenure which we are now confirming, and of the absolute security of title which will be conferred by the arrangements now under discussion, it may probably be so far revived as to justify the imposition of a light assessment, in the nature of a jodee or quit-rent on every enam or other rent-free holding confirmed to the incumbent. It might be left to the option of the successive holders of enam and other rent-free lands, not held under the obligation of service, or in trust for charitable, educational, or religious purposes, to redeem this quit-rent, either for their own lives or in perpetuity, by the payment of a gross sum calculated according to rules to be framed for that purpose. It might tend to reconcile the holders of such lands to the imposition of an assessment of this description, if the existing restrictions on the transfer of their estates from the line of the original grantees, whether by sale, gift, or adoption, were abrogated and if an indefeasible and unrestricted right of property were granted to them. Such
a measure

a measure would undoubtedly tend greatly to simplify the revenue administration, and we desire that this and the preceding observations may receive your early and careful consideration.

19. The benefit of any doubtful point should be given to the enamdar.
20. No tenures should be continued when the conditions are contrary to the laws of the land, or to the rules of public decency.
21. It is highly important that the registration of the lands, so repeatedly called for, should be effected and maintained.
22. This outline of the rules for the guidance of the Enam Commissioners goes beyond the rules laid down in paragraph 38 of your resolution of the 20th of January 1857; but they seem to us not more favourable to the actual possessors of enams than justice and expediency demand. It must be borne in mind that the blame of the neglect to settle this question earlier rests not with them, but with our administration; and although more revenue may be given up, yet some expense will be saved, by the simpler character of the inquiry.
23. Any Act passed to confirm these rules should contain stringent penalties for punishing the production of testimony known to be false in support of any claim; and we also consider it of great consequence that the Governor in Council of your Presidency should be the tribunal to which every case should be brought for final decision. And, in transmitting memorials appealing to us from your decisions, care must always be taken to transmit authenticated and literal translations of such documents as may be requisite to form a judgment on the case.

24. You have also requested our orders on two other points:—

1. Whether the Cuttoobady enams of the Ceded Districts are to be regarded as permanent, according to our former opinion.
2. Whether enam lands long abandoned may be resumed.

The second of these points has been already disposed of.

25. You have prefaced the former question raised by you on the Cuttoobady enams with an account of the circumstances which attended the Cuddapah riots some years back; and have stated, that although at first they were supposed to have originated in the discontent of the Cuttoobady peons, on further examination your Government conclusively showed that this matter had not caused the riots. It is not our intention to revive a discussion on this point; but, as you assert that we shared this later conviction, we cannot help remarking that we did not express any concurrence in the opinion of your Government, transmitted to us in your Judicial letter of the 8th of June (No. 24) 1852; and we must also remind you that Mr. Thomas, then a member of the Government, recorded a minute entirely dissenting from the view taken in the resolution of Government.

26. We see no ground for departing from the decision upon these enams, which, as you say, was formally come to by your Government and approved of by us, that they should be treated as hereditary in these districts. But in regard to districts in which it has clearly been customary not to deal with them as bearing an hereditary character, we see no reason to impose that character on the enams. It is in no case, we think, desirable to make enams hereditary (and particularly where no useful service is specially attached to them), when they are not so, either by the custom of the country, or from some pledge, real or implied, given by our Government. But where there has been a tacit understanding that they should be so regarded, we should not desire to deprive them of that character, for, as we informed you in speaking of the Bhatverty enams, we are averse to any interference with property of that kind held for long periods exempt from taxation.

27. In the case, however, of service enams generally, and of religious and charitable endowments held without grant, the objects to which they are applied being of a permanent nature, we are of opinion that they should be confirmed in perpetuity, or for so long as the purposes to which they are applicable are fulfilled; care being taken to resume all encroachments on the original holding. With regard to the several village-service enams, in which extensive frauds are stated to exist, the plan which you propose (paragraph 25) might be adopted,

viz., to fix a maximum with reference to the revenue of the village, and to assess all above this extent. The opportunity should also be taken of prohibiting their division or alienation from the office to which they belong. Where alienations have already occurred, resumptions on this ground should be only gradually enforced, and respect should be shown to any valuable consideration which may have been given for the transfer of the privileges. Twenty years, as fixed by Circular Orders of the 15th of August 1853, would seem to be a proper limit in these cases; or perhaps the holders might be indemnified for the surrender of their rights by a pecuniary compensation.

28. In reference to para. 9 of the proceedings of the Board of Revenue of the 16th of July 1856, you will of course impress upon the Commission, that in the case of lands held rent-free by private individuals, which it is found necessary to resume, the occupancy must on no account be disturbed, and only the assessment be imposed upon the lands; excepting always where the occupation of the lands, as well as their exemption from taxation, may have been obtained by fraud.

29. We entirely approve of your resolution not to exempt from assessment enams otherwise liable to resumption, merely on account of their small value. Enams of this description are very numerous in most of the districts under your Presidency, and are estimated to amount (excluding Ganjam and Kurnool) to the annual value of 5,70,219 rupees. The only legitimate ground for exempting these enams from investigation would be, that the advantage of regaining such as are held on invalid titles would not compensate for the trouble and expense of the inquiry; but, as you observe, it will be necessary, for the completion of the survey, to measure them and record their titles and other particulars, so that the exemption would very little lessen the labour of dealing with them, whilst it would be an unwise sacrifice of the rights of Government, as well as an injustice to other holders of enam, and to the general payers of revenue.

30. In your letter of the 6th February (No. 3) 1857, you solicit our sanction to the appointment of a commission under the proposed Act for the investigation and adjudication of enam titles in those districts where the survey is not to be soon commenced; and you propose 2,500 rupees per mensem as the salary of the chief commissioner, and 1,200 rupees as that of the deputy commissioners, with suitable establishments. These rates, you state, would give you the means of insuring for the important duty in contemplation the services of men of competent experience in business, and of retaining them without the evil of frequent change; to both of which qualifications we attach the utmost importance, provided that, as to the first, experience comprises a thorough familiarity with land tenures.

31. In your letters of the 1st July (No. 23) 1857, of the 8th of January (No. 1), and the 15th May (No. 19) 1858, you have again brought this subject under our consideration, and have solicited our early orders as to the appointment of the enam commission, in order that its proceedings may go on simultaneously with the operations for the survey and settlement of the several districts of your Presidency, to which our sanction was given in our despatch of the 17th December (No. 17) 1856.

32. You will have gathered from the remarks in the earlier part of this despatch, that we are decidedly in favour of the institution of an inquiry of this nature, with the least practicable delay; and we are, at the same time, convinced that the investigation can only be efficiently conducted by the establishment of a distinct department for that purpose, as has been found necessary in the Presidency of Bombay.

33. The consideration due to your communications on this important subject, and the financial embarrassments to which the recent unhappy events in Upper India have given rise, have caused some delay in the conveyance of our sentiments to you; and we were forced, by the circumstances last alluded to, to yield a reluctant assent to the proposal of the Government of India for the temporary suspension of operations for the survey and revised assessment under your Presidency, and of those of the enam commissions, both in Madras and Bombay. We have learnt with satisfaction, from your letter of the 13th March last (No. 6), that the Government of India have authorised you to make arrangements for the prosecution of the first of those measures, on which subject we shall address you

you hereafter. With respect to the two latter, we warned the Governor-General in Council that we could not consent to a suspension for any long period; for, we observed, they "cannot be postponed for more than a brief period; that is, beyond the time when the authority of the British Government shall have been completely vindicated throughout India, without a very considerable sacrifice of revenue, which has too long remained alienated, and without also the mischievous effect of increasing the claim against the State founded on prescription, and perhaps, in the case of Bombay, giving absolute validity to some tenures, under the regulations of that Presidency, from lapse of time."

Financial
Despatch to Government of India,
dated 6 April
(No. 28) 1858.

34. After mature reflection, we are convinced that any longer delay will only increase the difficulties of this already intricate question, and practically entail as much evil on your Presidency as on that of Bombay. We are therefore of opinion that no time should be lost in commencing the investigation in the manner proposed by you, and we shall inform the Governor-general in Council of our desire that the commission you have asked for should be appointed forthwith. You will accordingly place yourselves in communication with the Government of India on the subject.

35. In conclusion, we must express our confident hope that the important measures which it has been found necessary to suspend for a time, will thus be at once recommenced and carried into operation with efficiency and despatch; and if pursued, as we do not doubt that they will be, in a liberal spirit, will result in the most beneficial consequences both to the Government and people of your Presidency.

London, 1 September 1858.

(signed) *F. Currie.*
W. J. Eastwick.

Countersigned in accordance with 16 & 17 Vict. c. 95, s. 2.

J. D. Dickinson, Secretary.

(True Copies and Extracts.)

Fras. W. Prideaux,
Secretary, Revenue Department.

India Office, 17 March 1859.

EAST INDIA (LANDS IN ENAM)

COPY of DESPATCHES from the Government of Madras, in so far as they relate to the assumption of LANDS held in ENAM, of the date of 15th January, 6th February, and 1st March 1857; 8th January and 15th May 1858; of the REPLY of the Court of Directors, dated 1st September 1858.

(*Sir Erskine Perry.*)

Ordered, by The House of Commons, to be Printed
18 March 1859.

[*Price 11 d.*]