Rare section
THE

Rate section

SURVEY AND SETTLEMENT MANUAL,

BEING A

COMPILATION OF ALL ACTS, RULES, DISCUSSIONS IN
THE LEGISLATIVE COUNCIL, AND OFFICIAL
CORRESPONDENCE

RELATING TO THE

SYSTEM OF REVENUE SURVEY AND
ASSESSMENT AND ITS ADMINISTRATION

IN THE

BOMBAY PRESIDENCY.

Compiled by order of the Government of Bombay,

Bombay:
PRINTED AT THE GOVERNMENT CENTRAL PRESS.
1882.
PREFACE.

When this compilation was first taken in hand it was intended to be simply a republication of the “official correspondence relating to the system of Revenue Survey and Assessment and its administration in the Bombay Presidency,” which for some time past has been out of print. As the work progressed, however, it was determined to take advantage of what appeared an excellent opportunity to extend its scope and to make it, as far as possible, a complete record of the development of the Bombay system of survey and settlement from the time when its principles were first codified in 1847, through the stage when they were shaped into a legal form in 1865, down to the publication of the recently enacted Land Revenue Code and the Rules framed thereunder.

The compilation is divided into four separate parts. Part I. contains what is familiarly termed “the Joint Report” and the correspondence which ensued upon it, with the addition in small type of a very interesting series of reports not hitherto included in the published correspondence. In Part II. are included the debates in the Legislative Council which preceded Acts I. of 1865 and IV. of 1868 with the Acts themselves and the Rules framed under them. These latter, although repealed subsequently, have been printed in extenso in italic type, as it is sometimes an advantage to have the old Acts and Rules to refer to when any difficulty arises in the interpretation of the new. Part III. contains those chapters of the Land Revenue Code and the Rules passed under Section 214 thereof which relate exclusively to surveys and settlements, while in Part IV. will be found the existing rules for determining the remuneration of village officers and other useful rules and orders of Government.

The compilation has been briefly styled, for facility of reference, the “Survey and Settlement Manual.” It is hoped that it may prove what its name implies to Junior Civil Servants studying for the Departmental Examination according to the Higher Standard, as it contains the whole matter upon which the Survey and Settlement Commissioner’s paper of questions will ordinarily be set.

T. H. STEWART;
Survey and Settlement Commissioner.

Poona, 3rd October 1882.
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PART I.

THE "JOINT REPORT" AND CORRESPONDENCE RELATING THERETO.
PART I.

FROM
H. E. GOLDSMID, Esq.,
CAPTAIN G. WINGATE,
CAPTAIN D. DAVIDSON,

To
E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

Sir,—In obedience to instructions from Government, conveyed in the letter noted in the margin, Dated 10th April 1847, No. 864, we have assembled at Poona for the purpose of taking into consideration "the best means for bringing the somewhat diversified operations of the several revenue surveys of this Presidency into conformity, as far as practicable," and also "for ensuring the results of the surveys being turned to the best account, and maintained in their original integrity in the future management of the districts," upon which points we do ourselves the honour to submit, for the consideration of the Honourable the Governor in Council, the following Report.

2. Descriptions, more or less complete, of the modes of operation in use on the three surveys have been at different times already submitted to Government; but subsequent to the dates on which these were written, modifications of the then existing practices have been from time to time introduced, so that the descriptions referred to now present an imperfect and, from the circumstances which called them forth, an unconnected view of the several systems. But in preference to entering into a minute detail of the methods of procedure followed at present on the several surveys, we shall proceed to describe, in compliance with the intentions of Government, the principles of that system of survey which, on a full consideration of the merits and peculiarities of the existing practices, we deem best suited for general adoption, and to be considered the standard for future operations, in so far as local peculiarities may admit.

3. A full consideration of the points mooted by Government would seem to require in addition to the description of the system of survey and assessment, some notice of the objects to be accomplished by it, as it is only by a full comprehension of the end to be attained that we can judge of the merits of the means...
employed. We propose, therefore, before proceeding to describe the plan of survey we have to recommend, to submit a few observations illustrative of the system of revenue administrations to which our operations are subservient.

4. The chief design of a revenue survey may be defined to be the regulation of the customary land tax, so that it shall at once secure an adequate revenue to Government, the progressive development of the agricultural resources of the country, and the preservation of all proprietary and other rights connected with the soil. In the districts hitherto surveyed, or under survey by us, the whole land, as generally throughout India, appertains to villages; and the lands of each village are divided into fields or estates, held upon various tenures, or unoccupied, but which, in respect of taxation, may be classed under the three heads of rent-free, partially assessed, and subject to the standard assessment.

5. Under our Government the revenue management of the districts alluded to has generally been ryotwar, but without joint responsibility, each cultivator being liable only for the land he cultivates, and renewing his engagement with Government from year to year. In some districts each field, or sub-division of the village lands, had its particular assessment, which was either fixed or settled from time to time, and the cultivators had, or were supposed to have, the right of relinquishing, when so disposed, any of the fields contained in their holdings, and obtaining a reduction of their liabilities, equivalent to the assessment of the lands so relinquished; in others the assessment was laid upon the entire holding of the cultivator, instead of its component fields; but in both cases the practical exercise of the right of the cultivator to relinquish any part of his farm at the expiration of his annual engagement was greatly restricted by the injudicious interference of our native revenue servants, through their anxiety to keep up the cultivation and revenue of the villages or districts over which they had control.

6. The superior advantages of the field assessment over that by which the assessment is placed on the whole lands of a village, or the entire holdings of individuals or co-parceners, whether proprietors or occupants, have been already so fully stated by two of our number in their joint report quoted in the margin, and are so generally admitted by the Revenue Officers of this Presidency, that we deem it unnecessary to enter upon any very detailed exposition of them here. It may be permitted us to remark, however, that one manifest advantage of breaking up the assessment of a village into portions so minute is
the facility it affords to the cultivators of contracting or en-gaging their farms from year to year, according to the fluctuating amount of agricultural capital and stock at their disposal, which is of incalculable importance to farmers possessed of so limited resources as those of the cultivating classes throughout India.

7. The loss of a few bullocks by disease or other causes may quite incapacitate a ryot from cultivating profitably the extent of land he had previously in tillage, and without the privilege of contracting the extent of his farm, and consequent liabilities on occasion of such losses, his ruin would be very shortly consummated. It is for this reason that there would be no advantage, but the contrary, in binding down the cultivators by long leases, as has often been recommended. The only advantage of a long lease to a farmer is the security it affords against any increase of rent or assessment during its continuance; while on the other hand it has the disadvantage of increasing his risks and liabilities in proportion to the length of the period for which it makes him responsible for the rent or assessment. The longer the lease, the greater scope for the employment of capital, but the greater the liabilities of the farmer and risk of failure. With farmers of large capital the security of tenure will overbalance the risk; but with farmers of small capital the case will be reversed; and for the latter class of men in any country it may safely be predicated that long leases binding them to pay an invariable rent for a long series of years, are quite unsuitable.

8. To all classes of farmers, however, whether rich or poor, the tenure which affords the greatest security against increase of rent, with the least extent of liability and risk of loss, is undoubtedly that most favourable to the interests of the agricultural classes, and to the progressive increase of farming capital; and it is evident that this can only be effected by shifting the risk from the tenant to the landlord, and securing to the former all the advantages and security of a long lease without its attendant liabilities. In countries where the land is divided into properties of limited extent, landlords could not be expected to incur this risk when it is so easy to shift it on their tenants and secure their own rents; but the case is altogether different when the whole or a large portion of the land-rent is levied by Government. In the latter case the interests of the rent-payer and rent-receiver are identical. With a Government the question is not the certainty and amount of rent derivable from one estate without reference to aught beyond its boundaries, but from the country at large. The land tax is obtained, not from a few individual farmers, but from the whole agricultural community, and its amount will fluctuate with the
4.

stances of the latter. With every diminution of the total amount of capital employed in agriculture the land revenue will decline; with every increase it will improve. The maximum of farming capital and land revenue will be the same, as will also be their fluctuations. It appears, therefore, that in opposition to the case of an ordinary landowner, Government incurs neither risk of loss nor additional liabilities by giving the cultivator all the advantages of a long lease, and at the same time relieving him of its attendant disadvantages.

9. The important end here pointed out we believe to be fully attained by the fixed field assessment of our surveys administered by annual leases. The cultivator's title to the occupation of his fields is indestructible while he continues to discharge the assessment laid upon them, though his engagement for each be annually renewed; and by placing the assessment upon each field instead of on his whole holding, he is enabled, when circumstances make the course desirable, to relinquish any of the former, or take up others which may be unoccupied, so as to accommodate the extent of his liabilities to his means to meet them. The fixed field assessment for the term of thirty years, introduced by our surveys, thus secures to the cultivator the full advantages of a thirty years' lease, without burdening him with any condition beyond that of discharging the assessment for the single year to which his engagement extends. He has thus all the security of tenure which the longest lease could confer, without the attendant liabilities and risk, which his limited capital and precarious circumstances would be quite inadequate to meet.

10. The main objects, then, of our surveys is the imposition of a field assessment, and we are now to consider the most suitable means for accomplishing this.

11. The first question presenting itself for consideration is the definition of the field. In every village, as already stated, there are recognised sub-divisions of the village lands, which, for the most part, have distinctive appellations, and have existed from time immemorial. Many of these, however, known as Thals, Tikas, Daghs, and by other denominations, are of large size, and in the possession of several individuals. Their external boundaries may be considered permanent, but the limits of their interior portions, in the possession of distinct parties, are subject to change, through the operation of sales, transfers, annexations, partitions, and so forth. Occasionally also an old sub-division, though of large size, may be held by a single individual of larger means than usual; another, again, though not beyond, and even within the average size, may be partitioned very minutely amongst a numerous co-parcenary, especially in the case of Miras
lands, which are inherited by the Hindu common law of equal partition among the male descendants, on the death of the common ancestor. Such minor sub-divisions are continually subject to change from the causes just mentioned and others; and, finally, large tracts of waste, and even cultivated lands, in which all trace of the original sub-divisions has been lost, are not uncommon.

12. To secure the advantages of the field assessment described in our preceding observations, it is obviously requisite that the fields upon which the assessment is distributed should be of a size suitable to the circumstances of the cultivators, so as to admit of their being readily cultivated by ryots of limited means. This could not be accomplished by constituting the ancient Thals and Daghs into fields, as these would be generally too large for our purpose; while, on the other hand, to make a field of every one of their interior sub-divisions, as they exist at the time of survey, would greatly increase the labour and expense of the operation without an adequate object; for such holdings are subject to frequent change, as already explained, and no advantage that we are aware of is to be gained by making permanent a state of things which, though representing at the time of survey the distribution of the village lands amongst the members of the community, would not continue to do so after the lapse of a very few years.

13. In the division of the village lands into fields the chief points to be kept in view appear to be——

1st.—That the fields, or at least a majority of them, should not be larger than may be cultivated by ryots of limited means.

2nd.—That they should not be made smaller than is necessary for the above object without an adequate reason.

The former of these points may readily be determined by the extent of land capable of being cultivated by a pair of bullocks, as farming cannot be prosecuted at all with a less number than this. When a ryot has only a single bullock he must enter into partnership with a neighbour, or obtain a second by some means or other, in order to be able to cultivate at all.

14. The extent of land capable of being cultivated with a pair of bullocks will vary according to climate, soil, description of cultivation, and methods of husbandry. In very dry climates, as the Deccan, where the soil is kept free of grass and weeds with comparative ease, the extent of the land will be greater than in moister districts, where vegetation is more vigorous, other circumstances connected with the cultivation being the same. A larger breadth of light, friable soils may of course be kept in tillage with the same labour than of heavier descriptions. In districts where manure is generally
applied to the soils, the area capable of being cultivated will be much less than when no manure is applied. The difference between dry-crop and irrigated lands will be still greater.

15. The actual extent of the several descriptions of land capable of being cultivated as above may, however, be easily ascertained in the case of any district about to be surveyed. Let us suppose, for the sake of illustration, the following to be the number of acres cultivable by a pair of bullocks in a particular district:—

- 20 acres of light dry-crop soil.
- 15 " medium "
- 12 " heavy "
- 4 " rice land "

These areas would, we are of opinion, form the most convenient size of fields as a general rule, but other circumstances require consideration.

16. It is of much importance that the existing state of things in any village should be as little interfered with as conveniently practicable, and consequently that the holdings of different proprietors and cultivators, and land held upon different tenures, should not, when avoidable, be included in the same field; and though cultivators possessing only a pair of bullocks are numerous, those with a greater number are more numerous still: so that fields of double the size of the standard we have proposed, might be cultivated and made the subject of transfer, &c., without difficulty.

17. On taking into account these and various other circumstances affecting the question, but which could not be clearly explained without entering into a greater detail than would be suitable in a Report such as this, we are led to propose the following general Rules for the division of village lands into fields:—

RULES.

1st.—The number of acres for each description of soil and culture, capable of cultivation by a single pair of bullocks, having been determined, the size of the fields should be so regulated as to contain from this to double this number of acres.

2nd.—The preceding Rule does not apply to tracts of land incapable of cultivation or unsuited for it in their present state, from the presence of dense jungle or other obstructions, which should be divided into as large portions as may be convenient.
3rd.—Land held upon different tenures, as Miras, Gatkul, Inam, Judi, &c., should be measured separately, and not together, in the same field, even when of smaller area than required by Rule 1.

4th.—Different kinds of culture, as dry-crop, rice, garden, &c., when in conformity with the usage of the district, should, as far as conveniently practicable, be measured into distinct fields.

5th.—Every holding* falling within the limits prescribed in Rule 1 should be constituted a survey field.

6th.—Every holding in excess of these dimensions should be divided into two or more fields, so as to bring the area of each within them.

7th.—When a holding is of less area than the limit laid down in Rule 1, and there are other holdings on the same tenure contiguous to it, and also of less area than the Rule prescribes, so many of these are to be clubbed together to form a new field as may be requisite to bring the acres of the latter within the limit, but no more.

8th.—When a holding of less area than required by Rule 1 does not adjoin another holding similarly circum­stanced, it should be made a separate field notwithstanding its deficient size.

18. These Rules would preserve the existing divisions of the land to as great an extent as seems necessary or desirable; for the sub-divisions of any large holding under Rule 1 into fields of a convenient size for cultivation will in no way affect the existing rights of the occupant, as the external boundaries and extent of his land will remain unchanged. The only other case in which existing usage could at all be interfered with, is that of two or more inconveniently minute holdings being thrown into one survey field under the provisions of Rule 6; but such instances would be of rare occurrence, and the field thus formed so small, that there would be no difficulty whatever in arranging for the payment of its assessment by the several shareholders.

19. The size of the holdings having been determined, the next question that suggests itself is the best mode of defining their limits, and of securing the preservation of the boundaries when defined.

* By “holding” we mean any field, estate, or occupancy, contained within a continuous line of boundary, and in the possession of one person or co-tenancy.
20. A continuous ridge or mound of earth encompassing the field is doubtless the best boundary; but such was found on trial to be too expensive, and a system of partial ridging at the angles, and at intervals along the sides, with stones sunk at the corners and bends, has proved sufficient for practical purposes.

21. The number and size of these marks must be regulated by local circumstances, and we do not therefore propose any specific rule on the subject further than that they ought to be of size and in number sufficient to define distinctly the limits of the fields on the completion of the survey. These marks, whatever may be the labour and cost of their construction, we consider essential to the usefulness and permanency of the survey operations. Their due preservation and improvement will form one of the most important points connected with the future administration of the survey settlements, and will receive our attention when treating of the latter subject in the sequel of this Report.

22. The division of the village lands being subsidiary to the allotment of the entire area of a district into villages, the determination and definition of village boundaries becomes a most desirable preliminary to the former operation. This measure is urgently called for, not merely with respect to its bearing on the survey, though this is most important, but in order to put an end to the numerous cases of disputed boundaries, which have not only been fruitful causes of ill-feeling and contention between the disputing parties, but have also entailed a serious loss of revenue to Government, by preventing the cultivation of extensive and often valuable tracts of land.

23. The existence of an unworkable enactment (Regulation X. of 1827) for the settlements of these disputes, and the failure of several attempts to obtain a more efficient law, added to the increasing obstruction to the survey operations caused by the frequency of such disputes in particular districts, compelled the officers in charge to resort to some practicable mode of settlement, and these attempts proved that the main hindrance to their settlement before had been the undue importance attached to them, and that no insurmountable or even serious obstacles stood in the way of their adjustment; while the recent law (No. III. of 1846) for the construction and preservation of boundary-marks, affords ample security against the revival of any disputes once settled by the Survey Department.

24. All the more important of these disputes are of long standing, and in the majority of cases the land has been waste from time immemorial, and rendered of little value to any party by having been converted into a contested grazing ground for the cattle of the several villages claiming any part of it. There is generally no evidence
whatever in proof of the original limits, beyond a few vague entries in some of the old village papers, which, even if we could depend upon their authenticity, cannot be relied on as affording a true statement of the extent of the dispute at the time they were written, since it was frequently the interest and practice of the village accountant to enter the disputes larger than it really was, in order to obtain from Government a corresponding deduction from the rental due from the village.

25. Such being the case, it seems aiming at impossibilities to attempt to restore with exactness the original boundaries; and any expensive or elaborate investigations having this object in view would prove labour in vain, and would, by inverting the case with uncertainty, be found to strengthen the animosity of the contending parties, and to excite on both sides a renewed desire for victory; so that the very elaborateness of the means taken to secure a just decision, instead of promoting that end would seem to raise an additional barrier in the way of a satisfactory settlement. The less importance therefore attached by the authorities to these disputes, the more readily will their adjudication be effected and acquiesced in. Moreover the partition of the disputed land, however made, can hardly fail to confer a benefit on all the parties interested, by enabling them to bring their assigned portions under cultivation, and to obtain a certain and often valuable return, in place of a contested pasturage shared by all, and conferring little benefit on any.

26. We shall now propose some general Rules applicable to the settlement of such disputes; and in framing these we have kept in view the importance of such a mode of settlement as may best facilitate the survey operations, and so prove least expensive to Government. The occurrence of cases of disputed boundaries in the course of the detailed survey of the village, has caused more interruption to the work than perhaps all other sources of delay combined, and it would therefore be of the utmost advantage to make the definition of village limits and settlement of disputes, wherever practicable, preliminary to the operations of the regular establishment, which is also the plan followed in the North-Western Provinces.

RULES.

1st.—Before proceeding to the regular survey of a district, a few experienced Surveyors should be deputed to define through the co-operation of the villagers, and aid of the Local Revenue Officers, the limits of each village, and secure their preservation by proper land-marks, and the preparation of a descriptive record or map for the use of the regular Surveyor.
2nd.—Before proceeding to define the limits of any village, previous notice should be given to secure the attendance of the parties interested, and in the absence of any dispute, the boundaries should be marked off as pointed out by them.

3rd.—In event of the occurrence of a dispute, where the land is cultivated by both parties, the line of boundary is to be laid down according to actual possession.

4th.—Trivial disputes, not noticed in the village papers, to the extent of a few feet on either side of the possible line of boundary, to be settled summarily on the spot by the Surveyor.

5th.—In any case of a dispute, when the parties consent to abide by the award of one or more arbitrators, an agreement to that effect to be taken from them in writing, and the boundaries laid down accordingly.

6th.—In cases where the Surveyor cannot obtain the consent of the parties to refer the disputes to arbitration, the aid of the Māmlātādār, or other local officer, should be called in, who should use all his influence to effect an amicable settlement; but failing this, and in the event of the dispute being of recent origin and not noticed in the village papers, he should himself inquire into, and decide upon, the line of boundary, which should immediately be marked off by the Surveyor.

7th.—Disputes of old standing, recorded in the village papers of which the local officer may fail to effect a settlement should be left over for adjudication by the Survey Officers, who, after a careful consideration of the evidence adduced by the contending parties, should decide upon the line of boundary, and have the marks laid down accordingly.

8th.—The settlement of disputes between Government and alienated villages, which the parties will not consent to submit to arbitration (or where this course may be unadvisable from an apprehension of collusion), should be made by the Survey Officers, as in the preceding rule; but previous to the boundaries being laid down, their awards should be confirmed by the Superintendent, in accordance with the plan already sanctioned by Government for the survey of the Southern Mahratta Country, in Mr. Secretary Townsend's letter of 13th December 1844, No. 4475.
9th.—All awards made under the preceding Rules should be in writing.

27. The enforcement of these Rules, which are similar in principle to those of the survey of the North-Western Provinces, we feel convinced would accomplish the satisfactory settlement of all disputes brought to light in the prosecution of our surveys, and that all trace of them in the course of a few years would disappear.

28. It will be observed that we have confined the formal investigation and settlement of disputes by the Survey Officers, to such as have been already recognised in the Government records, and that we feel to be absolutely necessary, as the prosecution of the survey would be quite impracticable were we to extend the same form of procedure to every case, trivial or otherwise, which the villagers may choose to bring forward. The number of such recent disputes will always be found to multiply in proportion to the readiness with which complaints are entertained; and it must be borne in mind that the true boundary in such instances is perfectly well known to the contending parties, whose only reason for not pointing it out is the hope of obtaining some undue advantage by the dispute; while, on the other hand, when no encouragement is afforded to the prosecution of such idle claims, the villagers soon come to an understanding amongst themselves, and find the advantage of at once pointing out the true boundaries.

29. The plans for the definition of the limits of villages and fields having now been laid before you, the next question for consideration is the most suitable mode of accomplishing a sufficiently accurate survey of the land, and recording the results of the operation. It seems unnecessary to attempt any detailed description of the various possible methods of field surveying, and we shall therefore confine our attention to that which experience has led us to adopt in the surveys under our control.

30. The measurements of the former Deccan Survey were confined to the ascertaining of the area of the different fields into which the village was divided, and the preparation of a descriptive record of their name, tenures, and boundaries.

31. The present Deccan Surveys were commenced with the same objects, and on the same plan of measurement; but as the work proceeded, the imperfections of any kind of descriptive record of boundaries, especially in the case of irregularly shaped fields, became apparent, and led to the super-addition of a rough sketch map, framed for the purpose of exhibiting the position and shape of the fields, but without aiming at any degree of accuracy with respect to area. This was a great improvement on the original
descriptive record, but it was subsequently found that the ordinary plan of measuring, with the cross-staff and chain, was compatible with the accurate protraction of its results upon paper, and that without the aid of theodolites or other instruments for measuring angles, or any new processes of survey, field, and village maps, possessing a degree of correctness sufficient for all practical purposes, could be constructed.

82. The want of an accurate village map had been noticed by the Government of India as a marked defect of the revenue surveys of this Presidency, and the advantages of such a document, whether as regards revenue, or generally administrative purposes, are so unquestionable, that the present plan, by which we are enabled to furnish it, cannot but be regarded as a marked improvement on the former method. It was not at first anticipated that these maps would prove sufficiently correct for topographical purposes; but our expectations upon this head have been more than realised, and the village maps are found to possess a degree of accuracy sufficient to admit of their being united, so as to form a general map of a district or collectorate, without any further aid than is derivable from Major Jopp's maps, on which the positions of the principal places are correctly given: or, failing this, from a triangulation subordinate to that of the grand trigonometrical survey.

83. Thus while the village map affords the most minute information as to the position, size, and limits of fields, roads, watercourses, &c., comprised within the village limits, the district map may be made to exhibit, with equal accuracy, the relative positions and extent of villages, topographical features of the country, and a variety of other information calculated to be useful to the local revenue and judicial authorities. These maps do not add materially to the cost of the survey, and as their protraction leads inevitably to the detection of any serious errors in the measurements, they afford an important security against inaccuracy, and may be considered to be among the most valuable documents connected with our operations.

84. We are of opinion, then, that the system of measurement should embrace the construction of accurate field, village, and district maps, even where local difficulties may cause the expense of the measure to be much greater than it has hitherto proved. The ordinary measurements by the chain and cross-staff, from which the maps are usually constructed, are inapplicable to the survey of mountainous and difficult tracts of country, where the theodolite would require to be resorted to; but as the two modes of survey may be easily combined, and there is no difficulty in instructing the more expert of the Native Surveyors in the use of the theodolite,
we do not consider that any serious obstacles exist to the extension of the plan of operations we have recommended, to all parts of the country where a revenue survey may be considered desirable.

35. We do not deem it necessary to enter into technical details regarding the construction of these maps, further than to express our opinion that those for the villages should be on a scale large enough to define clearly the limits of fields, so as to admit of the maps being used for ordinary revenue purposes as well as for renewing any boundaries wilfully or accidentally obliterated, and for this purpose we recommend the adoption of a scale of from 20 to 40 gunta chains (of 33 feet each) to the inch, according to the size of the divisions, unless these happen to be unusually minute, when it will be necessary to give a separate map of such portions on a larger scale. For the district map, a scale of two miles to an inch would generally be sufficient to exhibit clearly the limits of villages and the topographical features of the country, without making the entire map inconveniently large. To multiply copies of these maps in the most economical and accurate manner, as well as to guard against any future fraudulent attempt at alteration, we think it highly desirable that they should be lithographed.

36. As regards the accuracy to be considered necessary in the measurement, errors to the extent of five per cent. would not affect the utility of the operation for revenue purposes; but as a much higher degree of accuracy than this can be attained without any sacrifice of labour and time, we think that in a plain country the average error ought not to exceed one per cent., and not more than two per cent. in any district sufficiently level to admit of its being measured by the chain and cross-staff.

37. In the preceding remarks upon the measurements it will have been observed that we have confined ourselves to the results, without entering into a detail of the various processes by which they should be obtained. And we have done so because these results are of an absolute and invariable character, capable of being arrived at with equal certainty by many modes, each of which may have its peculiar advantages under particular local circumstances. It seems therefore unnecessary, and would in many instances be hurtful, to fetter the Superintending Officers with specific Rules, which could hardly be so framed as to be suitable in all cases.

38. In treating, however, of the classification of the land, which next demands our attention, we shall adopt a different course, because the results of this operation are of a much less determinate character than those of the measurement, and do not admit of being ascertained with anything approaching to mathematical exactness.
The method of procedure becomes greatly more important in the former than in the latter case, as upon it will necessarily depend the uniformity and accuracy of the work.

39. The object sought to be attained by our system of classification is the determination of the relative values of the fields into which the land is divided during the process of measurement. The circumstances affecting the values of fields within the limits of the same village, where the climate may be considered uniform, are, their natural productive capabilities, their position with respect to the village, as affording facilities or otherwise for agricultural operations, and, in the case of garden and rice lands, the supply of water for irrigation. In estimating the relative values of fields the whole of these might be considered together, and the resulting estimate of their capabilities recorded by the assessor, or the latter might record his estimate of each particular by itself. The former system, by requiring a judgment to be given on consideration of so many distinct and varying particulars, is evidently dependent for the accuracy of its results on the ability, experience, and integrity of the assessor, and to secure anything approaching to uniformity would require a very high standard of qualifications in the agency employed.

40. Such an agency, however, is unobtainable; for it is not possible to collect men of sufficient ability and experience; and even if it were, we could not depend on their integrity; so that it becomes a matter of necessity to frame a system of operations sufficiently clear and definite to admit of men being trained for the duty, and to enable us to keep up an effective check upon their proceedings. To accomplish this object, we have been led to separate and define, as far as possible, the various elements which combine to make up the value of a field, and from these to frame such a system of classification as will leave little to the uncontrolled judgment of the classer. With this view we have found it desirable to estimate separately the intrinsic capabilities of the soil, all extrinsic circumstances affecting its value, and the facilities it may possess for irrigation.

41. With respect to the first of these points, in the plan of operations we have to recommend, we have retained the practice of referring every variety of soil to one of nine classes, which experience has proved to afford a sufficiently minute classification for all practical purposes. But in preference to trusting entirely to the judgment of the classer for determining to what class any particular soil should be referred, we have framed a set of rules for the purpose of determining the soils which should fall into each class. The fertility of a soil in this country, or at least in all parts of it to which our
operations have yet extended, being chiefly dependent on its power of imbibing and retaining moisture, and as this quality is mainly affected by depth, we have chosen the latter peculiarity as the principal regulating influence in the formation of our scale of values.

42. There are numerous varieties of soil, known amongst cultivators by peculiar characteristics and distinguishing names; but as many of these differ little, if at all, in fertility, and our classification has reference to the latter consideration alone, it would be out of place to notice in it anything beyond the mere question of value. If all soils of the same depth were of uniform fertility, the depth alone would suffice to determine their class; but this is not the case. There are pure soils, that is to say, of uniform texture, and free from any admixture of deteriorating ingredients, which, although of one uniform depth, yet vary in fertility. Such soils are not numerous, however, and we deem it sufficient for the purpose of valuation to range them all under three orders, which again are distributed among the nine classes of our scale, on a consideration of their depth, as will be readily understood from the following table:—

<table>
<thead>
<tr>
<th>Class</th>
<th>Relative value of Class in annas or 10ths of a Rupee.</th>
<th>Soils of the</th>
<th>1st Order.</th>
<th>2nd Order.</th>
<th>3rd Order.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Depth in Cubits.</td>
<td>Depth in Cubits.</td>
<td>Depth in Cubits.</td>
</tr>
<tr>
<td>1</td>
<td>16</td>
<td>1½</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>2</td>
<td>14</td>
<td>1¼</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>3</td>
<td>12</td>
<td>1½</td>
<td>1½</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>4</td>
<td>10</td>
<td>1</td>
<td>1½</td>
<td>1½</td>
<td>...</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
<td>½</td>
<td>1½</td>
<td>1½</td>
<td>½</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>½</td>
<td>1½</td>
<td>1½</td>
<td>1½</td>
</tr>
<tr>
<td>7</td>
<td>4½</td>
<td>½</td>
<td>1½</td>
<td>1½</td>
<td>1½</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>...</td>
<td>1½</td>
<td>1½</td>
<td>1½</td>
</tr>
<tr>
<td>9</td>
<td>2</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

43. The first column of this table contains the nine classes of our scale; the second, the relative values of these, estimating the highest at 16 annas, or one rupee, which is the mode of valuation most familiar to natives. We have found by experience that a greater depth than 1½ cubits, or about 3 feet, does not affect to an appreciable extent the fertility of soils, and we have therefore
adopted this as the maximum in the case of the 1st and 2nd orders. Soils of the 3rd order are rarely found of a greater depth than one cubit, which we have made the maximum, as any occasional depth beyond this adds nothing to their value.

44. The depths entered in the table determine the classes to which the several orders of soils belong, wherever they are found free from an admixture of particular substances, or unattended by other circumstances which diminish their fertility. These deteriorating influences, when of sufficient importance to require a soil to be entered in a lower class than indicated by its depth, we denominate faults. Those of ordinary occurrence we propose to distinguish by the following conventional marks, as a short and convenient method of recording them in the classer's field-book:

.: Denotes a mixture of minute fragments or nodules of limestone.

\v: a mixture of sand.

\/: sloping surface.

\x: want of cohesion amongst the constituent particles of the soil.

\^: a peculiar mixture, more or less impervious to water.

\:= liability to be swept over by running water.

\w: an excess of moisture from surface springs.

45. These comprise all the important faults we have hitherto met with, and one such lowers the soil in which it is found a single class; two lower it two classes; three, three classes, and so on, as will be shown in a subsequent example.

46. Extrinsic circumstances affecting the value of a field, but not its fertility, as distance from drinking water, &c., should be noted by the classer in his field-book.

47. For the purpose of effecting the classification of a field, the classer, with the aid of the village map, enters an outline of its shape in his field-book, which he divides by intersecting lines into a number of equal compartments, sufficiently numerous to give a fair average valuation of the soil by an examination of its depth and quality in each compartment. These particulars, and the class into
which the soil falls, are noted within each compartment of the classer's sketch of the field, as shown in the following example:

**East.**

<table>
<thead>
<tr>
<th></th>
<th>4</th>
<th>3 = 1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>1²</td>
<td>1²</td>
<td>1²</td>
</tr>
<tr>
<td>6</td>
<td>5</td>
<td>4 ⁹</td>
<td>3 ⁺</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>1²</td>
<td>1²</td>
</tr>
</tbody>
</table>

The figure in the left-hand lower corner of each square indicates the depth of the soil, and the number of dots under it, the order of soils to which it belongs: one dot signifying the 1st; two, the 2nd; and three, the 3rd order. The conventional marks in the right upper corner show the faults, each of which degrades the soil one class; from the order of soil, the depth, and the faults, is determined the class of relative value to which the compartment belongs, as indicated by the figure in the left-hand upper corner. To take the instance of the lower compartment on the right of the field, the depth is entered at 1² cubits, and the soil is of the 1st order, as shown by the single dot immediately below. This order and depth indicate the 1st class of relative value, according to the table; but the presence of two faults (a mixture of sand and a sloping surface), indicated by the signs v, requires the soil to be entered in the 3rd class, as denoted by the figure 3 in the upper left-hand corner of the compartment. It will also be seen from the example that a particular fault is occasionally entered twice in the same compartment, which means that it exists in so great a degree as to require the value to be lowered two classes in consequence.

48. When the classification of every compartment is completed, the classer enters in his field-book, below the sketch, an abstract, giving the number of compartments or shares of each class, together with their aggregate value in annas, according to the table; and the sum of these annas, divided by the total number of shares, gives of course the average relative value of the field in the
annas of our scale. This abstract for the field, given in the above example, would be entered as follows:

<table>
<thead>
<tr>
<th>Class</th>
<th>Number of Compartments or Shares</th>
<th>Value of Shares in Annas of the scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>36</td>
</tr>
<tr>
<td>4</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>4$\frac{1}{2}$</td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>$104\frac{1}{2}$</td>
</tr>
</tbody>
</table>

The average value of the field in this case is thus shown to be 10 annas and 5 pies of the classification scale.

49. The system we have thus endeavoured to describe possesses the following important advantages: it obliges the classer to give his minute attention to every portion of the field, and by requiring a separate estimate of the value of each, his judgment is brought to bear on a very limited number of particulars, and the chance of error thereby greatly reduced. The distinct record of the valuation of each share further admits of the operation being tested in its minutest details, so that any error of judgment, or carelessness on the part of the classer, in the valuation of any one share in a field subjected to re-examination, may at once be discovered and brought home to him even if it should not affect the accuracy of his average valuation of the whole. The determinate character of the rules of this system, and the facility afforded for the application of a minute and searching test, must greatly conduce to the promotion of uniformity in the work of different classers—a consideration of immense importance where a trustworthy and experienced agency is not to be obtained.

50. The system we have described is confined to the ascertainment of the intrinsic capabilities of the soil, without reference to external influences affecting its productive powers, such as climate or water for irrigation.

51. Climate does not affect in a uniform manner every kind of soil. A change from a dry to a moister climate, for instance, will generally tend to approximate the productive powers of the higher and lower descriptions. The latter will benefit to a greater extent by the additional moisture than the former, the superior
productiveness of the better soils in a dry district being in a great measure due to their retaining moisture sufficient to enable them to resist the effects of drought—an advantage which will be of less moment wherever droughts are of rarer occurrence.

52. This alteration in the relative values of the classes might be effected by increasing or diminishing the depth required to place a soil in a particular class; but rather than disturb the uniformity of our system, we prefer to make the requisite adjustment by an alteration in the relative values of the several classes entered in col. 2 of our table. By this means we are enabled to make the necessary modification at any subsequent period when we have obtained sufficient information for the purpose; whereas the alteration in the depths of the table would require to be made on commencing the classification of a district, when our knowledge of its peculiarities is comparatively limited. Such alterations, however, are rarely necessary, as the lowness of the assessment should of itself suffice to cover all the more minute variations of value arising from difference of climate.

53. But while climate does not greatly affect the fertility on the several classes of soils, with reference to each other, it constantly and materially influences the productive powers of any one class in different districts, and sometimes in different portions of the same districts. Distinctions of the latter description, however, do not in any way affect the relative classification of the soils, though they form a chief consideration in determining the absolute amount of the rates of assessment for the districts or localities in which they prevail.

54. Irrigation greatly augments the productive powers of the soil, and whenever there is a command of water for this purpose it becomes a very important element in fixing the assessment of the land for which it is available.

55. Irrigated lands may be distinguished by the terms garden and rice. This distinction is not absolute, as rice is frequently grown in garden land, but rice land, properly so called, is that in which rice is the ordinary, if not the only, irrigated crop grown. Irrigated lands may again be divided into such as are watered from wells, from dams across rivers or streams, from tanks or from wells combined with either of the two latter.

56. In classing gardens irrigated from wells, the chief points to be considered are the following:

1st.—The value of the soil, as determined by the classification already described.
2nd.—The supply of water in the well.

3rd.—The depth of the well.

4th.—The quality of the water, whether sweet or brackish.

5th.—The sufficiency, or otherwise, of extra land under the well, to allow of a rotation of wet and dry cropping.

6th.—The distance of the garden from the village, as affecting the cost of manuring.

57. Of these elements, the supply of water in the well is of most importance, and should be determined by an examination of the well, and inquiries of the villagers, in addition to a consideration of the nature of the crops grown, and the extent of land under irrigation. This is the most difficult and uncertain operation connected with the valuation of the garden, especially in the case of wells which have fallen into disuse, and therefore that to which attention should be particularly directed in testing the estimate of the classer, and fixing the assessment of the garden. The remaining elements admit of being determined with accuracy.

58. In deducting the relative values of gardens from a consideration of all these elements, which should be separately recorded by the classer, it would greatly facilitate the operation were the extent of land watered always in proportion to the supply of water in the well. But it is not so, as in many instances the extent capable of being watered is limited by the dimensions of the field in which the well is situated, or the portion of it at a sufficiently low level; and in others, supposing the capacity of the well to be the same, and the land under it abundant, the surface watered will be more or less extensive, as the cultivator finds it advantageous to grow the superior products which require little space, but constant irrigation, or the inferior garden crops, which occupy a more extended surface, but require comparatively little water.

59. Wherever the extent of land capable of being watered is not limited by the dimensions of the field, the most convenient method of determining the portion of it to be assessed as garden land is to allot a certain number of acres to the well in proportion to its capacity. By this means the most important element of all is disposed of, and our attention in fixing the rate per acre restricted to a consideration of the remaining elements, which are of a more definite nature.

60. The relative importance of these elements varies so much in different parts of the country, that we find ourselves unable, after a careful examination of the subject, to frame a rule for determining the value to be attached to each, and the consequent effect
it should have upon the rate of assessment under all circumstances. It must be left to the judgment of the superintending officer to determine the weight to be assigned to each circumstance affecting the value of garden land, and, this determined, it will be easy to form tables or rules for deducing from these the relative values of garden land under every variety of circumstance.

61. In the valuation of garden land irrigated from dams or tanks, fewer circumstances require consideration. They are generally limited to the supply of water, and the quality of the soil, although it is necessary, in some instances, to allow for distance from village. In this description of cultivation there is seldom a rotation of dry cropping, and consequently the assessment must be placed on the land actually watered, which prevents the supply of water being estimated by fixing a certain number of acres to each garden, as in the former case, and it becomes therefore necessary to class the supply of water with reference to its abundance and duration. These particulars are ascertained from the number of months of the year in which the water flows, and the nature of the crops produced. The class of water thus determined, and the class of soil, as fixed by the system already described, combine to give the relative value of the land irrigated.

62. In cases where garden land is irrigated, partly from wells and partly from dams and tanks, the important point to ascertain is which is the chief source of supply. This is valued, in the first instance, according to one of the methods just described, and the rate so obtained enhanced in proportion to the value of the aid derived from the minor source of supply.

63. In rice, as in other irrigated lands, the chief points to be considered are the supply of water, the nature of the soil, and facilities for manuring. The supply of water is often wholly, and always to a great extent dependent on the ordinary rains. In some parts of the country, to guard against the effects of intervals of dry weather occurring in the rainy season, small tanks are formed from which the rice may be irrigated for a limited period. In estimating the supply of water there are two distinct circumstances therefore to be considered, viz., the inherent moisture resulting from the position of the field, and the extraneous aid derived from tanks or from channels cut to divert the water from the upper slopes into the rice grounds below. The weight to be given to each of these elements in the classification of the supply of water depends so much upon local peculiarities, that we feel it impossible to frame a system of universal application; and consequently the determination of this point must be left to the judgment of the superintend-
ing officer. All that we can do is to indicate the principles according to which, as we conceive, the operation should proceed.

64. The classification of the soil should be effected by a system similar in principle to that already described, though modified in details to meet the peculiarities of different districts. But the circumstances of the rice countries to which our operations have yet extended appear to vary so much, that we have not been able to agree upon any detailed rules for the classification that would be suitable to all.

65. The facilities for manuring rice lands will be determined, as in the case of dry-crop soils, by distance, from village or the locality from which manure is procurable.

66. We have now defined, with as great a degree of minuteness as we consider desirable, the various operations of the survey undertaken for the purpose of distributing the assessment over the fields into which the lands of each village are divided, with reference to their extent and capabilities. It now remains for us to point out what we deem the best mode of fixing the absolute amount of assessment to be so distributed. The first question for consideration is the extent of territory for which a uniform standard of assessment should be fixed. This will depend upon the influences we admit into consideration with a view to determine the point. Among the most important of these influences may be ranked climate, position with respect to markets, agricultural skill, and the actual condition of the cultivators. The first of these may be considered permanent; the second and third less so; and the fourth, in a great measure, temporary. And as our settlements are intended to be of considerable duration, there is an obvious advantage in regulating the assessment by considerations of a permanent character, or at least such as are not likely to undergo any very material change during the term of years (generally 30) for which it is to endure.

67. In determining, then, upon the extent of country to be assessed at uniform rates, we are of opinion that the more permanent distinctions of climate, markets, and husbandry should receive our chief attention. We should not think of imposing different rates of assessment on a tract of country similarly situated in respect to these three points, in consequence of the actual condition of the cultivators varying in different parts of it. Were we to do so, we should depart from the principle laid down by the Honourable Court of Directors, of assessing land according to its capabilities, and adopt the objectionable one of doing so with reference to the means of the person holding it. The effect of such a system, by
creating different rates of profit upon capital employed in agriculture, would interfere with its natural and most advantageous distribution, by diverting it from lands actually in cultivation to the lowly-assessed waste of those villages of which the cultivators happen to be poor. By enabling the latter to meet the Government demands without the application of the same degree of capital and skill required in the case of better cultivated villages, it would foster in the former a slovenly and unremunerative mode of husbandry. By taking into account an element so uncertain and liable to change as the condition of the cultivators in particular villages, the assessment would become less and less suitable with every improvement in their condition. On the other hand, by basing the assessment on considerations of a durable character, we have the promise of its remaining suitable for a lengthened period, and at the expiration of the term for which it is confirmed, requiring no further alteration than a simple increase or decrease of its amount, as the exigencies of the country and Government might demand.

68. Each collectorate being divided into districts, of which the management and records are distinct, it is an obvious advantage to consider the assessment of each of these divisions separately. And were the points bearing on the distribution of the Government demand alike in all parts of any such division, one standard of assessment would be suitable for the whole. But this is seldom the case; and there is usually such marked distinctions between different portions of the same district as to require the assessment to be regulated with reference to these. The first question, then, in proceeding to the assessment of a district is to ascertain whether such distinctions exist, and to define the limits over which they prevail. This, however, will seldom be a task of much difficulty, nor involving any very minute investigations, as marked differences only, calling for an alteration in the rates of assessment, require notice; and within the limits of a single district three to four classes of villages would generally be found ample for this purpose.

69. The relative values of the fields of each village having been determined from the classification of soils, the command of water for irrigation, or other extrinsic circumstances, and the villages of a district arranged into groups, according to their respective advantages of climate, markets, &c., it only remains, in order to complete the settlement, to fix the absolute amount of assessment to be levied from the whole.

70. The determination of this point is perhaps the most important and difficult operation connected with the survey, and requires, beyond all others, the exercise of great judgment and discrimination on the part of the officer on whom it devolves. The
first requisite is to obtain a clear understanding of the nature and effects of our past management of the district, which will be 
arrived at by an examination and comparison of the annual revenue 
settlements... as many previous years as trustworthy data may 
procurable for, and from local inquiries of the people, during the 
progress of the survey. The information collected on the subject 
of past revenue settlements should be so arranged as to enable one 
to trace with facility the mutual influence upon each other of the 
assessment, the collections, and the cultivation.

71. This, in our opinion, can best be done by the aid of dia-
grams, constructed so as to exhibit, in contiguous columns, by line-
proportions, the amount and fluctuations of the assessment, collect-
tions, and cultivation for each of the years to which they relate, 
so as to convey to the mind the clear and definite conceptions of 
the subject, such as it is scarcely possible to obtain from fig-
urated statements, even after the most laborious and attentive study. 
The information to be embodied in the diagram best suited for our 
purpose should be restricted to the land of the district subject to 
full assessment; the extent of this cultivated in each year; the as-
essment on the same; and the portion of the assessment actually 
realised. This will exclude from the diagram several items of re-
venue obtained from this land, such as the rent of grazing farms, 
fruit-trees, sheep tax, &c., independent of the assessment hitherto 
levied on the cultivated land, which is the proper object of our pre-
sent inquiry.

72. The hucks of hereditary officers upon cultivated land, 
however, having to be included in the survey assessment, and ex-
forming a real addition in the burdens on the land, might appro-
priately be included in the diagram; but as no authentic records of 
the amount of such hucks actually realised are obtainable, we think it 
preferable to omit them, and to estimate separately the addition to 
be made on their account to the collections shown by the diagram.

73. The items of information admitted into the diagram 
should be alike for each year. They should have reference to the 
same villages; and in the event of any having lapsed to Govern-
ment, or having been otherwise transferred during the period em-
braced in the diagram, for which information for all the years re-
quired cannot be obtained, such villages should be excluded alto-
gether; or if it be considered preferable to include them, a propor-
tionate increase should be made to the entries of the diagram in 
the case of the years for which exact data may be wanting. The 
cultivation and assessment for each year should be estimated in the 
same land measures and the same currency, and an explanation of
the value of these afforded.* Every care should be taken to secure the accuracy of the information embodied in the diagram, and the points in which it may be considered imperfect brought to notice.

74. Furthermore, to assist in tracing the causes to which the prosperity or decline of villages, or tracts, containing several villages, are to be attributed, independent statements of the annual revenue settlements of each village should be prepared: and from these again a general statement for the whole district, or any portion of it, should be framed, and its accuracy tested by a comparison with the general accounts of the taluka, and from the returns so prepared and corrected the diagram should finally be constructed. The nature and amount of the various items of land revenue and hucks excluded from the diagram should be separately noted, and taken into account in considering the financial results of the proposed assessment.

75. And finally, with the view of affording the fullest information on this important subject, detailed figured statements should be furnished, exhibiting the source and amount of every item of revenue hitherto derived from land of every description, whether Government or alienated, comprised within the limits of the villages for which an assessment is proposed.

76. The information thus collected and exhibited, with that obtained by local inquiries into the past history of the district, will generally enable us to trace the causes which have affected its past condition; and a knowledge of these, aided by a comparison of the capabilities of the district with those of others in its neighbourhood, will lead to a satisfactory conclusion regarding the amount of assessment to be imposed.

77. But instead of a particular sum at which a district should be assessed, it amounts to the same thing, and is more convenient to determine the rates to be imposed on the several descriptions of soil and culture contained within its limits, so as to produce the amount in question. And to do this it is only requisite to fix the maximum rates for the different descriptions of cultivation, when of course all the inferior rates will be at once deductible from the relative values of our classification scales.

78. The rates so determined should be applied to all descriptions of land, alienated as well as otherwise; for the settlement could not be considered complete unless the extent and value of alienated land, as well as that under the immediate management of Government, were ascertained and recorded. When the calculation

* Collections or remissions on account of outstanding balances should be included in the entries of years to which they relate, though made at a future period.
of the assessment from these rates is completed, field registers, embodying the results of the survey, should be prepared for each village separately for the use of the Collectors. These, and the village maps, form a complete record of our operations; and while they and the field boundaries exist, all the important data resulting from the survey will be preserved.

79. It will have been observed that in the description just given of the system of operations we have to recommend, we have confined ourselves in a great measure to the statement of principles and results, without entering into details upon points which are not of general application. To have attempted greater minuteness would, without answering any useful purpose, have fettered the operations of the survey by enjoining particular methods of procedure, which local circumstances might render inapplicable. And for this reason we consider it necessary to allow, with reference to these points, a considerable latitude to the judgment of the superintending officer, so as to enable him to accommodate the details of his operations to the varying circumstances of the localities to which they may extend.

80. There are nevertheless certain points connected with the interior management of the Survey Departments which appear to us of uniform application, and sufficiently important to be defined in the shape of general Rules, or principles for future observance. They are as follows:

1st.—That every operation of the survey, such as the defining of boundaries, the modes of measuring and mapping, the classification of the soil, &c., should be performed in accordance with definite Rules, which should provide, as far as possible, for every difficulty likely to be met with in practice. The Assistant Superintendents, and every member of their establishments, should be furnished with these Rules, or such portions of them as refer to their particular duties, for their instruction and guidance.

2nd.—Precautions deemed requisite for the prevention of fraud, such as particular methods of recording the survey data, injunctions regarding punctual payments for all supplies, prohibitions against residence in private dwellings, borrowing money from, or incurring obligations to, any of the inhabitants of villages under survey, &c., should also be embodied in these Rules; and the Survey Officers should be careful to see that they are uniformly acted up to, and not allowed to fall into disuse.
3rd.—No alterations of, or deviations from, these Rules should be made by any Assistant, without the sanction of the Superintendent; and in order to ensure uniformity, any modification, if generally applicable, should be extended to the establishments of all the Assistants.

4th.—Copies of these Rules, and all important modifications of them, should be furnished by each Superintendent to the other Superintendents of Survey, in order that each may be kept aware of the methods practised on the other surveys, and thus enabled to take advantage of every improvement applicable to his own operations.

5th.—The pay of the members of the native establishments should be regulated, as far as practicable, with reference to the quantity and accuracy of the work executed by each, and the principles observed in the regulation of pay should be the same in the establishments of all the Assistants.

6th.—Daily, or at least very frequent, reports of the nature and quantity of work performed by the members of the native establishment employed in the field should be transmitted by them to the Assistant Superintendent, that he may be kept exactly informed as to what every person under him is doing and be able to adopt timely measures for preventing obstruction to his operations. When the establishments are not employed in the field, a record of the daily work of each member should be kept for the information of the Assistant Superintendent.

7th.—A regular and frequently recurring test of the work of the native establishments should be kept up by the Assistants in charge, and monthly Returns, showing the work of each individual employed in the field, as also the extent and result of the test with reference to each particular, should be furnished by the Assistants for the information of the Superintendent.

8th.—All letters to the address of any Assistant Superintendent should be opened and replied to by himself; and in event of his absence, no Karkun should be permitted to open, read, or reply to such communications.

9th.—The measurement should always be considerably in advance of the classification, and, when practicable, we think it advantageous that these operations be
prosecuted under the superintendence of separate Assistants.

10th.—An annual Progress Report should be submitted by the Superintendent of each survey for his department. It should exhibit the quantity of work executed in each branch, the portion of this subjected to test, and the degree of accuracy attained, as well as the cost of the whole; and the same particulars should be given for the work executed under each Assistant. The Report should likewise afford any explanations necessary to enable Government to come to a correct conclusion regarding the operations of the year.

11th.—The proposals for the assessment of each district should be made by the Superintendent, as the Assistants, from their more limited experience, and the circumstance of their duties confining them to particular districts, have not the same opportunities of acquiring all the information necessary for the purpose, and the discussion of their proposals by the Superintendent would occasion a needless prolixity in the correspondence connected with the determination of the rates of assessment. The Superintendent, however, will find it advantageous to consult with his Assistants regarding the state and peculiarities of the districts where they may be employed as their opinions will often be of much service to him in forming his own conclusions with respect to the rates.

12th.—All the accounts of the department with the Collector and Civil Auditor should pass through the office of the Superintendent. The latter should have an Account Current with the Collector, who should make advances on his requisitions to any extent necessary. The survey accounts should be made up for each month and submitted for audit by the Superintendent, and the Civil Auditor should return them to him when passed. They should then be transferred to the Collector, who then would give the Superintendent a corresponding credit in his Account Current.

The Superintendent should have a similar Account Current with each of his Assistants, making them advances, from time to time, for their own pay and that of their establishments, and giving them credit for signed receipts and similar vouchers forwarded with their accounts, which should be furnished monthly.
13th. — At least two or three seasons before the probable termination of the survey of a collectorate, or other division of the country, the Superintendent should request the instructions of Government regarding the future destination of his department; that in event of Government contemplating its transfer to another quarter, he may have time to make the necessary arrangements for moving the establishments gradually into the new field, and thus avoid the risk likely to attend the sudden transfer of such an agency into a country of which they have no experience, and where the system previously pursued may prove inapplicable.

81. In addition to the points noticed in these general Rules there are many technical details in regard to which uniformity is desirable, but we consider it would be difficult, if not impossible, for any but those who have a practical knowledge of the working of a survey to form a correct judgment with respect to them. Furthermore, as these details are not of a permanent nature, and would require modifications to meet local peculiarities, we do not consider that any good purpose would be served by attempting to define them. Greater uniformity than we have endeavoured to enjoin could not, we conceive, be effectually secured, except by placing the several Survey Departments under one controlling authority, conversant with the principles and details of a revenue survey.

83. The introduction of the survey settlement should, in our opinion, be effected by the Superintendent, in conjunction with the Assistant Collector of the district, in order that the latter may become fully acquainted with the system, and the former have an opportunity of observing the practical working of its details and of explaining them fully to the local Revenue Officers in charge of the district, as well as of overcoming any difficulties, and meeting objections which may present themselves in the course of the settlement.

* If the Collector himself holds direct charge of the district, he will of course be present at the introduction of the survey settlement, as will he also be if the Assistant Collector in charge is not sufficiently experienced to form a correct opinion as to the merits of what is being done; or if, for any other reasons, he thinks proper to watch proceedings. The Assistant himself, though ever so inexperienced, should also be present, for he cannot be in a better school in which to learn the most important parts of his revenue duties.—G. L. No. 6900, paragraph 11.
The future administration of the survey settlements is a subject of the utmost importance, as a successful result cannot be anticipated unless the details of revenue management be carried out in strict accordance with the principles on which the settlements are based. This subject embraces so wide a field, and involves the consideration of so many details, that to attempt to establish the suitability of every proposition we have to make in regard to it would lead to almost interminable, and, in our opinion, uncalled-for discussion, on which account we prefer to submit our views in the form of definite Rules for the guidance of the local Revenue Officers. These Rules comprise all the points which occur to us as of sufficient importance to call for notice; but in submitting them for approval, we wish it to be understood that they should be considered applicable only to the collectorates above the Ghauts, already surveyed, or in course of being so. In other divisions of the Presidency, where the husbandry and revenue system are different, great alterations might be necessary.

**RULES.**

G. L. No. 5593 of 1848, para. 25.

With a view to the improvement of the country and people, the assessment now introduced by the Superintendent Revenue Survey, has been fixed by Government for a period of thirty years, viz., from Fasli to period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging or repairing of wells and tanks, the planting of fruit trees, &c., will be secured to the inconn-

* The Rules here given have been altered, in some instances from those of the original manuscript report, in compliance with instructions contained in the Government letters to the Revenue Commissioner, Southern Division, No. 5508, dated 22nd September 1848, and No. 6900, dated 18th November 1849; but the Nos. of the Rules remain unchanged. The paragraphs of these letters, sanctioning the Rules as they now stand, are quoted in the margin opposite each Rule, and remarks by Government, which qualify the application of any of the Rules, are given in foot-notes to the Rules to which they refer. Where alterations have been made, the original reading is given in small type in the margin; words altogether omitted from the original manuscript are given in Roman in the margin, and words added to the original manuscript are printed in Roman in the body of the Rules.
bent of the land, and no extra assessment levied on that account. *

2nd.—All Cesses upon land have been absorbed in the new assessment; consequently when there are fruit trees in a field, their produce is to be taken by the cultivator, and nothing beyond the assessment placed on the field levied on that account from him; but in the case of valuable fruit and other trees standing in fields assessed at dry crop rates, and not in cultivation at the introduction of the Survey, and the produce of which it has hitherto been customary to sell on account of Government, the right of property in these trees and of occupancy in the field should be offered at a fair upset price, and sold once for all by public auction to the highest bidder, and nothing in excess of the survey assessment thereafter exacted. But if no one offer to undertake the cultivation of the field on these terms, the produce of the trees may be sold annually according to custom.†

* A proclamation to the effect of Rule 1 should be published when the revised rates are introduced in the district, and every Patel should be furnished with a copy.—G. L. 5533 of 1848, paragraph 26.

Any holder of a Government field wishing to appropriate a portion of the arable land contained in it for some purpose unconnected with agriculture, as in order to build a temple, or a dhrurmella for the use of travellers, or a tank to provide water for public purposes, and not for irrigation, and desires of obtaining a remission of the assessment on the land to be so appropriated, must obtain the consent of the Collector before proceeding with the work, otherwise he will have no claim to any remission of the assessment, and any petition he may afterwards make on the subject will be disallowed. This rule, however, is not to be interpreted in any way restricting the right of the occupant to dig wells, construct tanks for irrigation, erect farm buildings, or in any other way to expend money on his field for agricultural purposes without reference to the Collector, secured to him by the 1st of the Survey Rules.—G. L. No. 3053 of 21st May 1858.

† An occupant may sub-let or dispose in any way he pleases of trees bought under this Rule.

An occupant's right, or a right derived from him over trees bought under this rule, holds good only so long as he retains the occupancy of the revenue survey number in question. Should he resign the number, or transfer the occupancy to another person, the right over the trees lapses, or is transferred to the new occupant.

In case an entire revenue survey number containing trees should be resigned, or lapse to Government on failure of heirs, the occu-
G. L. No. 5593 of 1848, para. 25.

3rd.—No field is to be let for less than the full survey assessment, on account of its having been long waste, overrun with jungle, or any other reason whatever.

G. L. No. 6900 of 1849, para. 5.

4th.—In the Survey Registers, in the case of fields containing garden and rice land, the said land is entered at so many acres bearing a certain assessment, or the latter is laid upon the well in the case of garden land, without the irrigated acres being specified. This assessment is invariably to be levied and nothing more, whether a greater or less number of acres, or none at all, be cultivated with garden or rice crops; and should there now or hereafter be garden or rice land in any field not entered as having such in the Survey Registers, no extra assessment is to be levied on that account; the dry-crop assessment therein entered is alone to be levied. In the Registers also a deduction is made on account of barren land in certain fields, and the assessment placed on the arable land alone; but in event of the cultivator bringing any portion of the land deducted as barren into cultivation no extra assessment is to be levied on that account; the assessment on the field entered in the register is alone to be levied.*

Unstable.

b Unstable.

G. L. No. 6900 of 1849, paras. 3 and 4.

5th.—Every cultivator in whose name any field, or share of a field, on whatever tenure hold, is entered in the village cultivation returns, is to be considered the holder of such field or share; and so long as he shall continue to pay the survey assessment due on it, he cannot be ejected or deprived of his right by any revenue authority; but in event of his failing to discharge the full assessment, Government reserves the power of ejecting him from any field or share of which the assessment shall at least be equal to the balance outstanding, the defaulters retaining, however, security should be sold on account of Government at a fair upset price with the trees. The disposal of occupancies comprising parts of revenue survey numbers is provided for by Rules 7 and 8.

* This does not apply to a tank included in a revenue survey number, and deducted as unarable, watering other lands beside those included in that number. The occupant is not permitted to cultivate the area of the tank so deducted after the water has dried up. 
the privilege of determining the particular field or fields to be so relinquished; and in case when the tenure precludes summary ejectment, the Collector will observe the forms necessary to give his orders the force of a legal decree.†

6th.—In event of a holder of Government land dying, his fields or shares are to be entered in the name of his eldest son or next heir, should be or his representatives agree to take them.

7th.—When two or more holders hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered, in the first instance, to the other sharer before it is offered to any other party; and in event of the said sharer declining it, and no other party applying to take it up, the former must relinquish his share too, and allow the whole field to become waste.

8th.—When there are more sharers than two in a Government field, and any of them relinquishes a share or dies,

† Your 10th para. (Revenue Commissioner’s letter dated 18th Sept. 1847, No. 2258,) inculcates a prudent caution in respect to the insertion of the names of parties as the holders of fields. Care should be taken that the real holder is well ascertained; and if there be a dispute, no entry should be made in the Survey Books that can give one party a right which he might not on inquiry be found to possess. It is a great object to establish our Survey Books as a complete record of the state of the occupancy at the time of the operations—G. L. No. 5593 of 1848, para. 28.

In the Superintendent’s remarks in para. 20, on the subject of Rule 6, I quite concur, for he admits the only exceptions (which I wished to contend in my letter of 10th September 1847, viz., cases which “have been fraudulently, or through mistake, omitted to be entered.” That such cases must be guarded against Government have decided in para. 28 of the letter under reply, and important as I admit the rule to be, justice I think requires that the exception should be borne in mind.—Revenue Commissioner’s letter No. 3195 of 1849, para. 6.

In the remarks made by you in paragraph 6, regarding the other provisions of this rule, Government concur.—G. L. No. 6900 of 1849, para. 4.

Rule 6 is approved, provided no Miradar, or recognized heritable right, is interfered with.—G. L. No. 5593 of 1848, para. 29.

Rules 7 and 8 should, in the opinion of Government, be relaxed only in cases in which any of the co-sharers in the field have held possession of their land for upwards of 20 years, and then never but in cases in which the Collector himself or an experienced assistant may consider the relaxation absolutely necessary to prevent considerable hardship being entailed on individuals.—G. L. No. 6900 of 1849, para. 7.
without heirs, it should be offered, as above, to the
sharers, in the first instance, beginning in event of
their failing to settle the matter amongst themselves,
with the largest sharer, and so on to the least. If
none of these, nor any other party, be found to take
up the relinquished share, the whole field must be
thrown up."

G. L. No. 5593 of 1848, para. 31.

9th.—Whoever has a field, or portion of one,
entered in his name in the Government accounts may
have the said field or portion transferred to the
name of any other person agreeing to cultivate the
same on his making a written application to that
effect in the usual “Ravinama,” or petition to
resign.†

G.L. No.5593 of 1848,
para. 32, and G. L.
No. 590 of 12th
February 1847.

10th.—Proprietors of Inam, Judi, and Miras
lands, having possession of the same, have the right
cutting down or otherwise disposing of all trees
growing therein, and also holders of Government
fields, of which they have been in uninterrupted
occupancy from a period anterior to the age of
the trees, or for a period of twenty years, or who
have purchased the trees under the provisions of
Rule 2.

G. L. No. 390 of 1847,
and G. L. No. 6900 of 1849, para. 12.

11th.—Holders of Government fields besides those
specified in preceding Rule,
or occupants of Miras,
Judi, or* Inam lands,
holding the same from Go-
v:ernment,* must obtain
permission to cut down
trees, and will, in event of

* Resignations of parts of Judi Inam Revenue Survey numbers
are not permissible. This Rule does not, however, extend to
transfers of such shares as may be made in accordance with Rule
12. When a Judi Inam Revenue Survey number is held in share,
and one of the sharers dies without heirs, or otherwise vacates
his share, in the event of the remaining sharers failing to settle
the matter among themselves, the payment of the Judi due on
the lapsed share should be required from each sharer in succes-
sion, beginning with the holder of the largest share. If none of
them consent to pay the Judi on the lapsed share, the Judi tenure
of the whole Revenue Survey number will be considered as resigned
and the number will be entered as Khalsa.—G. R. No. 609 of
27th February 1856.

† The transfer includes the right over trees, houses, and every-
thing immovable in the occupancy transferred.
are to be cut down without permission from the district revenue authorities unless the property of the holder, by purchase, under the provisions of Rule 2, permission being given, be required to plant two trees for every one cut, unless exempted from this condition by order of the Collector. The permission to cut trees under this Rule and also trees in Government waste fields, for any purpose connected with agricultural operations, to be granted by the Patel and Kulkarni on application, a record thereof being kept for the inspection of the Government Officers. For other actual and immediate wants of the villagers, such as repair of houses, &c., permission to be obtained from the Māmlātār or Mahālākari; but for cutting any large number, or for any purpose of sale or profit, the permission of the Collector or one of his Assistants to be necessary, when any conditions which may appear advisable can be imposed.*

Supplemental Rule to those following paragraph 84 of the Joint Report by the Superintendents of Survey, dated 2nd August 1847.

The specifications regarding trees contained in the 2nd, 10th, and 11th of the Survey Rules are not to be considered applicable to villages and parts of villages specially selected by the Conservator of Forests, and approved of by Government, for the growth and preservation of teak and other trees on behalf of Government: in such villages and parts of villages property in trees, and also the arrangements made for their preservation, shall remain unaffected by the introduction of the survey settlement.

12th.—In taking up waste for cultivation, a ryot must agree for a whole survey field at the full assessment, and no portion of a field is, on any account, to be given for this purpose, except in the case mentioned in the next Rule; and when two or more cultivators agree together to cultivate a waste field, it must be entered in the name of one of their number, who will be considered the holder, unless the assessment of the field amount to, or exceed, twenty rupees, in which case it may be entered in the names of two or more holders, on the condi-

* The purchaser of the taddy farm has no right whatever over date trees in occupied land; his farm is confined to the date trees standing in unoccupied land.
tion that the assessment of the share of each shall
in no case fall short of ten rupees.*

G. L. No. 6900 of 1849, para. 6.

13th.—There are some survey fields, consisting
in great part of land cover-
ed with dense jungle, or
otherwise unsuited in their present state for cul-
tivation, upon which no assessment is placed in the
Survey Registers. In the event of portions of such
fields being brought under cultivation, rates of assess-
ment should be fixed by the Mamlaldar upon the
acres under tillage, equivalent to those of similar soils
in the same village. This rule applies to all
fields in the Survey Registers on which rates of
assessment have not been fixed.†

G. L. No. 5598 of 1848, para. 39.

14th.—Unless special exceptions be made, by the
Collector, of valuable grass lands, certain to realize
rents in excess of the survey assessment, the grazing
of all waste Government and Mirasland land is annually
to be sold by auction, field by field, at the com-
 mencement of the monsoon, a preference being given
at the sale to the inhabitants of the village to which
the land may belong. The bidding, however, for
any waste field should not be allowed to go beyond
its assessment in the Survey
Register, and when it
reaches this point, the field should be entered in the
name of the last bidder, as other cultivated land
held at the full assessment, and the persons so taking
it, admitted to all the privileges of a holder of land
under tillage.‡

G. L. No. 5593 of 1848, para. 39.

15th.—The grass of fields especially excepted by
the Collector from the operation of the preceding
Rule, may be sold by auction to any one, for sums
in excess of the survey assessment.

* This rule only applies to unoccupied waste land on being
first taken up, not to occupied land, even though bearing assessment
over twenty rupees, or to land which has been resigned since
the settlement.

† Reference to be made to the Survey Department, so long
as it is in existence in a district, for fixing the assessment of land
required for cultivation, and unassessed in the first instance.—
G. E. No. 1069 of 2nd April 1856.

‡ In the vicinity of the ghats, and in some other districts,
the quantity of land available for grazing is much more than can
be required by the villagers; in these cases the officer in charge
of the district will set apart a portion of grazing land in each
village sufficient for the reasonable requirements of the villagers.
This reserved portion will be bid for exclusively among the
villagers, and the remainder will be open to the bid of any one,
16th.—* The grazing of the unarable and other fields not subjected to assessment in the Survey Registers should be sold by auction by the Collector, as in the preceding Rule, a reasonable proportion being set aside for the free pasturage of such villages as have hitherto enjoyed this right.

17th.—In some villages, houses are attached to particular fields, and it has been customary to oblige a ryot, throwing up one of these fields, to relinquish his house at the same time. This custom, however, is now abolished; and every cultivator is at liberty to throw up any field without his title to his house being at all affected thereby. This Rule does not apply to the case of alienated lands.

18th.—In the Survey Registers an assessment is placed on Judi and Inám, as well as Government fields, but the Judidárs and Inándárs are not bound thereby, and are at liberty to let out their lands on any terms they please.

19th.—In event of Inám land being confiscated, or temporarily attached, it is to be let out, while under Government management, at the survey assessment, or sold by auction, if waste, exactly as Government land. This Rule does not apply to the year in which the attachment is effected for which the existing agreements made with the Inándár should be allowed to stand.

* The time of selling the grass privileges is left to the discretion of the Collector, who must take care to provide against loss from unreasonable sales of the farm.—Paragraph 6 of G. R. No. 11093 of 26th November 1851.

† When an Inám village already surveyed leases to Government, the survey rates may be at once introduced, remissions being allowed for the first season, in the usual way, in all cases where the survey settlement exceeds the amount of individual payments under the Inándár's rates.

When the settlement is introduced into lapsed or alienated villages situated in a district already settled, the guarantees will be restricted to the unexpired period of the general lease of the district. This Rule is not, however, applicable to isolated villages where a 30-years' guarantee was specially given at the time of settlements.
20th.—Cultivators wishing to relinquish fields must give in a written application to that effect (which must specify the number, acres, and assessment of every field to be relinquished) to the Village Officer on or before the 30th April in each year. The latter must, without delay, forward the application, together with the parties concerned, to the Mānlatdār or Mahālkari, who, after satisfying himself on the subject of it, is to ratify the application, and transmit an order to that effect to the Village Officers, when the latter will make the necessary entries in the village accounts. In the same way, when waste fields are wanted for cultivation, a written application is to be made to the Village Officers, who are to forward it, with the applicants, to the Mānlatdār or Mahālkari, who, after satisfying himself that there is no objection to giving the land applied for, is to accept their agreements, and transmit an order to that effect to the Village Officers. But the latter are not, under pain of punishment, to accept either resignations of field or engagements for waste, or to make alterations in the cultivation registers without referring, as above required, in the first instance to the District Officer, and receiving his orders thereon. All accepted resignations of cultivated, and accepted applications for waste lands, are to be produced at each Jamābandi Settlement for examination, and will form the vouchers for every alteration in the cultivation Registers.

G. L. No. 6900 of 1849, para. 10.

21st.—The revenue should be collected by fixed instalments, without reference to the proportion of early or late crops grown in any one year: and consequently no field inspection for the purpose of obtaining such information should be made. In villages where early crops prevail, we recommend the collections to be made in four equal instalments, falling due on 15th December, 1st February, 15th March, and 1st May; and where the early and late...
crops are nearly equal, or the latter predominate, we also recommend four equal instalments, but respectively falling due a month later, viz., on the 15th January, 1st March, 15th April, and 1st June.

22nd.—The field boundary marks erected at the survey should be preserved with the greatest care, and when injured, timely repairs must be made by the cultivators in the case of cultivated lands, and by hired labourers in the case of waste. The expense of the latter may be defrayed by the Collector, without reference, if the sum do not exceed Rs. 5 for every 1,000 acres of waste, and, after reference to the Revenue Commissioner, up to Rs. 10 for every 1,000 acres. The intervening strips connecting the boundary marks of a breadth corresponding with the latter are constituted the boundary of the field, and forbidden to be ploughed over or otherwise injured; and in the case of dry-crop land, before preparing any field for sowing, these strips are to be distinctly marked off each year by the holder running his plough along the boundary. In event of this order being neglected, and this space ploughed up or sown, the cultivator is to be made to connect the two contiguous marks, between which the boundary had been disregarded, by a continuous ridge of earth, 1 ½ foot in height, and should he fail to do so within a certain number of days, the Vill.

G. L. No. 5598 of 1848, para. 46.


— "Government is in favour of Rule 21 standing as originally proposed, but will object to the Collector's being informed, with reference to this Rule, that if they consider necessary any alteration in the 'Kiats' therein laid down, they are forthwith to state in detail their reasons for so thinking in a letter to you (Revenue Commissioner), which you will be pleased to forward to Government. The Collectors may be informed in a footnote to English version."—G. L. No. 6900 of 1849, para. 10.

The particular villages in each taluka to be considered Kharif or Rabi villages are to be settled by the Collectors, in communication with the Revenue Commissioner, and no charge is afterwards to be made in this settlement without sanction previously obtained from him, and the circumstances being noticed in the Annual Revenue Reports.—G. L. No. 4368, dated the 17th July 1852.

The dates fixed in the Joint Report are those on which the realisations should commence; the revenue should be realised on that day or as soon after as possible.—G. R. No. 11099 of 26th November 1851.
lage Officers are to report the circumstance to the Mánºtaládár, who is to apply to the Collector for a notice to be served on the holder of the field, according to the provisions of Act III. of 1846: and if this be disregarded, the boundary is to be put up by hired labourers, and the amount recovered from him, as therein provided.

G. L. No. 5593 of 1848, para. 46. 23rd.—Independent of the precautions specified in the preceding Rule, a regular inspection of fields for the purpose of ascertaining the state of the boundary marks, and that none of the fields entered in the accounts as waste are surreptitiously cultivated, is to be made in each village, as soon as practicable, after the first of November in each year. The results of this inspection are to be entered in a Field Register, prepared according to the form hereunto annexed. Before, however, commencing the work of inspection, the Kârkûna nominated for the duty should summon the villagers to the chowri, when he should read out and explain to them the Government Proclamation regarding the preservation of their boundary marks, of which a copy is subjoined. He should make the inspection in company with the Village Officers, and take care that the owners and occupants of the fields visited be also present. He should point out to them any repairs required to their boundary marks, and order that they be completed within a certain number of days. In event of any of the strips of boundary between the marks having been ploughed over or otherwise encroached upon, the Inspector should require the party who may have done so to connect the two adjoining marks, between which the boundary has been violated, by a continuous mound of earth, one cubit in height, as a punishment for the encroachment, and make a note to that effect in a separate memorandum, to be kept in addition to the Register, for the purpose of recording any remarks not admissible there. When every field has been thus inspected, and the state of its boundary marks entered in the Register, a second examination, after the lapse of a sufficient time to allow of the repairs to the marks being completed, should be made of every field entered at the first inspection as requiring repairs. And should any of these still remain to
be made, the party to whose neglect this may be attributed should be required, in addition to repairing the marks, as originally directed, to connect each incomplete mark with the one adjoining it, by a continuous ridge of earth, one cubit in height; and these particulars, with the name of the individual, should be noted in the separate memorandum above alluded to. A notice to this effect should then be served on him in compliance with the provisions of Act III. of 1846, and in event of his failing to complete the boundary marks within the specified period, the Village Officers are to do so by means of hired labourers, and the expense incurred on this account is to be recovered from him, as provided in the said Act. The correctness of the entries regarding boundary marks in the Inspection Register should be tested in every village by the Māṃlatdar, Mahāl-kari, or some confidential member of their establishments, and the results of this re-examination entered in the column of the Inspection Register appropriated for the purpose.

FROM OF PROCLAMATION.

The Honourable the Governor of Bombay in Council hereby gives notice to all proprietors, holders, and occupants of land in the surveyed districts of this Presidency, that they are to preserve with the utmost care, and repair from time to time, as may be necessary, the boundary marks, which define the limits of their several fields, as fixed at the survey; and with a view to securing this, they are hereby directed, before preparing any dry-crop field for sowing, to cause a plough to be run round the boundary, leaving an untouched strip of three cubits in breadth to connect each boundary mark, which strip is to be carefully preserved as the boundary of the fields. An annual inspection of boundary marks will also be made, in the presence of the Village Officers and ryots, who are required immediately to repair any of the boundary marks which may be pointed out to them by the Inspectors as defective. A second examination, embracing those fields of which the boundaries were found incomplete, will follow after a reasonable interval, and should it then be found that the owner, holder, or occupant of
any field has neglected to make the necessary repairs, he will be required, by way of penalty, not only to make the repairs originally directed, but, in addition, to connect each defective mark with the next adjoining by a continuous ridge of earth, one cubit in height, and a notice to this effect will be served on him according to the provisions of Act III. of 1846; and in event of his failing to comply with this, the specified boundary marks and connecting ridges will be completed by means of hired labour, and the expense recovered from him as provided in the said Act. Any wilful injury done to any boundary mark is a criminal offence, and punishable by fine to the extent of fifty rupees, under the same enactment.
**FORM OF EXAMINATION.**

*Register of Field Boundary Marks in Village of Taluka Zillah in 18*

<table>
<thead>
<tr>
<th>No. of Field</th>
<th>Sides of the Field on which Boundaries were out of repair at date of</th>
<th>Tenure</th>
<th>Cultivated</th>
<th>Waste</th>
<th>Remarks by Mamladār, or other testing officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Entries correct.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. of Field</th>
<th>1st Inspection</th>
<th>2nd Inspection</th>
<th>Government</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Date</td>
<td>E.</td>
<td>N.</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
### General Inspection Return of the state of the Boundary Marks of the undermentioned Villages of the Taluk of Mamladār in the Collectorate of for the year ending 30th April 18...n.

<table>
<thead>
<tr>
<th>Division (Mamladār or Mahālikari)</th>
<th>No.</th>
<th>Name of Village</th>
<th>Total Number of Fields</th>
<th>Distribution of Fields entered in Column 4, of which the Boundary marks were</th>
<th>All repaired subsequent to date of 2nd Inspection.</th>
<th>Without Notice being served.</th>
<th>After Notices had been served.</th>
<th>By hired labour at the expense of</th>
<th>Still to be repaired at date of Return.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>Chick Mulloor</td>
<td>375</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>Hossoor ......</td>
<td>458</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
From the Inspection Registers described in the preceding Rule, the Mímlatdař of each taluk should prepare and forward to the Collector on the 1st of May in each year a General Abstract according to the form given in the preceding page, of the state of the boundary marks in each village of his charge at the different inspections; the repairs subsequently made, and those still requiring to be so, at the date of his Return. Under ordinary circumstances there ought to be no mark unrepai red at the date, but in event of there being any, the Mímlatdař should be held responsible for the delay, if unable to assign satisfactory reasons for it. On receipt of this Return, the Collector should immediately take measures for the completion of the repairs still to be made; or, if unable to do so, to report the circumstance for the instructions of Government.

85. In addition to the objects provided for in these Rules, it would be most desirable to introduce a simple and uniform system of accounts throughout the surveyed districts, by which the disadvantages now attendant on the removal of European and native officers from one collectorate to another would in a great measure be obviated, as the same system of management would then obtain in all. In order to do this effectually, however, it would be necessary to review the whole existing system, and frame the detailed accounts of villages, districts, and collectorates, with reference to the information required by the Presidency and Home authorities; but with our limited time and opportunities, it would be hopeless to attempt an undertaking of such magnitude, and all that we can do is to suggest it for consideration.

86. The subject of remissions has been purposely excluded from the preceding Rules, as we consider that all abatement of the established assessment should be regarded as exceptional to the ordinary management of surveyed districts, and ought not to be made unless for special and urgent considerations, which cannot be provided for by general Rules. The opinions of the Revenue Commissioner, the Collectors, and Superintendents of Survey have lately been elicited on this important question, which is now, we understand, before Government, and under these circumstances we think it unnecessary to offer any further suggestions in regard to it.

87. In concluding our Report we have only further to remark that the preceding, or any other Rules for the administration of the survey settlements, cannot be expected to be fully car
ried out unless the principles on which the survey and assessment have been based be thoroughly understood by the European local authorities; and on this account we have to suggest that, in the event of the views contained in the present communication, or any modifications of them, being approved of by Government, copies of the whole correspondence be furnished to every Collector and Assistant Collector employed in any part of the country to which he survey operations have extended.

We have the honour to be, &c.,
H. E. GOLDSMID,
G. WINGATE,
D. DAVIDSON,
Superintendents of Revenue Survey and Assessment.

Kirkee, 2nd August 1847.
FROM  
E. H. TOWNSEND, Esq.,  
Revenue Commissioner, Southern Division,

To  
R. K. PRINGLE, Esq.,  
Chief Secretary to Government, Bombay.

SIR,—With reference to paragraph 1 of your letter of 13th March last, No. 617, appointing Mr. Goldsmid to the temporary superintendence of the Deccan Survey, for special purposes, therein specified, I have the honour to transmit a joint Report from the three Superintendents, dated 2nd ultimo, on the practice and objects of their respective surveys. This report is preceded by an Index, which divides its contents into the following eleven heads:

1st.—Introductory Remarks.
2nd.—Objects of a Revenue Survey.
3rd.—Division into fields.
4th.—Field boundaries.
5th.—Village boundaries.
6th.—Measuring and maps.
7th.—Classification.
8th.—Rates of assessment.
9th.—General observations.
10th.—Rules for the Survey.
11th.—Rules for Revenue Officers.

2. The 1st and 2nd heads of this Report extend as far as the 10th paragraph, in which the objects of a revenue survey are clearly and ably set forth. No comments of mine would tend to elucidate the subject, of which a full statement is already before Government in the joint Report of Messrs. Goldsmid and Wingate, dated 27th October 1840.

3. The next subject is a very important one, viz., the manner of dividing the land into fields. The principle expressed on this subject (paragraph 16) that "it is of much importance that the existing state of things in any village should be as little interfered with as conveniently practicable," should,
I conceive, never be lost sight of, and for this end many apparent incongruities both of size and shape now existing should be tolerated—a measure which will greatly increase the popularity of the survey. This subject is noticed in paragraphs 5 and 6 of the Government letter of 6th January 1845, No. 72. In the remaining rules and opinions of the Report on this subject I beg to state my entire concurrence.

The vast importance of preserving the field boundaries set up by the survey is well shown in this Report; it is a subject which will require the constant attention of the Revenue Officers.

4. Another very important subject—that of village boundaries—is next discussed. The same subject is treated of in paragraph 52 of the joint Report of 27th October 1840, and in the two Government letters quoted in the margin, from which it would appear that the question of enacting a law for the settlement of these disputes is still before the Government of India. The Report states (paragraph 23), “that the main hindrance to their settlement before had been the undue importance attached to them, and that no insurmountable nor even serious obstacles stood in the way of their adjustment,” and again (paragraph 25) “the less importance therefore attached by the authorities to these disputes, the readily will their adjudication be effected.” I am not prepared to subscribe to these remarks. The Report does not indeed distinctly show what degree of importance has hitherto been attached to these disputes, and which it considers to be too great, or on what experience the above opinions are grounded. Hitherto I have viewed boundary disputes as matters most difficult to settle permanently. The show of opposition to the settling officer is not indeed great; hence perhaps he is led to think that his decision will be easily enforced; but the boundary marks which he fixes are demolished in a night, and it is most difficult to discover who has destroyed them. In
many villages there are hereditary feuds springing from boundary disputes, in which both loss of life and property have occurred; and though pecuniary loss is sustained by the continuance of such disputes, and mutual advantage would result from their settlement, I doubt whether even this would compensate for the feeling of wounded pride which would ensue from foregoing the strip of land, a claim to which had from times past been asserted by the village.

5. If, however, the Superintendents of the Survey can permanently settle village boundary disputes as easily as they seem to expect, a great point indeed will have been gained, and a constant source of strife removed. This, however, cannot be satisfactorily ascertained till the lapse of a few seasons shall test the stability of their awards. With reference to the remark at the close of paragraph 23, I can discover no authority in Act III. of 1846 for either the formation or preservation of village boundary marks.

6. The system adopted for measuring land, and for giving permanence to these measurements by village maps, is next explained. The preservation of the latter documents will form an important part of the duty of the Revenue Officers, as they, together with the field boundary marks, form the principal means of perpetuating the work of the survey, which, without them, would speedily disappear.

7. The 7th and 8th heads are so exclusively matters on which Survey Officers, or those experienced in such matters, can judge of, that I shall hardly be expected to pass an opinion on them. Government will doubtless observe with satisfaction proof in these details of the minute and careful attention bestowed by the Superintendents of the Survey to render their work complete and correct in the important branches of measurement, classification, and division of assessment.
8. The next subject which the Report embraces is a set of Rules for the guidance of surveys generally. These are thirteen in number, and appear excellently adapted for the end proposed. The Report goes on to say that besides the Rules above specified, there are various minor details which could hardly be introduced into this Report, and that "greater uniformity than they have endeavoured to enjoin could not be secured, except by placing the several survey departments under one controlling authority fully conversant with the principles and details of a Revenue Survey." In this opinion I wholly concur; and I would respectfully suggest it for the consideration of Government, viz., the expediency of uniting the three surveys under one Superintendent as the only really effective method for bringing all under one system, so far as local peculiarities admit.

9. The report next proceeds to consider "means for ensuring the results of the surveys being turned to the best account, and maintained in their original integrity." This is justly called "a subject of the utmost importance"; it is, in fact, the preservation of the survey system as first introduced in its integrity; and if the survey is important, so must be its "future administration." Twenty-three Rules accordingly follow for the guidance of Revenue Officers in surveyed districts, on which I would suggest the following observations:—

Rule 1st is prefatory, and calls for no remarks.

Rules 2nd and 3rd appear unexceptionable.

Rule 4th fixes the garden assessment. At the end of this Rule there is a clause to prevent any increase of assessment on a dry-crop field, when any portion of it, entered in the survey accounts as unarable, comes under cultivation. This clause appears judicious, as it infers that such spots of unarable waste are small and almost valueless, and consequently that such assessment as they could pay would not be worth the trouble and interference necessary to ascertain its amount. This inference, however, appears at variance with Rule
13, on which I shall have occasion to remark presently.

10. The 5th Rule decides that a cultivator, in whose name a field is entered, is to be considered its holder so long as he pays its assessment. This Rule will, however, I think, require to be preceded by one determining in whose name the field shall be entered. Sometimes careless or fraudulent intention causes the kulkarni to enter in the village books, as possessor, the name of a person who possibly without justice claims the field; but this entry, if improperly made, should not strengthen a claim; and it is therefore important that care be taken, in the first instance, to enter in the books the name of the person who engages for the field (no other being already in possession), and then to collect the entire revenue from him alone so long as he engages for the whole field. A very careless and slovenly system is often followed in this respect, which causes many disputes and much confusion. One man perhaps agrees for a whole field: he then takes one or more partners, and when the instalments are due, he pays a share only, and refers the Village Officers to his partners for the remainder. A case of this sort, which has recently occurred, forms at present the subject of a lengthened correspondence between this department and the Collector of Poona, in which it appears very difficult to discover who is the real owner of the field.

11. The 6th Rule suggests no remark. The 7th Rule, which is a good one for the interests of Government, might fall heavily on a ryot who cultivated the same field for many years, and who was unable to take up the portion of it that was left waste by his partner. To oblige a man to give up a field which he possibly inherited from his father, merely because the new boundaries of the survey enclosed it in the same field with that of a neighbour, would be a hardship; and I would therefore suggest that the Collectors be allowed a discretionary power in the enforcement or other-

See the case of Guenaji wald Harcoji reported on by the Revenue Commissioner on the 26th June 1846, No. 1223.
wise of this Rule, in cases in which the possession of the land exceeded the term of 20 years.

12. The above remarks would also apply to Rule 8th, supposing that a field of the largest size, contemplated in paragraph 13 of this Report, is cultivated, as here indicated, by three ryots, A, B, and C, of whom the first cultivates one half; and the other two a quarter each, and that these divisions have existed for a long period of years. Supposing A to die without heirs, the other two ryots might be quite unable to double the extent of their cultivation, and the alternative of obliging them to throw up their lands would be one of considerable severity. Some modification of this Rule similar to that proposed for Rule 7, would, I submit, be expedient.

13. To Rules 9 and 10 I am aware of no objection. The 11th Rule is not quite conformable with those sanctioned by Government in the Chief Secretary’s letter of 12th February last, No. 390, for regulating the power to cut down trees, and which are, I submit, sufficiently liberal, and should not therefore be altered. The 1st Clause of Rule 12 appears unobjectionable. With regard to the latter part, supposing the case imagined in the preceding paragraph, A, B, and C agree for a certain field, but it is entered in A’s name only. He dies, and as there is no record to show the liability of B and C, it is possible that they may resist payment, and that in a court of law it would be difficult to enforce the demands of Government, owing to the non-entry of their respective names in the village books. A more probable result would be the collection by the kulkarni of their respective dues from B and C, without crediting them to Government, and the entry of the entire balance in the books as irrecoverable, A, by whom it was due, being dead. To avoid this evil therefore I would enter in the books the names of all the partners liable for the revenue of a field.

14. On what appears to me the inconsistency of Rule 4 with Rule 13, I have remarked when com-
menting on the former rule. The cases contemplated in Rule 13 appear to be such fields as contain a large portion of waste land, while Rule 4 seems to refer only to those where the amount of waste is trifling; but the practical application of these two Rules will, I fear, involve some difficulty; and if many fields come under Rule 13, a duty will fall on our Mâmâlatdârs for which, I fear, they are ill qualified. I should therefore be glad to see the cases to which Rule 13 applies reduced to the smallest number possible, if indeed they could not be wholly extinguished, by completing the classifying of all the fields alluded to in this Rule. If this is impracticable however, a statement should be left with the Collector showing the fields in each village of his Collectorate to which this Rule is intended to apply.

15. The 14th Rule differs little from the system established by Government for letting out arable lands to the Ryots (dated 16th October 1844, No. 3621.) It is perhaps more definite, and therefore preferable. I allude especially to paragraph 8 of the Government letter, on which I think the Rule under discussion is on the whole an improvement. But Rule 16 reserves “Gairan” free of assessment in every village, while the Government letter grants it only where it has been hitherto enjoyed, and here I think that the existing Rule is sufficiently liberal, and that Rule 16 should be modified accordingly.

Unarable waste is at present disposed of by auction, according to the old system, to grazing farmers, who engage for the entire unarable waste lands, of several districts. Rule 14 proposes to blend the arable and unarable waste together in one system of letting by fields. I am hardly prepared to say which system is preferable for the unarable waste; but should the Honourable the Governor in Council think the question worth considering, I would refer it to the Collectors of this Division for their opinion and report. Rule 15 appears unobjectionable, as do Rules 17, 18, and 19.
16. The clause in Rule 20 which requires the village officers to send "the parties concerned," viz. those who wish to throw up fields, and "the applicants," viz. those who apply for new fields, to the Mamlatdar or Mahalkari, is, I think, objectionable, as causing unnecessary trouble to the ryots. The village officers may generally be entrusted with this duty under the control of the Mamlatdar and Mahalkari, as proposed in this Rule; but the attendance of the different applicants in person at the District Kutcherry would, I submit, be in ordinary cases superfluous. With reference to the period fixed (end of April) for throwing up lands, it no doubt would be desirable that the district officers had the earliest possible intimation of all such changes; but many ryots might not be able to determine, at so early a period, the extent of their cultivation for the ensuing year; and I should think that the "Mrigsal," or 5th June, would be in practice a better date to fix for this purpose.

17. The subject of revenue instalments is already before Government, in a letter from this Department, dated 6th January 1846, No. 22; and I beg to state that I quite concur with my predecessor in thinking the end of April full late for the latest instalment in collectorates above the Ghauts. So far therefore I dissent from the 21st Rule, which fixes the last instalment for late crops on 1st June. Here it is, I think, worth considering, that whenever the cholera prevails, it is worst during the hot months, especially April and May; consequently that which might have been collected easily in March may be lost altogether by death if deferred to June.

18. With reference to the first part of this Rule, which forbids field inspection for the purpose of ascertaining the extent of early or of late crops, I would observe that in many villages the comparative extent of early or late cultivation depends wholly upon the fall of rain: when that is early, so is the crop; and when the early rains are scanty,
the land is reserved for a late crop. When they collect the instalments from the different ryots, the village officers must know whether their crops have been early or late, to regulate the time of levying the instalment; and to make this knowledge perfect, field inspection is necessary. This is more especially the case in some seasons when at first the rain falls plentifully, and the ryots are induced to sow early crops, but the after-rain failing, they are obliged to plough up their lands again, and sow a late crop. In such cases field inspection is especially requisite to enable the village officers to ascertain the proportions of either crop when they are collecting the instalments: such an inspection is moreover required by Rule 23, and the one inspection may accomplish both purposes.

19. The 22nd Rule, for the preservation of field boundary marks, is an important Field Boundaries. one. So are Rules 23 and 24, which are for the completion of the same object, and most necessary for the preservation of the labours of the Survey.

20. In their 85th paragraph, the Superintendents allude to the importance of introducing "a simple and uniform system of accounts through all the surveyed districts," but state that, for the attainment of this object, their other duties did not afford them sufficient time. It were much to be wished that officers so qualified as the framers of the accompanying report had had leisure to remodel all our village and district accounts. The subject is one of those referred to the two Revenue Commissioners by Government in their letter dated 24th April 1846, No. 1925, and we hope shortly to lay before Government some revised forms of village accounts, which are intended to combine simplicity with uniformity, and to lessen the number of documents which the Kulkarnis are now required to prepare. The subject of district accounts will also engage our attention.

21. The subject of remissions, alluded to in paragraph 86, is before Government in the letter Letter No. 467, dated 13th March 1847, from this department quoted in the margin.
22. In conclusion, I would respectfully suggest that this valuable Report be lithographed, and a copy of it sent to each Collector and Sub-Collector, and each Survey Establishment, and that a copy be also forwarded to the Government of Madras, as suggested in paragraph 3 of my letter of 4th August, No. 1856, to whom I observe, from the list which accompanied the Government letter of 28th May last, that the Joint Report of 27th October 1840 has been already sent.

I have the honour to be, &c.,

E. H. TOWNSEND,
Revenue Commissioner S. D.

Poona, Revenue Commissioner's Office,
10th September 1847.
No. 5593 of 1848.

TERRITORIAL DEPARTMENT, REVENUE.

From

J. G. LUMSDEN, Esq.,
Secretary to Government,

To

E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

Sir,—I have been directed by the Right Honourable the Governor in Council to acknowledge the receipt of your letter No. 2258, dated the 10th September 1847, submitting a joint Report from the officers named in the margin, on the practice and objects of the Assessment, Southern Maharatta Country; Captain Wingate, Supt. of the Revenue Survey and Assessment, Southern Maharatta Country; Captain Davidson, (late) Supt. of the Revenue Survey and Assessment, Ahmednagar, classed under the different heads into which it is divided.

2. Among the questions discussed in these paragraphs of the joint Report is that of the superiority of an annual settlement with each ryot according to his actual holding for any year, over a settlement by lease for a certain number of years, and His Lordship in Council does not feel quite assured that the decision at which the Committee has arrived is correct. It is at least not so clearly exemplified as to remove all doubt as to the accuracy of the result.

3. The arguments in favour of the annual settlement are, that it permits the ryot to contract or extend the sphere of his labour according to the means at his immediate command—a privilege of immense importance in a country where the capital of the agriculturist is not only small in itself, but subject to great fluctuations, from the effect of variations of the seasons (vide para. 44 of Mr. Goldsmid's and Captain Wingate's Report of the 27th October 1840), and that it gives him all the advantages of a long lease, without any of its disadvantages (para. 8 of present joint Report).

4. The arguments on the other side are, His Lordship in Council considers, very strong, and he would regret to see it laid
down as an unchangeable maxim, applicable to all districts and to all states of Indian society, that an annual settlement must be made with each ryot for the land which he may choose to hold.

5. A poor ryot, having a small agricultural stock, cannot well be bound by a lease. His few cattle may die, and then, however favourable may be the terms of his lease, he must relinquish his fields, or the lease must be broken up. But let it be hoped that this is not the case with all. It cannot be that we have not now, and never are to have, any accumulation of agricultural capital. Our farmers will not always be dependent on the results of one season, nor will they necessarily be ruined, if it bring with it scanty crop, loss of cattle, or other misfortunes. The very object of the revision of the assessment throughout our provinces is to eradicate the hand-to-mouth system which has so long prevailed with the agricultural classes, and to create agricultural capital; and we should endeavour to combine with this object those of inducing these classes to look more to the future; of exciting in them feelings of independence; of exempting them, as much as possible, from the pupilage and surveillance of the Government officers; and of attaching them to the soil and to their own particular portion of it.

6. It is not apparent how these objects can be attained more decidedly than by the grant of leases for lengthened periods; while in the continuance of the system of annual settlements Government can foresee, although the great object of leaving the ryot free is gained, that the others run the risk of being wholly neglected.

7. A ryot who, looking beyond the present year, knows that he will have to provide for the payment of a certain revenue for many years to come, must necessarily acquire more prudent and thrifty habits than he who looks to the present year alone, and who knows that, if preferring idleness to industry, he abandon or contract his cultivation, he in that proportion relieves himself of responsibility.

8. The independence of feeling which every man ought to possess can seldom arise when a man knows that he holds his land as it were by an annual tenure; that if he fail to till a certain field, and it be omitted from his holding for one year, his rival may step in to his place and perhaps deprive him of it for ever; and probably nothing tends more to diminish such right feeling than the inquisitorial visits of Government officers, inquiring what is the extent of his cultivation, and regulating the fluctuating amount of his rent.

9. A lease imposes a wholesome responsibility upon the ryot and secures the Government against fluctuation in the revenue. That responsibility the ryot cannot be expected to incur without
some equivalent, nor should the Government expect to gain the security without some sacrifice. His Lordship in Council considers this point has not been sufficiently attended to in our attempts to introduce leases, and hence our failure in parts of Guzerat. We desired to secure everything to Government without making any sacrifice in favour of the lessee.

10. If a farmer possesses ten fields, assessed at Rs. 10 each, or together at Rs. 100, it cannot be expected that he will bind himself to pay Rs. 100 for 30 years for those fields. He would pay no more if he took out no lease, and might often have to pay less. But if the Government, in order to secure a certain unfluctuating revenue, consent to give him a lease for 30 years at Rs. 95, it might be well worth the while of a ryot possessing some capital to take such lease. This is the principle on which, His Lordship in Council is of opinion, leases might successfully be granted.

11. The observations contained in these paragraphs of the joint Report, on the division of the land into fields and on boundary marks, are considered judicious.

12. Nearly every boundary dispute of any importance in the Deccan has probably been made the subject of investigation previously to the survey, with a view to settlement, but it will probably be found that not one in a hundred of these disputes has been actually disposed of.

13. In the Dharwar Collectorate there have been up to this time about 1,000 villages surveyed, and His Lordship in Council is informed that, with a few exceptions of no great consequence, the whole of the boundary disputes within them have been investigated and settled during the progress of the survey; that the results afford evidence that no insurmountable difficulties are in the way of the settlement of such disputes by the Survey Officers, and that the awards of the latter will be respected.

14. Until, however, the details of these results are in the possession of Government, no decided opinion as to the practicability of the plan advocated by the three Superintendents can be formed, but in the meantime I am desired to observe that, considering the important object sought to be attained, it is deemed well worthy of a fair trial, and of every assistance and co-operation the local officers can afford.
15. As in the plains, village boundary marks must at the same time define the limits of some particular fields, it follows that their construction and preservation are provided for by Act III. of 1846. Moreover, wilful injury and destruction are also punishable under Clause 3 of Section 42 of Regulation XIV. of 1827.

16. His Lordship in Council is happy to observe the great importance attached to the preparation of the village maps.

17. I am desired to express his full concurrence in all that is recorded by the three Superintendents on the subject of the measurements, and to add that, although it is, no doubt, "unnecessary, and would in many instances be hurtful, to fetter the Superintending Officers with specific Rules" as to the manner in which they are to attain the desired results, still the Revenue Commissioners ought from the first to have been informed of the different modes of proceeding, so that they might have guarded against the adoption or continuance of any that are defective, and have prevented any improvements introduced by one Superintendent being unknown to, or unnecessarily rejected by, another.

18. **Classification.**—This is one of the most important, and at the same time the most difficult, operations of the survey. The joint Report explains, with much minuteness, the principal points on which this operation depends, and although, as you justly observe (para. 7), these are matters on which practical men alone can fully judge, yet it may safely be said that the system, as it is explained as applicable to all but rice lands, is founded on just principles, and that the particulars are given in a manner which shows the subject to have been well considered and canvassed by the three Superintendents. Government therefore approve of the system and the details, the observance of which they advocate. As regards the land forming the exception (rice), His Lordship in Council will be glad to learn that the present Superintendents of the Surveys have been able to agree on some Rules for its right classification. Before doing so, however, they should avail themselves of the experience of Mr. Tytler, and examine the Rules drawn out for the guidance of that officer’s establishment in the Dangs.

19. The explanation given of the mode in which this closing process of the survey is conducted is very clear and explicit.
20. The Right Honourable the Governor in Council is aware that Government must be almost wholly dependent upon the Superintendents of preceding subjects—Para. 79.

Surveys for the right conduct of many of the details of their operations, for he does not think that the Revenue Commissioners, can do more than exercise a very general supervision over them. Few Revenue Commissioners possess the knowledge, and none could devote the time necessary for a minute scrutiny into them. Those only who have been trained to survey, and with whom all the details of the process are familiar, can venture to offer opinions opposed to those of a Superintendent on many points, and even where a doubt may arise it may be impossible to set it at rest without such minute interference and inquiry as would divert the attention of the Revenue Commissioner from his more ordinary duties so as to cause much inconvenience to the public service.

21. The Governor in Council will not therefore require from the Revenue Commissioners a greater degree of responsibility than they are capable of fulfilling. But at the same time he thinks that they may reasonably be expected so far to control all the Superintendents under them as to secure a great degree of uniformity in their proceedings.

22. The Right Honourable the Governor in Council agrees with you that the thirteen Rules proposed in the joint Report, for the interior arrangement of the Survey Department, appear excellently adapted for the end in view, and that their general enforcement should be at once ordered.

23. The proposition contained in the 83rd paragraph is also approved, with the proviso that, if the Assistant Collector in charge of the district is not an officer of some experience, and in the opinion of the Collector and Revenue Commissioner, qualified to form a judgment of the system and of the manner in which its details will work, some more experienced Assistant, or the Collector himself, should be associated with the Superintendent. This, however, it is feared, may not always be practicable. Hitherto it has not been found so, and the Superintendent has, in most cases, it is believed, alone introduced the rates in each district as soon as the sanction of Government to them has been obtained.

24. Rules.—In regard to the Rules proposed for the guidance of the Revenue Officers in respect to the future administration of
the survey (paragraph 84 of joint Report), I have been directed to communicate the following remarks:

22. Rules 1 and 3 are approved. A Proclamation to the effect of Rule 1 should be published when the revised rates are introduced in a district, and every Patel should be furnished with a copy.

26. On Rule 2 the opinion of Dr. Gibson will be called for.

27. Rules 4 and 13. These, as they affect unarable land included in a field, may be open to the objection urged against them by you in paragraph 9. Probably the difficulty arises from terming land covered with dense jungle "unarable," in Rule 13. This term might be strictly defined. Land covered with vegetation, trees, or bushes can hardly be included properly in it, as the presence of this vegetation proves the productive quality of the soil, and its capability of being brought under the plough.

28. Rule 5. Your 10th paragraph inculcates a prudent caution in respect to the insertion of the names of parties as holders of fields. Care should be taken that the real holder is well ascertained, and if there be a dispute, no entry in the Survey Books should be made that can give one party a right which he might not on inquiry be found to possess. It is a great object to establish our Survey Books as a complete record of the state of the occupancy at the time of the operation.

29. Rule 6 is approved, provided no Mirasdari, or other recognised heritable rights, are interfered with.

30. Rules 7 and 8. The observations made by you on these Rules are considered just; and to avert the hardships you contemplate, a discretionary power may be granted to the Collectors as to their enforcement, without, however, making the limitation as to time 20 years in cases in which the holder of a portion of a field may have been in occupation previously to the survey. The act of including his field and those of his neighbours in one number is one in which he has no voice, and it should not place him in a worse position than that in which he stood previously.

31. Rule 9 is approved.

32. Rule 10 being in conformity to the views expressed in the Government letter No. 390, of the 12th February 1847, is approved.

33. Rule 11. His Lordship in Council is of opinion that the Rules prescribed in the Government letter last quoted, for regulating the power to cut down trees, should be upheld, and that when one tree is felled, two should be required to be planted.
34. **Rule 12.** The objects of this Rule, as well as that of Rules 7 and 8, His Lordship in Council understands to discourage the sub-division of fields, so that by being retained entire their sale and transfer, under the provisions of Rule 9, may be promoted.

35. It would be a hardship to refuse to recognize shares of fields already entered in the Government Books, and the rights of the holders of such shares are protected by Rules 5, 6, 7, 8, and 9. In giving out waste for cultivation, however, which is the case provided for in the Rule under consideration, no prior rights are involved, and we have merely to look to the method best calculated to promote the interests of the ryots and Government.

36. If fields are to be permitted to be split up without limit, and the occupant of every fractional share recognised as holding direct of Government, the inevitable results will be the ultimate subdivision of the whole land into very minute occupancies, accompanied by the impoverishment of the whole agricultural class. Farms will become so small as barely to provide subsistence for those occupied in their tillage, and the surplus, from which the assessment is to be paid, so trifling, that the slightest deficiency in the ordinary crop will suffice to annihilate it. With every precaution it may be impossible to prevent the sub-division of farms as population increases, but assuredly no opportunity should be lost of checking this tendency.

37. In the case of a ryot in whose name a field is entered, and who holds it jointly with others, dying, the want of a record to show the liability of the other sharers would be of but little consequence, for they would be amenable for the revenue under the provisions of Sections 3 and 5 of Regulation XVII. of 1827; and the desire of retaining possession of the land would more probably make the inferior holders anxious to defray their shares of the revenue in order to obtain receipts from the Village Accountant, with a view to strengthen their claims to continue in possession.

38. But were even the Rule to involve the certain sacrifice of balances of revenue due by ryots dying under the circumstances contemplated by you, instead of the remote possibility of such a contingency, it would still be better to submit to the loss, than to sanction the alternative of an unlimited sub-division of fields.

39. **Rules 14 and 15 are approved.**

40. **Rule 16 only reserves for free pasturage a portion of the field alluded to in Rule 13, as unsuited in their then state for cultivation and unassessed.** This indulgence will therefore be limited to the
villages in which such waste fields are to be found, and His Lordship in Council agrees with you in thinking that the further restriction (already imposed in Government letter of the 16th October 1844, No. 3921) of the privilege, to the case of villages which have hitherto enjoyed the right of free pasturage, should be continued.

41. The practice of selling the waste, field by field, enjoined by this Rule, promises to be more acceptable to the villagers, and more productive of revenue to Government than the plan of selling the entire wastes of several villages or districts in the lump, to parties engaging for the whole.

42. Rules 17, 18, and 19 are approved.

43. Rule 20. His Lordship in Council considers there is some force in your objection to the ryot wanting to take up new land being obliged to proceed for this purpose to the Mamlatdar's Kutcherry. In villages very distant, and especially during the few first years after the introduction of the Survey, when it may be presumed that much new land will be taken up, the Collector may be authorised to dispense with the strict observance of the rule.

44. Adverting to your suggestion that the period for giving notice of intention to throw up lands be extended to the Mrigsal, Government considers that if notice of resigning a field be not given earlier, 'it will be too late for any other party desiring it to come forward to cultivate.

45. Rule 21. The Governor in Council doubts whether the question of the instalments should be mixed up in these Rules with matters immediately connected with the introduction of the survey. He would prefer the separate consideration of the subject, especially as local peculiarities may render it necessary that different periods for the payment of the revenue should be in use in different districts.

46. Rules 22, 23, and 24 are approved.

47. His Lordship in Council is confident that the introduction of a simple and uniform system of accounts through all the surveyed districts would add so much to the efficiency of our native establishments as to render unnecessary additions, now urgently required, to their numerical strength, and would also considerably lessen the labour of the Collectors and their assistants in checking the work of the subordinate Huzur, District, and Village agents.
48. I am directed to request that you will immediately report how far, and with what results, you have carried into effect the instructions conveyed in the Government letter of the 24th April 1846 (No. 1925), and that you will transmit, for the opinion of Captain Wingate, whatever forms of accounts you may have approved in concert with the Revenue Commissioner, Northern Division.

49. The instructions of Government on the subject of remissions were conveyed in the Government letter to you, No. 3899, of the 5th October 1847.

50. In conclusion, I am directed to convey the acknowledgments of the Right Honourable the Governor in Council to Mr. Goldsmid, and Captains Wingate and Davidson, for the able and lucid Report they have now laid before him. It will serve as a Manual in all future Surveys, and it should be printed as soon as any modifications to be made in the Rules contained in it have been determined.

I have, &c.,

J. G. LUMSDEN,
Secretary to Government.

Bombay Castle, 22nd September 1848.

No. 239 of 1848.

To E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

SIR,—I do myself the honour to submit the following observations on certain points connected with the joint Report of 2nd August 1847, which appear to me to require further elucidation and discussion in reference to the comments made upon them in the Government letter of 22nd September last, No. 5593.

2. In the argument for the superiority of the fixed field assessment of our surveys, administered by annual leases, over other modes of revenue management, contained in the introductory paragraphs of the joint Report, the use of the terms "annual leases" and "annual engagements" has conveyed to Government an impression of the nature and operation of our settlements very different from what was intended, and as it is of the utmost importance that no misconception should exist in reference to what may be considered the basis of our whole system, I will devote a few remarks to an attempt to clear up the obscurity resting on our original exposition.
3. The arguments contained in the 4th, 5th, 6th, 7th, and 8th paragraphs of the Government letter, in favour of long leases, by which farmers are bound to pay an invariable assessment for the whole of their lands in the lump, are adduced as advantages which are not to be found in the system of settlement enjoined by the joint Report. And an apprehension is expressed that the important objects of inducing the cultivating classes to look more to the future; of exciting in them feelings of independence; of exempting them from the pupilage and surveillance of Government officers; and of attaching them to the soil, and to their own portion of it—run a risk of being wholly neglected under our system of engagements annually renewed. Government further observe "that the independence of feeling which every man ought to possess can seldom arise when a man knows that he holds his land, as it were, by an annual tenure; that if he fail to till a certain field; and it be omitted from his holding for one year, his rival may step in and deprive him of it for ever; and probably nothing tends more to diminish such right feeling than the inquisitorial visits of Government officers inquiring what is the extent of his cultivation, and regulating the fluctuating amount of his rent."

4. To the justice of the conclusions set forth in the last quotation I most fully subscribe, and if the description of annual settlement here given were applicable to the survey system, the latter must be admitted to be in many important respects defective. But I am happy to have it in my power to remove so serious a misapprehension of its nature, and trust to be able to show that the Survey Rules will not less effectually render the title of the cultivator to his land secure, exempt him from the interference or surveillance of Government officers, and hold out to him inducements to lay out capital in the improvement of his land, than the system of long leases, characterised by Government as possessing these important advantages.

5. You will observe by referring to Rule 5 of the joint Report that the only way in which the title of a cultivator to any field can be vitiated is through his failing to discharge the assessment laid upon it. And he will be called upon to pay this assessment upon every field entered in his name in the village books without reference at all to the circumstance of its being waste or cultivated. So long as he pays the assessment, no field can, under any circumstances, be struck or left out of his holding, except upon his own written application to that effect, under the provisions of Rule 20; and it will thus be evident that no rival or other party could by possibility step in and supplant him in the way supposed by Government. It seems to me difficult to imagine a more secure title to occupancy than this. It is absolutely free from all conditions, except
the simple one of discharging the Government land-tax, and this condition it is evident could not be dispensed with under any plan of management whatever.

6. The occupant is, moreover, wholly relieved from the interference or surveillance of the Government officers. Their power is limited to the collection of the assessment due from him for the land entered in his name. They cannot demand more or less, nor even the assessment itself, except at the stated periods fixed for the collections. So long as he is ready with the money due at such times they have absolutely no power at all of meddling in his affairs. They have no right to interrogate him as to whether his fields are waste or cultivated, his crops good or bad. The payment of his assessment affords a valid and sufficient answer to all objectors. A more completely independent position for a farmer to occupy than this it is hard to imagine. His own industry provides the means of paying his assessment, and he is absolutely free to exert this industry as may seem to him best, without having occasion to defer to the wishes or ideas of any one. I believe that in no country of the world are the cultivators so thoroughly independent as they will be in our surveyed districts when the rules of the joint Report shall be fully enforced. In the Dharwar Collectorate, where they are already in operation for the most part, their effect is readily observable in the bold bearing the cultivators quickly assume towards their village officers, and other influential parties, subsequent to the introduction of the new settlement.

7. Further, while thus securing to the cultivator a simple and secure title to his land, freedom from interference or surveillance on the part of Government officers, and complete personal independence, the survey settlements may, I think, be shown to be more favourable to the accumulation of agricultural capital, and its application to the improvement of the land, than a system of leases for a term of years.

8. Owing to the laws and customs in regard to inheritance obtaining in this country, and the few opportunities for the employment of capital, except in the cultivation of the soil, the land has at all times been very much subdivided, and with these conditions, the existence or creation of a body of large wealthy farmers seems hardly compatible. We may hope, under good management, to see agricultural property very widely diffused, and a very numerous class of small farmers enjoying comfort and independence; but there would seem to be few grounds for anticipating the establishment of a class of wealthy agriculturists cultivating large farms under any circumstances in India. And I do not know that this is to be regretted;
for the problem, as to the best distribution of national wealth, has been by no means so satisfactorily solved as to enable us, in my opinion, to pronounce decidedly in favour of one or other of these systems. However this may be, our measures have to be framed for the class of small farmers who now prevail universally; and for this class it is admitted that a tenure, involving much responsibility, like that by which the landholder has to pay an invariable assessment for a long term of years, would hardly be suitable.

9. But let us also try the applicability of the survey system to the case of our wealthier farmers, say that of a cultivator holding ten fields assessed at 150 Rupees in all, or 15 Rupees each, and let us suppose that his agricultural capital is increasing, and that the more favourable mode of investing his profits is in the permanent improvement of his land; for example, by digging a well for the purpose of supplying the means of irrigation to a portion of it.

10. Under these circumstances, let us consider which tenure would afford the greater encouragement to such an investment of capital, viz., that by which the cultivator is bound to pay the assessment on his whole farm—150 Rupees for a long course of years, or that by which he pays 15 Rupees for each of his ten fields separately, with the privilege of relinquishing any of them when so disposed. In the former case he is burdened with a heavy responsibility, which he might not be able to meet should misfortune overtake him, and in this case he would risk the loss of his whole farm, together with all the capital laid out upon it. In the latter he has the power of contracting his cultivation, and diminishing his payments from year to year, as circumstances might make desirable, and would thus be able to retain his most valuable fields, and especially those he had invested capital in improving. Can it be doubted that the diminished responsibility of the tenure by which the cultivator engages to pay the assessment upon each of his fields for one year only offers in itself the most direct and palpable encouragement to the investment of capital in the improvement of the soil? Every cultivator holding several fields, values most highly some one of them, and upon this he will naturally incline to invest money in improvements. And will not that system most dispose him to do so which would enable him to retain this most prized and valued portion of his possessions, even if misfortune should compel him to part with all the rest?

11. Further, it appears to me certain that the greater freedom to contract or extend cultivation from year to year, ensured to the ryot by the survey settlements, will be most conducive to the securing of a certain insinuating revenue to the State. The
revenue depends on the condition of the cultivators. Whatever system is most advantageous to the latter will best enable them to meet the Government demand, and necessarily be most conducive to the stability of the revenue. Reductions in the extent of the holding of individual cultivators, permitted by the survey settlements, have no perceptible influence on the revenue of a district. Such reductions are met by equal enlargements of the farmls of others, and when once cultivation has become general over the land of a district, the effect of these fluctuations on the revenue will become wholly insignificant.

12. The real danger to be guarded against, as well as the greatest obstacle to the permanent success of the survey settlement, will arise through an increase of the population, and is described in the 36th paragraph of the Government letter under consideration "as the ultimate subdivision of the whole land into very minute occupancies, accompanied by the impoverishment of the whole agricultural class." This indeed may be a remote evil, but not the less requiring to be taken into consideration on that account, and further reflection inclines me to think that some further provisions with a view to its timely prevention might be added with advantage to those contained in the joint Report.

13. The most effective means at our command for preventing the land becoming the inheritance of a pauper, or at least poverty-stricken peasantry, is to afford the greatest possible facilities for its conveyance from one party to another, so that when a cultivator becomes impoverished, and, by his inability to cultivate his land properly, deprives the community of the wealth it is capable of producing, that the land may get into the hands of some one better able to turn it to advantage. The customs and native revenue systems of India are adverse to such transfers, and it is therefore all the more necessary to adopt measures for giving them effect. Until very lately ejectment for the non-payment of the Government assessment was nearly unknown, and paupers were allowed to linger on year after year in the possession of land they had no means of cultivating, the revenue officers contenting themselves with screwing out of them what they could and remitting the remainder. This was particularly the case with Miras land in the Deccan, which, when the Mirasdar was poor, generally remained in a most neglected condition, and for all the benefit derived by the community from it might almost have been as well sunk under the sea.

14. Rules 3 to 9, and Rule 12, of the joint Report have all been framed with a view to guard against the excessive subdivision of land, and to facilitate transfers; but though the power of ejectment
is distinctly reserved by Rule 5, in event of the assessment not being paid it occurs to me that the course to be pursued in such an event is hardly indicated with sufficient precision.

15. At present the ordinary mode of enforcing the payment of the revenue is by placing Mohussuls over the defaulter, or by attachment and sale of moveable property; but I think it would be a preferable course to resort, in the first instance, to an attachment of one or more fields, of which the assessment might about equal the balance due, giving the defaulter the option of pointing out the fields to be so attached, as provided in Rule 5, and publishing, in the usual way, that, in event of the balance due not being paid by a certain date, the defaulter's right of occupancy in the said field or fields would cease and be sold to the highest bidder, in event of more than one person being desirous of obtaining possession. In event of the right of occupancy being saleable, the sum realisable should go to defray the balance due, and if more than sufficient for this purpose, the portion of it remaining over should be given to the defaulter. In event of the title to the occupancy of the field being unsaleable, and no one agreeing to cultivate it, the ejectment of the defaulter should nevertheless take place, and the field be permitted to revert to waste. In this case the sums due by the defaulter might be remitted, unless it appeared that the balance was withheld from some other cause than inability to pay, when the usual means, by Mohussuls or attachment and sale of property, might further be put in force.

16. I am inclined to think the process for ejectment just described would prove a very effective expedient for realising the revenue, and when it failed in this, it would yet have the obvious advantage of getting land out of the hands of a person unequal to the discharge of the responsibilities connected with its occupancy, and wherever there happened to be a demand for land, secure by the sale of the title to the highest bidder, that it should fall into the possession of a person of means. By thus bringing land into the market, traders, pensioners, and other parties having capital would probably be induced to lay it out in the purchase of land, to the great benefit of agriculture and the community at large. Some remarkable instances of this have come under my notice in the Dharwar Collectorate, and it is my belief that they will be numerous when it becomes generally understood that land may be sold and purchased like any other commodity. When the process of ejectment is used in the case of Miras land, the Mirasi tenure should, in my opinion, always be declared forfeited, and the land entered in the accounts thenceforward as Government. The ordinary tenure of Government land under the Survey Rules is per-
haps as favourable as could be devised, and being free from the objections connected with subdivision by inheritance, and insecurity of occupancy to which the Miras is liable, it would, in my opinion, be very desirable to substitute it for the latter, whenever practicable.

17. I will now proceed to notice, seriatim, the Rules of the Joint Report which have been reserved by Government for further discussion.

18. I have already, in a separate communication noted in the margin, stated my views in regard to the opinion given by Dr. Gibson upon Rule 2.

19. In reference to the remarks upon Rules 4 and 13, I would observe that the former Rule refers to portions of unarable surface, such as rocky ground, nullas, &c., but not land covered with jungle, included in fields suited for cultivation, upon which an assessment has been fixed. The latter, on the contrary, refers to fields entered in Survey Registers as wholly unarable, and upon which therefore no assessment has been fixed. The two Rules therefore apply to distinct cases, and cannot, I think, be misapplied in practice. Some of the fields coming under Rule 13 are not from the nature of the soil unarable, but from the circumstance of their being now covered with jungle, which did not permit of their being subdivided into fields of the usual size, and classified in the course of the survey. These, or portions of them, may be expected in the course of time to be cleared and culivated, but should not be allowed to be so until the fields upon which an assessment has been fixed have been all, or nearly all occupied. It is probably only in rare instances that the Mamlutdars will have to fix an assessment on the cultivated portions of such fields under Rule 13. I think therefore no risk of misapprehension will occur through both Rules being allowed to stand as at present.

20. In regard to Rule 5th, I have to observe that in the survey of the Southern Maratha Country the preparation of a trustworthy and correct Register of the holders of fields is effected in introducing the survey rates of assessment. Every person having a field entered in his name, or having claim to land, is summoned to attend at the settlement, and when the assessment of each field has been fully explained to the holder or holders, the field is entered in the Register in his or their names for the ensuing year, in event of their agreeing to cultivate it at the survey assessment, and all disputes as to occupancy decided by the European officers on the spot. Copies of these Registers, which may be considered among the most important documents connected with the survey,
are then taken by the village accountants, who are required to prepare their Cultivation Returns in strict accordance with them, and the originals are deposited with the Collector. I am having the forms in which the Registers are prepared lithographed, in order to render it impossible for any fictitious documents to be substituted for the originals at any future time; and whenever the correctness of the village books happens to be called in question, they will afford the means of settling the point. Rule 5 is to be considered applicable to *bona fide* entries in the village books; but if we admit claims to the possession of land from parties whose names do not appear in them, and have not been fraudulently, or through mistake, omitted to be entered, I see no probability of the tenure of land becoming sufficiently simple and secure, to admit of its being freely sold and transferred. If any other title to the possession of land than that of being entered in the public accounts as the party responsible for its assessment be recognised, I feel certain that the most important eventual benefits to be anticipated from the survey will never be realised. I consider Rule 5 perhaps the most important in the Joint Report, and would strongly recommend that it be retained without qualification.

21. After weighing, to the best of my ability, the arguments adduced in the 11th and 12th paragraphs of your letter, and in the 11th paragraph of Mr. Secretary Lumsden's, I incline to the opinion that it would be advantageous to retain Rules 7 and 8, without allowing a discretionary power to permit, under certain circumstances a sharer in a field to cultivate his own portion only, while the rest is allowed to become waste. Such a permission would, I much fear, lead eventually to great laxity of management, while it recognises a departure from the cardinal principle laid down in Rule 3, that no field is, for any reason whatever, to be let for less than the survey assessment. Fields generally contain good and bad soil, and when once a share of a field is allowed to become waste, how are we to prevent the holder of the remaining share from appropriating the best part of the field as his particular portion, and leaving the inferior land as the thrown up share, so as thus to take away all chance of the whole field being again brought under cultivation? The boundaries of the interior shares of a field are not marked out or described, and could not be so without incurring the danger of introducing confusion into the survey records; and even if this were done, the permission would entail the evil of an annual inspection and measurement to ascertain that the Government waste was not being encroached upon.

22. I believe that cases of real hardship under the Rules in question would rarely, if ever, occur; but I feel certain that if the latter are allowed to be broken through under particular circumstances, the exceptional cases will multiply to an extent likely to vitiate
the whole survey system. Every general plan of management must involve hardship in occasional instances to individuals; but if calculated to promote the general good, I should deeply regret to see its integrity broken in upon for the sake of a few exceptional cases. The preservation of the integrity of the survey fields appears to me an object of such paramount importance, as far to outweigh the hardship of saddling a cultivator with a little more land than he wants, or even compelling him to relinquish some fractional portion of his paternal inheritance. If his means are so small as only to enable him to cultivate a fraction of a survey field, it would be a public benefit, in my opinion, to get the land out of his hands, and thus admit of the whole field in which his fractional share is included being transferred to some more substantial cultivator. There is danger on the side of over-lenience, as well as over-severity; and I am well persuaded that our revenue management generally is more open to the former than to the latter charge. Small farmers in particular parts of Europe have been got rid of with a degree of unscrupulousness that may have merited censure, but the Rules of the joint Report, when administered with even the most unbending strictness, will, it may be feared, hardly suffice to prevent the survey field becoming split up into fractional shares to a greater extent than at present.

23. I have requested you to furnish me with a copy of the Rules regarding the cutting down of trees, contained in the Government letter No. 390, of 12th February 1847, which Government desire to be substituted for Rule 11th of the joint Report, and in event of their appearing to call for any remark on my part, I will submit my sentiments in regard to them in a separate communication.

24. The object sought to be attained by Rule 12th is described and approved of in the 34th, 35th, and 36th paragraphs of the Government letter; but subsequent to the date of the joint Report instances have come under my notice when the strict enforcement of Rule 12 would have perhaps needlessly prevented the cultivation of a large survey field bearing a high assessment; and I would therefore propose the addition of a clause to the Rule, to the effect that when the assessment of a waste survey field amounts to or exceeds 20 Rupees, it may be entered in the names of two or more holders, on the condition that the assessment of any single share shall not fall short of 10 Rupees. This would effectually prevent its subdivision into small patches, and at the same time facilitate the cultivation of any fields of more than the ordinary size and value, for which there might be no single individual willing to engage.

25. With reference to the remarks in paragraph 43 of the Government letter upon Rule 20th of the joint Report, I would:
observe that the giving up of an old, or taking up of a new field, may be considered a most important act to a cultivator, and that it therefore does not appear hard to require him to undertake a journey to the Kutcherry with a view to its being duly ratified. The object of the Rule is to give additional security to the tenure of the holder of land by making the act of relinquishing or entering upon possession a public formal transaction requiring the sanction of the Māmlatdar or Mahalkari to its validity, so as to prevent the chance of any one being deprived of his land through collusion with the village officers, or otherwise. The relaxation of the Rule in particular villages for a year or two subsequent to the introduction of the survey, while much new land is being taken up, might not be followed by any injurious consequences, but I would strongly recommend that it be strictly adhered to in all cases connected with the relinquishment of land previously cultivated.

26. In reference to the remarks on the same Rule, regarding the date fixed for receiving notices to resign fields, I am of opinion that the object of enabbling the cultivator to make up his mind in regard to giving up any field at so early a date as the 30th April, would be accomplished by the addition of a clause to the Rule making it incumbent on the village officers to assemble all the ryots on the above date, and after explaining to them that they would have no other opportunity of relinquishing any of their fields, take down at once the names of all those wishing to do so, and send the list with the parties concerned to the Māmlatdar. A public settling day of this kind would deprive the ryot of any plea for remissions on account of uncultivated fields, owing to forgetfulness of their exact date for resigning, and such like excuses, which it would be desirable to prevent, if possible.

27. Government think it preferable that the periods to be fixed for the payment of the instalments forming the subject of Rule 21 be disposed of apart from the ordinary Survey Rules; and though not disposed to dissent from this arrangement, I would yet respectfully submit that the settlement of those periods is of very great importance to the success of the survey settlements, and I trust therefore it will not be considered irrelevant to offer in this place the following arguments in favour of those fixed by Rule 21. The proposed instalments would fall due on the 15th December, 1st February, 15th March, and 1st May, in the case of districts when the early crops on an average of seasons predominate, and a month later, viz. on 15th January, 1st March, 15th April, and 1st June, in the remaining districts. Three principal objects were in view in selecting the periods in question:—Firstly, To enable the cultivator to provide funds for the payment of his assessment from
bonâ fide sales of produce. Secondly, To distribute the collections over a period of six months, instead of four, as at present is generally the case, in order to afford the cultivator greater facilities for the disposal of his produce, and prevent prices becoming needlessly lowered during the collecting season, by forcing sales of produce at a sacrifice, which will always be the case when the instalments follow each other too closely. Thirdly, To have the instalments invariable, under all circumstances, for each district, that the cultivators may be taught to use foresight, and adopt timely measures for providing the funds necessary to the liquidation of their rents, by removing the uncertainty, and opportunities for jobbing and favouritism, attendant on the plan of collecting the revenue by variable instalments, according to the report of village officers as to the proportion of early and late crops grown in each particular season. All of these objects I deem very important; and all will, it seems to me, be fully attained without the entailment of any countervailing disadvantages, by the adoption of the periods for the collection of the instalments mentioned in the Rule.

28. In the earliest districts, viz. those lying immediately east of the Ghauts, in which the whole crop, with some few exceptions, belongs to the early harvest, no part of it could be got ready for market and sold much before the 15th of December; but by making an effort a cultivator could manage to sell by that time sufficient produce to make up the first instalment, which is only one-fourth of his whole assessment. An earlier date, then, than the 15th of December could not be fixed upon anywhere without defeating one main object of the Rule, which is to enable the assessment to be provided by actual sales of produce, instead of by funds taken up at an excessive rate of interest from money-lenders. In these early districts a considerable portion of the crop would be ready for market before the 1st of February, and there would be no difficulty in selling it in time to provide the 2nd, 3rd, and 4th instalments. In the case of the latter districts there would be everywhere a sufficient proportion of early crops grown to furnish the means of paying the first instalment, falling due on 15th January, and the late crops could be got ready and sold in time for the payment of the remaining three instalments.

29. In the case of both early and late crops, I feel assured that the adoption of a shorter interval than six weeks between each instalment would either have the effect of forcing sales of produce and bringing down prices, or of driving the cultivators to the money-lenders, from the want of time and opportunity to dispose of a sufficient portion of their crop to meet each succeeding instalment. I have frequently conversed with intelligent cultivators on this
subject, and they have always been sensible of the great advantage that would result to them from lengthening the intervals between the instalments, from a month to six weeks, and have freely admitted that, under such circumstances, they would never have occasion to borrow, or dream of doing so, in order to raise money for the payment of their rents.

30. The only objection occurring to me as likely to be raised against the adoption of these instalments has been alluded to in the 17th paragraph of your letter of 10th September 1847, in which you express an apprehension that, by deferring the last instalment to so advanced a period of the year as the 1st June, in the case of late districts, there would be danger of a portion of the revenue being never realised at all. In regard to an untried experiment we can only reason from analogy, or state probabilities; but my own experience—and I have had more than once opportunities of observing the effect of deferring the instalments to later periods than had previously been in force—leads me most confidently to anticipate that the effect of the proposed change will be quite the reverse of that apprehended, and as surely facilitate the punctual realisation of the revenue, as it would, without doubt, prove of advantage to the ryots. Deaths by cholera have been very numerous in the settled districts of the Dharwar collectorate before the close of the collecting season, but I believe it will be found that they have never occasioned the loss of a rupee to Government. In every instance, or at least in so many that the exceptions become of no moment, the fields of deceased cultivators are retained by their heirs, who pay the balance gladly in order to secure possession of them. When the forfeiture of the field is made the penalty of non-payment, I do not believe that one instance out of a hundred would occur in which the balance could not be realised, and even in this case it would be necessary to suppose that the previous incumbent died a pauper, for otherwise the balance could be raised from the property left by him, or from his heirs, whether they retained possession of his fields or not. I firmly believe that in practice it would be found that the postponement of the instalments would not in the least degree increase the loss of revenue which has hitherto occurred through deaths.

31. And if it be said that it would, however, occasion loss in the case of very poor cultivators, whose necessities might compel them to part with their whole produce before the last instalment became due, and who had nothing besides from which it could be realised, I would reply that nothing more desirable could occur, and that the sacrifice of revenue here contemplated would be far more than counterbalanced by the advantage that would accrue from
ejecting such paupers from their occupancies, so as to allow of the land falling into the hands of substantial cultivators. I believe, however, that instances of this kind would very rarely occur.

32. I have only further to suggest the advantage of re-arranging the Rules, when the various additions, omissions, and alterations to be made have been finally settled, and that Marathi and Canarese translation of these amended Rules, after having received the approval of the Revenue Commissioner, should be lithographed, and furnished to the several Collectors for the use of their district and village establishment. In my opinion the records of every village should be supplied with a copy of the Rules; for, unless this be done, I do not see how the village officers and people generally are to acquire an adequate knowledge of the principles and practice of the survey settlements, which will have so important a bearing on other future welfare.

I have &c.,
G. WINGATE,
Supt., Revenue Survey and Assessment, S. M. C.

Belgaum Districts, Superintendent's Office,
at Camp Baba-Nagar, 23rd December 1848.

No. 17 of 1849.

To
H. TOWNSEND, Esq.,
Revenue Commissioner, S. D.

Sir,

In accordance with the instructions conveyed in your Memorandum No. 3330, of 13th October last, along with which were received copies of your letter to Government No. 2258, of 10th September 1847, transmitting a joint Report from the three Superintendents of Revenue Survey, dated 2nd August 1847, and Mr. Secretary Lumsden's reply No. 5593, of 22nd September last, I have the honour to submit such remarks as appear to me to be called for by the purport of the Government letter.
2. A perusal of the correspondence leads me to conclude that it is only necessary that I should state such additional arguments as occur to me, regarding those questions brought forward in the joint Report, which are still under discussion, and this I shall therefore proceed to do as briefly as possible.

3. In paragraphs 4 to 10 of the joint Report the objects of a revenue survey are described, and along with other questions the superiority of an annual settlement with each cultivator, according to his holding for the year, over a lease binding him down for a longer period, is discussed. With reference to this subject it is stated in paragraph 2 of the Government letter that "His Lordship in Council does not feel quite assured that the decision at which the Committee has arrived is correct. It is, at least, not so clearly exemplified as to remove all doubt as to the accuracy of the result." As I cannot hope to express my sentiments in favour of the annual settlement more clearly than has been done by the Committee, I shall not attempt to do so at all. It may not be out of place, however, to consider how both systems would work if carried out in practice, or whether, under the existing deficiency of capital and the generally impoverished condition of the cultivators throughout the districts hitherto surveyed and those under survey, it would be practicable to introduce any satisfactory system whereby the survey settlements could be administered by long leases. The following statements relative to the taluk of Rahuri, of this collectorate, and which, with respect to farming capital and capabilities is perhaps on the whole not an unfavourable specimen of a Deccan district, may tend to elucidate this mode of viewing the question.

4. In the above district there are about 200,000 acres of arable land, of which from 60 to 80,000 acres are at present under cultivation. There are only 8,475 working bullocks in the district; and from my knowledge of the general poverty of the cultivators, I should think it no exaggeration to assume that four-fifths of this class are more or less involved in debt. It is evident that even under the influence of fixed and equitable rates of assessment, the district can very slowly and gradually recover from such a state of depression, and that a long period must elapse before farming capital can be accumulated to the extent required for the complete development of its agricultural wealth. Unless the present amount of farming stock were at once trebled or quadrupled, it would be impossible immediately to bring under proper cultivation all the lands of the district. The revised survey rates, by securing a fair profit to the cultivator and enabling him by degrees to free himself from his liabilities, and to add to his resources, will doubtless in a great measure effect this, but only slowly and progressively; and that the result can be attained at
all, it seems essential that the cultivators be left entirely independent and unfettered.

5. In introducing revised rates into a district similar to that described above, it would, I conceive, be very dangerous to attempt to bind cultivators by long leases. The settling officer would have no satisfactory data whereby to ascertain whether a cultivator, desirous of entering into a contract of the kind mentioned in paragraph 10 of the Government letter, possessed sufficient capital to enable him to meet his engagements. Were a cultivator to contract for more land than his means warranted, or were he at any time to be deprived, by adverse circumstances, of a portion of his farming stock, he would have to resort to the money-lender or become bankrupt, and throw up his entire holding; and in either case he would be in a much worse condition than before. A more general view of the question would exhibit the same results on an enlarged scale. Were all the lands in the district leased out, and a succession of unfavorable seasons to occur, during which period the cultivators could neither earn an income sufficient to meet their own wants and the Government demands, nor be able to contract their cultivation and liabilities according to their diminished returns, they would be placed in the position of a person who is living beyond his means and who finding the interest on his capital insufficient for his expenditure, is obliged to resort to the principal, and who thus in time effects his ruin.

6. But allowing that the settling officer could originate, in a satisfactory manner, the scheme of leasing out the holdings for lengthened periods, the general condition of the cultivators would only admit of a very small portion of the district being taken up for cultivation on such terms at the time of the introduction of the revised rates; and should the system gradually be brought into operation during the period of 30 years for which the latter are fixed, it is to be apprehended that in its working it would afford much room for the display of the intriguing propensities of our Native officials, and that it would necessarily involve a more minute scrutiny into, and interference with, the affairs of the cultivators than would be compatible with those feelings of independence which it is so desirable to excite in them.

7. The above considerations alone would lead me to conclude that in those districts to which the survey operations have hitherto extended it would be difficult, if not impracticable, to introduce leases for lengthened periods with any hopes of successful results, and that it is only by means of annual settlements that the revised rates can be
administered. Fluctuations in the cultivation and revenue are not to be attributed to short leases, but to the deficiency of capital in a district, the general poverty of its inhabitants, and the obstacles presented to them in the acquisition of gain. No fears, I should think, need be entertained of the cultivators becoming, under favourable circumstances, prosperous and independent. They are, as a class, most persevering, industrious, and shrewd, and the prospect of success alone is wanting to stimulate their energies in the pursuit of gain. Were the cultivators, as a body, in good circumstances, and agriculture a profitable occupation, remissions and inspections of crops might be entirely done away with without danger to the interests of the ryot or eventual loss of revenue to Government.

8. The subject of the settlement of village boundary disputes is treated of in paragraphs 22 to 28 of the joint Report, paragraphs 4 and 5 of your letter, and paragraphs 12 to 15 of the Government reply, and as the only doubt regarding the practicability of the scheme proposed by the Committee relates to the permanency of the settlements effected by the survey officers, I have no hesitation in stating my conviction that if the decisions be considered by the local officers as binding and unchangeable, and upheld accordingly, there will not be the slightest difficulty in preserving them.

9. The great difficulty in maintaining former settlements has been in most cases the impossibility of ascertaining from the written descriptions thereof the boundaries intended to be defined, and the consequent inability of the officer, to whom at any subsequent period a reference regarding a settlement might be made, to judge of the merits of the case, without examining an immense mass of contradictory documents, any attempt to elucidate which, by recording further evidence, only tended to nullify the settlement, and to leave the dispute in a somewhat more complicated state than before.

10. The boundaries settled by the survey officers are defined by marks, and are permanently recorded in the village maps. It is true that the marks may be destroyed, but as their destruction constitutes an offence which renders the perpetrators liable to severe punishment according to the Regulations, such will very seldom occur, and the settlements would not be affected thereby, as the line of boundary can easily be established and renewed by means of the map. I beg to remark, however, that although it might be difficult in some cases to obtain legal proof as to the parties actually engaged in the destruction of the marks, such a work could very seldom be effected without the knowledge and connivance of the village officers, as the boundary marks are numerous and of large size, and to remove them entirely would occupy much time and labour.
11. A further consideration of the subject of rice classification does not enable me to bring forward any Rules which would be generally applicable to all the surveys. The rice lands of this collectorate differ very much from those of Dharwar. Mr. Tytler, whom I have consulted, informs me that he observes that there is even a great difference between the Desh and Dang rice lands of this zilla. There is probably a much greater difference still between the rice lands of the countries above and below the Ghauts; I am therefore of opinion that until we have more certain data to guide us, it would be inexpedient to attempt to draw up general Rules for the classification of rice land.

12. With reference to paragraph 23 of the Government letter, I would beg to suggest that paragraph 83 of the joint Report be modified, and stand as follows:—

83. The introduction of the survey settlements should, in our opinion, be effected by the Superintendent, in conjunction with the Collector, when circumstances admit of this officer's presence without interruption to the other duties of his charge, in order that the latter may be enabled to judge of the system, and the former have an opportunity of observing the practical working of the details, and of explaining them fully to the local revenue officers in charge of the district, as well as of overcoming any difficulties, and meeting any objections, which may present themselves in the course of the settlement.

In case of the Collector not being able to attend, he should nominate an experienced Assistant to be associated with the Superintendent on the occasion.

13. The concluding part of Rule 4 of paragraph 84 of the joint Report, as surmised in the 14th paragraph of your letter, only applies to cases in which small internal portions of land are deducted as "unarable" from fields on which an assessment has been fixed, and therefore does not appear to call for amendment. Rule 13, on the contrary, applies to fields on which no assessment has been fixed, but which hereafter might be brought under cultivation; for instance, tracts of dense jungle, which it would be impossible at the time of survey to break up into numbers, and classify, but which might contain very good arable land. The fact of these fields being entered in the Registers without any assessment having been fixed on them, would sufficiently indicate them to the local...
officers, but the latter might have some difficulty in fixing rates at a future period should the fields, or portions of them, be taken up for cultivation. To obviate this I would propose that the lowest rate per acre entered in the Registers for other dry crop lands of the village be levied. This appears just, as, though the lands might actually be capable of paying higher rates when cleared and prepared for cultivation, a considerable expenditure of labour and capital would, in the first instance, be required. It would not perhaps be advisable to enter rates for such lands in the Registers, as they might tend to mislead, should the assessment be reviewed at the termination of the period of 30 years, for which the settlements are binding. Rule 13 might be modified as follows:—

13. There are some survey fields, consisting in great part of land covered with dense jungle, or otherwise unsuited in their present state for cultivation, upon which no assessment is placed in the Survey Registers. In the event of portions of such fields being brought under cultivation, rates of assessment should be fixed by the Mâmâltâdär upon the acres under tillage, equivalent to the lowest rates for dry crop soils in the same village. This Rule applies to all fields in the Survey Registers on which rates of assessment have not been fixed.

14. During the progress of the survey operations, all disputed claims to the occupation of fields are noted, and they are investigated and settled by the Superintendent when introducing the revised rates, and agreeing with each cultivator for the land to be taken up by him. With regard to fields, the occupation of which is not disputed, the rights of the bonâ fide holders are maintained, and their names are entered in the cultivation returns accordingly. After the introduction of the settlement the proper insertion of the holder's name in the cultivation returns is, I conceive, provided for by Rule 20, which does not give village officers the power of making entries on the subject in the village account without an order from the Mâmâltâdär or Mahâlkâri. Under these circumstances no alteration suggests to me by which Rule 5 would be improved.

15. Very few cases in this collectorate would come under the provisions of Rules 7 and 8, as the holdings are generally of larger area than that required by Rule 1 of paragraph 17 of the joint Report. As these Rules, however, only contemplate a cultivator being obliged, under certain circumstances, to enlarge his holding to a size capable of being cultivated by a single pair of bullocks, and no more (vide Rules 5 and 7 of paragraph
17. With reference to the remarks contained in paragraph 31 of the Government letter, I beg to suggest that Rule 11 be modified as follows:

Paragraph 15 of your letter.
Paragraphs 40 and 41 of Government reply.

17) I can anticipate no obstacles to their satisfactory working. The Rules modified according to the tenor of the remarks contained in paragraph 30 of Government letter would stand as follows:

7. When two ryots hold a field, and one of them relinquishes his share, or dies without heirs, the share thus lapsing is to be offered in the first instance to the other sharer before it is offered to any other; and in event of the said sharer declining it, and no other party applying to take it up, the former must relinquish his share too, and allow the whole field to become waste, unless, on an appeal being made by the party concerned, the Collector shall, from inquiry into the case, see fit to decide otherwise.

8. When there are more sharers than two in a field, and any of them relinquishes a share, it should be offered as above to the sharers in the first instance, beginning, in event of their failing to settle the matter amongst themselves, with the largest sharer, and so on to the least. If none of these nor any other party be found to take up the relinquished share, the whole field must be thrown up, unless, on an appeal being made by the parties concerned, the Collector shall from inquiry into the case see fit to decide otherwise.

16. According to the purport of paragraph 33 of the Government letter, Rule 11 would require to be modified as follows:

Paragraph 15 of your letter.
Paragraphs 40 and 41 of Government reply.

11. Holders of Government fields, or occupants of Miras Judi, or Inam fields holding the same from Government, have no right to cut down trees growing therein, unless by express permission, and according to the Rule sanctioned in Government letter No. 390, of 12th February 1847. Those trees, however, which have become the property of the holder by purchase under the provisions of Rule 2, may be cut down without permission. In all cases trees growing on the boundaries of fields must be preserved as landmarks.
16. The grazing of the unarable and other fields not subjected to assessment in the Survey Registers should be sold by auction by the Collector, as in the preceding Rule; a reasonable proportion being set aside for the free pasturage of such villages as have hitherto enjoyed this right.

18. With respect to the clause in Rule 20, which requires those ryots who relinquish fields or take up new ones for cultivation to attend at the Mamlatdar's or Mahalkari's Kutcherry, I would respectfully state my opinion that, although some trouble may be caused to the ryots in consequence, there are on the other side, many reasons which might be urged in favour of its enforcement. Were the applicants to appear before him, the District Officer would be better able to satisfy himself that the interests of Government are properly attended to; whereas such might not always be the case if the details be left to the management of the village officers. The fraudulent practices and the bad results arising therefrom, which are described in the 10th paragraph of your letter and which, it is to be feared, are not confined to a single village or district, could not be easily guarded against for the future, if the village officers be licensed to make their own arrangements regarding the disposal of the village lands.

19. The very unsatisfactory systems which have prevailed in some districts, regarding the giving out of land for cultivation, have probably in many cases impressed the village officers and cultivators with very loose notions on the subject; and every precaution ought to be adopted to amend this, in districts especially where revised rates are being introduced, and the successful operation of which depends so much on the manner in which they are administered. Formerly village officers were sometimes discovered to be cultivating fields, the names of other holders being entered in the accounts; many cultivators were allowed to be continually changing their holdings, or to take up portions of fields for cultivation; and that these and other irregularities may be entirely put a stop to, it appears to me to be necessary that a vigilant watch be kept on the proceedings of the village officers, and that they should be entrusted with as little power as possible.

20. In many villages the Kulkarni is the only person who can read and write, and unless the party wishing to take up a field be sent with his application to the District Officer, the latter must be entirely dependent on the statements of the Kulkarni; and as under the revised rates there are in many cases several applicants for the same field, the Kulkarni might unduly favour the interests of his
friends, or of those cultivators who choose to propitiate him by means of a present.

21. I am not prepared to state how Rule 20, regarding revenue instalments, would operate generally throughout all the surveyed districts, and therefore refrain from making any remarks on the subject.

I have, &c.,

G. S. A. ANDERSON,
Supt. Ahmednagar Revenue Survey and Assessment.
Supt.'s Office, Ahmednagar, 21st February 1849.

P.S.—With reference to your letter No. 68, of 9th ultimo, I beg to apologise for the delay which has occurred in forwarding this letter. My time has been so much occupied by other duties that I have been unable to transmit it at an earlier period.

G. S. A. ANDERSON.

The Revenue Commissioner, Southern Division, informs us that he fully concurs in the remarks made by Captain Wingate in paragraphs 2 to 11: so do I; and so, I anticipate, will my more experienced colleagues, when they read the very forcible and well-expressed arguments used by that most able and intelligent officer.

2. The objections made by the Revenue Commissioner, Southern Division, in paragraph 3rd will, I am of opinion, be met, as far as is at present possible, by adding the following words to Rule 5: "and in cases where the tenure precludes summary ejectment, the Collector will observe the forms necessary to give his orders the force of a legal decree."
3. In the remarks made by the Revenue Commissioner in paragraph 6, regarding the other provisions of this (the 5th) Rule, I concur.

4. The explanation given by Captain Wingate shows that Rule 4 is not in any respect at variance with Rule 13, and the adoption of the proper technical words, when these Rules are rendered into the vernacular languages, and the rendering of Rule 13, as proposed below, will no doubt, prevent the local revenue officers misreading either. In the English version of the Rule 4 the word "barren" may be substituted for "unarable."

5. I do not approve of Lieutenant Anderson's proposed amendment of the latter portion of Rule 13, regarding the rate of assessment to be imposed, but would adopt that substituted by him for the former portion.

6. Rules 7 and 8 should, in my opinion, be relaxed only in cases in which "any of the co-sharers in a field have held possession of their land for upwards of 20 years," and then never but in cases in which the Collector himself, or an experienced Assistant, may consider the relaxation absolutely necessary, to prevent considerable hardship being entailed on individuals.

7. For the reasons recorded by my immediate predecessor in the Government, in paragraphs 27 to 31 of his Minute of 16th November 1847, I am averse to any modification of Rule 12, but being willing to defer to the opinion of officers possessing the practical experience of Messrs. Townsend and Wingate, will not object to the alteration they propose.

8. Captain Wingate's arguments in support of Rule 25 are certainly worthy of attention, and would have appeared to me to be conclusive, but for the practical objection raised by Mr. Townsend at close of paragraph 10, an objection to which, I think, Captain Wingate must yield. Rule 25 should, however, be so altered as to give due form to the act of resigning or taking up a field, and, as far as can be, to prevent "jobbing," on the part of the village
The arrangement proposed by Captain Wingate, in paragraph 21, should certainly be enforced, as recommended by Revenue Commissioner.

9. I am in favour of Rule 21 standing as originally proposed, but shall not object to the Collector's being informed, with reference to this Rule, that if they consider necessary any alteration in the kists therein laid down, they are forthwith to state, in detail, their reasons for so thinking, in a letter to the Revenue Commissioner, who will forward the same to Government. The Collectors may be so informed in a foot-note to the English version.

10. I do not approve of the alteration proposed by Lieutenant G. S. A. Anderson in paragraph 12 of his letter. If the Collector himself holds direct charge of the districts, he will of course be present at the introduction of the survey settlement, as will he also be if the Assistant Collector in charge is not sufficiently experienced to form a correct opinion as to the merits of what is being done, or if, for any other reason, he thinks proper to watch proceedings. The Assistant himself, though ever so inexperienced, should also be present, for he cannot be in a better school in which to learn the most important parts of his revenue duties. The Rule may be so worded as to give effect to these instructions.

11. The Revenue Commissioner, Southern Division, and Superintendents Revenue Survey, are in possession of the views of Government as regards the felling and cultivation of trees, and the Rule on the subject should therefore be worded so as to give effect to those views.

12. The amendment proposed by Lieutenant G. S. A. Anderson, of Rule 16, approved.

13. The remaining paragraphs of the letter from the Revenue Commissioner, Southern Division, do not appear to require any particular notice.

14. The Superintendent, Revenue Survey, Southern Maratha Country, should be furnished with copy of the Revenue Commissioner's letter and
its accompaniments, and of the Government reply, as also with transcript of the joint Report, which last document he should be requested to prepare for the press, by making such alterations in the body of the paper, and adding such foot-notes as will show how the Rules stand and are to be acted on according to the modifications we have enjoined.

15. When the English version has been printed, Canarese and Maratha translations of the Rules should be prepared and lithographed, as recommended by Captain Wingate in paragraph 32 of his letter of the 23rd December last, No. 239.

FALKLAND.

J. P. WILLOUGHBY:
D. A. BLANE.

20th October 1849.

No. 6 of 1850.

From
G. WINGATE, Esq.,
Supt., Revenue Survey and Assessment, S. M. Country,
To
H. E. GOLDSMID, Esq.,
Secretary to Government, Bombay.

* Sir,—In compliance with the instructions contained in your letter of 16th November last, No. 6901, I have the honour to return the joint Report therewith forwarded, to which I have made such alterations and added such foot-notes as appear to me sufficient to show how the Rules for the future management of surveyed districts stand, and are to be acted on, according to the modifications Government has enjoined. The alterations and additions made will be understood from the following explanations.

2. No change has been made in the body of the Report, excepting in the case of the Rules following paragraph 84; but a note has been added to paragraph 83 to give effect to the instructions contained in paragraph 11 of the Government letter No. 6900, above quoted.
3. The sanctions for the Rules, as they now stand, are quoted in the margin, and remarks by Government qualifying them in application, are given in foot-notes.

4. In Rule 2 I have added the sentence "but in case of valuable fruit and other trees standing in fields," the words "assessed at dry crop rates," which appear to me necessary to prevent misconception, as the fruit of waste gardens is often sold by auction; but as garden fields pay the higher assessment of irrigated land, it was not intended that a cultivator, agreeing to bring them again into cultivation and pay this assessment, should have to purchase the trees in addition. I have also added, in a subsequent part of the same Rule, the words "offered at a fair upset price," to show that the Rule does not enjoin a peremptory sale of trees, when a fair price cannot be obtained for them. I have also added a foot-note, to explain that this Rule does not apply to fields specially reserved for the growth or preservation of trees. These additions have not been expressly enjoined by Government, but are, I believe, in accordance with its views, and will, I trust, be approved of.

5. Rules 4 and 5 have been amended, as enjoined by Government.

6. Rules 10 and 11 have been altered, and will, I hope, now be considered in consonance with the views of Government, referred to in the 12th paragraph of your letter No. 6900. These Rules might perhaps with advantage be divided; but for the sake of facilitating reference, I have thought it better to adhere to the numbering of the Rules given in the original Report. I have not inserted any preamble to these Rules, declaring the right to cut (on application) trees in Gutkool land to be "permissive," and not "proprietary," recommended in the 3rd paragraph of Dr. Gibson's letter No. 226, dated 17th April 1846, as a chief object of the Survey Rules, generally, is to convert the tenancy-at-will tenure of the Gutkool lands into a proprietary and saleable occupancy, and, I think, Government would not desire the insertion of aught that would have a tendency to interfere with the attainment of an end so important. In reference to Dr. Gibson's suggestion in the same letter, to substitute for "a period anterior to the age of the trees," "a term of twenty years," I have thought it best to insert both terms in the Rule; for while the latter is desirable to prevent trouble and dispute, regarding the age of old trees, which Dr. Gibson apparently had in view, the former is equally necessary to reserve to the holder of a field a right over all trees reared by him.
self, with which it would be wholly at variance with the spirit of
the Rules for Government to interfere.

7. Rules 12, 13, and 16 have been amended, as required by
the Government instructions.

8. I have altered Rule 20 so as to meet the views of the
Revenue Commissioner and Government, though I feel it incumbent
on me to acknowledge my preference for it as it originally stood.
In the new Rule I have endeavoured, by requiring the attestation
of witnesses to a petition to resign land, and the immediate trans­
mission of the petition to the Mâmlâtâr or Mahâlkârî for counter­
signature, to guard against any one being deprived of his land
through fraud or collusion on the part of the village officers or
others. The risk of this is considerable, and will increase if the
possession of land become more coveted than at present. The
objection urged by the Revenue Commissioner, in the 10th para­
graph of his letter of 10th August last, to the original Rule, as
throwing additional work on officers already overwhelmed by the
multiplicity of their duties, is one of great force, and would be con­
clusive were this invariably the case; but I apprehend that in bring­
ing it forward he had hardly in view the immense reduction of
revenue work, required to be done by the district officers, effected
by the survey settlements. In those districts of Dharwar in which
the survey has been some years in force, I have myself been as­
sured by the district officers that they have little revenue business to
perform besides the preparation of the usual routine papers for the
Huzur, and that for days and even weeks together they do not
receive a petition on the subject of land or revenue. I am of opinion
that the revenue duties of Mâmlâtârs in surveyed districts are
even now far from overwhelming, and that they may be expected
hereafter, when the village officers are placed on a more efficient
footing, to become of very easy performance. I do not, however,
urge the re-adoption of the original Rule, as the provision of the
amended one will, I trust, have the effect of preventing jobbing in
the disposal of land on the part of the village officers.

9. I have added a clause to the form of Proclamation in Rule
23, to intimate that wilful injury done to boundary marks is a
criminal offence, and punishable under Act III. of 1846, which,
I trust, will be approved of.

10. These are all the alterations and additions made in the
Rules, with the exception of one or two unimportant verbal amend­
ments, which do not appear to require specification.
11. I am not aware whether it is the intention of Government to print the Joint Report, as now amended, by itself or along with the rest of the correspondence, but I think the latter plan would be preferable, as likely to afford the means of clearing up obscurities and resolving doubts, observed or suggested during a perusal of the Report. And in case of its being resolved to print the correspondence, entire, I may here bring to notice, with a view to its correction, an important error occurring at the close of the 34th paragraph in all the copies of the Government letter No. 5593 of 1848, which I have seen where the word "prohibited" is used instead of "promoted," by which the sense of the passage is made exactly the opposite of that intended.

I have, &c.,

G. WINGATE,

Supt., Revenue Survey and Assessment, S. M. C.

Superintendent's Office, Camp Kolhapur,

7th January 1850.

No. 5594 of 1848.

TERRITORIAL DEPARTMENT, REVENUE.

FROM

J. G. LUMSDEN, Esq.,

Secretary to Government,

TO

Dr. A. GIBSON,

Conservator of Forests.

SIR,

In transmitting to you the annexed extract from a draft of Rules prepared for the future administration of survey settlements, I have been directed by the Right Honourable the Governor in Council to request that you will be so good as to favour him with your opinion on the plan proposed for disposing of the produce of fruit trees standing in fields.

Extract (Rule 2nd) from the 34th para. of a Joint Report by Mr. Goldsmid and Captains Wingate and Davidson, dated 2nd August 1847.
2. I have at the same time been instructed, with reference to Mr. Chief Secretary Pringle's letter to the Revenue Commissioner, Southern Division, No. 390, of the 12th February 1847, a copy of which was sent to you by endorsement on the same date, to forward for your information the extracts noted in the margin, on the subject of restrictions to be placed on the cutting of trees.

I have, &c.,
J. G. LUMSDEN,
Secretary to Government.

Bombay Castle, 22nd September 1848.

No. 716 of 1848.

From
Da. A. GIBSON,
Conservator of Forests,

To
J. G. LUMSDEN, Esq.,
Secretary to Government.

Sir,

In reply to your letter No. 5594, under date 22nd instant, in which the Right Honourable the Governor does me the honour to request my opinion on the plan proposed for disposing of the produce of fruit trees standing in fields, I have the honour to state—

2. As I understand the question (founded on Rule 2nd of the Joint Report) to refer to the sale of the annual produce of fruit trees only, it appears to me that, as applied to the more open country, the Rule may be safe, particularly since the preservation of a succession of trees by planting, is provided for by the Resolution of His Lordship in Council, paragraph 33, under date 22nd instant, viz., "that the Rules, regulating the power to cut down trees, should be upheld, and that, when one tree is felled, two should be required to be planted."

3. But for this proviso, I think the system of summary sale would be pernicious, as experience has (I respectfully submit) shown
us that the natives cannot, in the present state of their habits, be safely trusted with a property in nearly all the trees in the open country; for, in the parts of the country hitherto surveyed, there may be said to be few or no trees, excepting in land which is arable.

4. With respect to the extension of the Rule to the Máwal and Konkan districts, and supposing it to be applied (as seems to be intended) to all trees whatsoever, I think it may require, previous to being so extended, mature consideration in the various and more extensive bearings which it will there have, either on the property or the resources of Government; and that it may, from particular local circumstances, require some occasional modification. Thus, by ancient prescriptive right, cultivation has been allowed within the precincts of certain Government lands, as around hill-forts, as at Singhar, &c.; but in these, supposing the right to cultivate is Inam (as in many cases it is), the right of the cultivator is acknowledged not to extend beyond the grain crops.

7. Now it seems to me obvious that the general application of a Rule such as No. 2 would at once deprive Government of much valuable property in trees; for a peremptory sale by auction would hardly compensate for the permanent alienation of choice timber, particularly when we know that, under the Máwal mode of cultivation, this timber would gradually disappear.

6. Another case in which the Rule would require consideration, if not modification, is the property in the produce of the wild date. This is, in many parts of the country, an article of valuable annual farm.

7. It appears to me doubtful in how far it would be prudent to part with this source of revenue for the result of precarious biddings, made at a peremptory auction sale.

8. The same Rule will apply to the farm of other trees in the Konkan, such as teak, &c., where these grow in land now at the disposal of Government, but which, under a survey, might be taken up by a cultivator.

9. On the above grounds, I think that the Rule requires further consideration ere it can be adopted as a general one for the future administration of survey settlements.

10. I deem it very possible that I may have somewhat misconceived the scope and tendency of the intended Rule. In such case, I will be happy to give it my further consideration on another reference being made to me.

I have, &c.,

ALEX. GIBSON,
Conservator of Forests.
No. 6358 of 1848.

TERRITORIAL DEPARTMENT, Revenue.

FROM
W. COURTNEY, Esq.,
Acting Secretary to Government,

To
CAPTAIN G. WINGATE,
Superintendent, Revenue Survey and Assessment,
Southern Mahratta Country.

SIR,

With reference to the Joint Report made by yourself, Mr. Goldsmid, and Captain Davidson, under date the 2nd August 1847, (submitted to Government through the Revenue Commissioner, Southern Division,) on the practice and objects of your respective surveys, I have been directed by the Right Honourable the Governor in Council to transmit to you, for any observations you may have to offer, the accompanying copy of a letter from the Conservator of Forests, No. 716, dated the 29th ultimo, submitting his opinion on the plan proposed in Rule 2, paragraph 84, of the Joint Report, for disposing of the 'produce of fruit trees, standing in fields, and of the restrictions to be placed on the cutting of trees.

I have, &c.,

W. COURTNEY,
Acting Secretary to Government.

Bombay Castle, 18th October 1848.

No. 206 of 1848.

FROM
CAPTAIN G. WINGATE,
Superintendent, Revenue Survey and Assessment,
Southern Mahratta Country,

To
W. COURTNEY, Esq.,
Acting Secretary to Government, Bombay.

SIR,

In compliance with the instructions of the Right Honourable the Governor in Council, contained in your letter of 18th instant, No. 6358, I do myself the honour to submit the following observations.
in reference to the remarks made by the Conservator of Forests in his letter No. 716, dated the 29th ultimo, upon Rule 2, paragraph 84, of the Joint Report by Mr. Goldsmid, Captain Davidson, and myself, for the disposal of fruit and other trees standing within the limits of fields in surveyed districts.

2. It will have been observed by Government that the above quoted Rule is by paragraph 84 of our Report strictly limited "to the collectorates above the Ghats, already surveyed, or in course of being so," which renders it unnecessary for me to follow Dr. Gibson in the arguments adduced in his 4th and following paragraphs on the supposition of its extension to the Konkans. I have further already had the honour of submitting my views on the general question as to property in trees, and restrictions to be placed on cutting them, for the consideration of Government and the Military Board, in my letters noticed in the margin; and I shall, therefore, confine myself to points which have not been noticed in these despatches, or appear to require further elucidation.

3. I am unable to admit the justness of the remark made by Dr. Gibson in the 3rd paragraph of his letter under consideration, that the system of sale proposed by our Rule "would be pernicious, as experience has shown us that the natives cannot, in the present state of their habits, be safely trusted with a property in nearly all the trees in the open country." My belief is that they may be so trusted with the utmost safety, and this assurance rests on the fact that all the fruit and other trees now found growing on cultivated lands, with very rare exceptions, owe their existence to private individuals. In all localities favourable for the growth of trees, such as gardens, they are invariably planted and preserved; and even in the open fields, though the cultivators consider them to be there prejudicial to their crops, as attracting birds, they are, nevertheless, raised in sufficient numbers to supply wood for the manufacture and repair of agricultural implements. In numerous localities, chiefly in the neighbourhood of towns, groves of fruit trees have been planted in this Collectorate, subsequent to the introduction of the revised assessment, on the faith of this assessment being the sole demand to be made on behalf of Government, and that whatever was produced on the land would belong to the holder. I can also very well recollect the increased interest taken by the cultivators in the planting and preservation of trees, on the introduction of the new assessment into the Sholapur Collectorate.

4. I see, therefore, no reason whatever for apprehending any wanton destruction of trees from constituting the holder of every
field the proprietor of all the trees standing upon it. On the contrary, I entertain the strongest conviction that no one cause has tended so much to prevent the extension of planting in Government land as the assertion of a claim of property in trees growing on it by the State. It appears to me vain to expect a cultivator to lay out capital in the formation of an orchard of fruit trees, or other plantation, without being able to claim a right of property in it when grown up. And every interference on the part of Government, with the view of restricting the powers of the holder of a field over the trees standing upon it, cannot, in my humble opinion, to impede the acquirement of a feeling of property in the soil, which must be established before we can reasonably anticipate much outlay of capital in the improvement of land. But, as this subject will have to be considered in my reply to a reference by the Revenue Commissioner, Southern Division, regarding the points connected with the Joint Report, reserved for further discussion by the Government letter of 22nd ultimo, No. 5593, I shall not further enlarge upon it here.

5. With reference to the observations in the 5th paragraph of Dr. Gibson's letter, I would explain that Rule 2 was not intended to enjoin a peremptory sale of trees, unless a fair price could be obtained for them; and the provision, in the concluding sentence of the Rule, was intended to meet such a case. When trees are to be sold under the Rule, the Collector would have to place an upset price upon them, beyond which the biddings must proceed, to admit of the trees being sold at all or the land being entered in the name of the purchaser.

6. It would, however, seem desirable to exempt from the operation of the Rule the precincts of the hill-forts alluded to in the 2nd paragraph of the Conservator's letter, as well as other localities in the Māwals, or elsewhere, intended to be reserved for the growth of teak or other forest timber. This course I have already recommended in my letter to the Secretary to the Military Board quoted in a previous paragraph, and the proposal has met with Dr. Gibson's approval, as appears from his letter to the same authority, dated 26th August last, No. 630, with a copy of which I have been favoured. The selection of such localities might be accomplished with the greatest ease by the Collectors or Superintendents of Survey, in communication with the Conservator of Forests; but to withhold the general operation of the Rule, of which the main object is to create a feeling of property in the soil, for the sake of a few exceptional cases, which admit of being specially provided for, would, in my humble opinion, be in the highest degree inexpedient.
7. Another objection to the Rule brought forward by Dr. Gibson in the 6th and 7th paragraphs of his letter, is the sacrifice it would entail of property in the produce of the wild date, which he states to be in many parts of the country an article of valuable annual farm, and is doubtful how far it would be prudent to part with this source of revenue for the result of precarious biddings at a peremptory auction sale. I would here observe that the auction sales contemplated in Rule 2 refer to timber and fruit trees, but not to the wild date, the right of cutting down which, as of any other jungle encumbering the land, is secured to the holder of a field by Rule 11 of the Joint Report.

8. The produce of the wild date referred to by Dr. Gibson is an intoxicating liquor obtained by tapping the tree; and the privilege of drawing off and selling this juice forms, in this Collectorate, part of the monopoly of the sale of spirituous liquors, which is annually farmed out to the highest bidder; but in other parts of the surveyed Collectorates it may be farmed out separately. Subsequent to the introduction of the new assessment here, the provision in the Liquor Contractor's lease regarding these trees has been limited to the right of tapping those standing in Government waste; for it would be wholly at variance with the principles of the settlement to allow him a right of intrusion upon fields in cultivation; but I am not aware that the restriction has had any injurious effect on the sale of the Liquor Contract. Nor need any be apprehended; for, unfortunately, this is a branch of revenue that might be increased almost at will. All that is needed to bring about this result is to increase the number of places where intoxicating liquor is permitted to be sold, when the improvement of this branch of revenue would only be exceeded in rapidity by the demoralization of the people. And if the destruction of the wild date would avail at all to check the consumption of intoxicating liquors, Government, I feel assured, would gladly avail itself of any means for accomplishing a result so desirable.

9. But there are other reasons making it very inexpedient to impose any restrictions upon clearing the land of this tree. It affects low and moist localities, and in this Collectorate has overgrown numerous fine bottoms along the banks of nullas, which are admirably adapted for the production of valuable crops, but could not be taken into cultivation at all, unless the ryots are permitted to clear the land of the date; which also, in the taluk of Kod, is found straggling almost everywhere over the arable waste. Many old gardens and sugarcane lands there are now covered with dense date jungle, which must be cleared away before they can be taken into cultivation. The same was also the case in the assessed districts; but in these this noxious jungle has already been, to a great extent, cleared away and
replaced by a flourishing cultivation. I have always looked upon this result with feelings of unmixed satisfaction, and feel assured that it will be so viewed by Government.

10. In conclusion, I beg to recommend the retention of Rule 2, with the addition of a provision of the nature specified in my 6th paragraph for excepting certain localities from its operation.

I have, &c.,

G. WINGATE,
Supt. Revenue Survey and Assessment, S. M. C.

Supt.'s Office, Dharwar, 26th October 1848.

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No. 7172 of 1848.

TERRITORIAL DEPARTMENT, REVENUE.

FROM

W. COURTNEY, Esq.,
Acting Secretary to Government,

TO

DE. A. GIBSON,
Conservator of Forests.

SUB,

With reference to your letter No. 716, dated the 29th September last, I have been directed by the Right Honourable the Governor in Council to forward, for your further report, the accompanying copy of a letter from the Superintendent, Revenue Survey and Assessment, Southern Mahratta Country, No. 206, of the 26th ultimo, relative to the disposal of fruit and other trees, standing within the limits of fields in surveyed districts.

I have, &c.,

W. COURTNEY,
Acting Secretary to Government.

Bombay Castle, 15th November 1848.
No. 869 of 1848.

From

Dr. A. GIBSON,

Conservator of Forests,

To

W. COURTNEY, Esq.,

Acting Secy. to Govt., Revenue Department.

Sir,

I have had the honour to receive your letter No. 7172, of 1848, conveying the commands of the Right Honourable the Governor, that I make a further report on the letter of the Superintendent, Revenue Survey, touching the application of Rule 2nd of the Joint Report of the Survey Committee.

2. In reply, I have the honour to state that, having given the observations of Captain Wingate the most attentive consideration, I am still of opinion that general experience has not shown that the natives will preserve trees, excepting of certain kinds, such as fruit trees. In proof of this, I would refer to the present state of much of the Southern Konkan, and to many of the Ghát Districts, where, owing to improvident expenditure of wood by burning away and otherwise, the want of material for burning on the fields is most seriously felt. On this head I believe that Mr. Davies, Collector of Broach, and Mr. Elphinstone, Collector of Khandesh, could afford much interesting information, gleaned from their long experience in the Konkans. It is true, as Captain Wingate remarks, that the Rule is, at present, intended to apply to countries above the Ghátas, but it must be borne in mind that in the western part of these countries are lines of district possessing all the features of the Konkans.

3. On the whole, as before remarked in my several letters on the subject to the Military Board and to Government, I continue of opinion that the rule may not, at present, be safely applied beyond "fruit trees in the open country." The result of it, as applied there, will, as Captain Wingate remarks, probably be an increase of planting of plantains, &c.
4. With respect to the contents of paragraph 6th of Captain Wingate's letter, I have the honour to remark that the exception recommended by Captain W. of "hill-forts and other localities to be reserved for the growth of teak or other forest timber," goes a very great way to meet any objections which I (as Conservator of Forests) might have had to offer to the greater extension of Captain W.'s rule; and I feel pretty sure that, with respect to this important point, the views of Captain Wingate and myself will finally resolve themselves into a joint plan. I am now in communication with Captain W. in this matter, with the view of settling Clause 10th of Schedule B of the Forest Regulations. In my letter to address of the Military Board above quoted (No. 830, under date 8th instant), I had the honour to forward a sketch of the country in which the greater part of the exceptions which I would propose lie.* Some other parts yet remain to be seen, and hereafter adjusted, according to circumstances.

5. In my letter No. 822, forwarded to the Board under date 4th instant, I had the honour also to notice in another form the nature of these exceptions, and to express my apprehension that, under the extended system of the measurement of hills as undertaken in the Poona survey, the pecuniary interests of Government might suffer as regarded sales of jungle wood, grass, &c.

6. Since then I have learned from Captain Landon that the late Lieutenant Nash had intended to leave the hill boundaries, as to Government right and ryots' claims, for after adjustment; so that, in this important point also, there seems a fair basis for treaty.

7. As I conclude that Captain Landon is in full possession of the views which Lieutenant Nash meant to have carried out, had he lived to do so, I respectfully suggest that a reference be made to Captain Landon on the subject, and wish these aids I have no doubt but that we will at length reach a satisfactory conclusion.

8. With respect to paragraph 7th of the remarks of Captain Wingate, touching the wild date and the sale of its produce as a separate item of revenue; here, I beg to say, that in former remarks I chiefly looked to the possible extension of Rule 2 to the districts below the Ghāts, such as those south of Surat, &c.

9. I am aware that, in the upper country, the farm of the produce of those trees is an item comparatively unimportant. Indeed, for the reasons stated by Captain Wingate, the absence of the teak in those southern talukas containing valuable land is rather a blessing than otherwise; whereas, in the wastes on the sea
board of the North Konkan, the tree grows most extensively on land which could not be otherwise appropriated.

10. I remark, however, that the operation of Rule 11th, stated by Captain Wingate as referring to "jungle," may, unless subject to the adjustment suggested in paragraphs 5th and 6th, cause considerable loss to Government in the more western districts.

11. With respect to paragraph 10th of Captain Wingate's letter, the basis of negotiation therein proposed has already been noticed at large in paragraph 4th; it seems, therefore, unnecessary again to enter on the question.

I have, &c.,
ALEXANDER GIBSON,
Conservator of Forests.
Camp Gulsunda, 18th November 1848.

No. 7840 OF 1848.

TERITORIAL DEPARTMENT, REVENUE.

FROM
W. COURTNEY, Esq.,
Acting Secretary to Government,

To
E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

Sir,

With reference to paragraph 26 of the Government letter No. 5593, dated the 22nd September last, to your address, having reference to the disposal of fruit and other trees standing within the limits of fields in surveyed districts, I have been directed by the Right Honourable the Governor in Council to transmit to you the accompanying copies of the correspondence quoted in the margin, and to request that you will favour Government with your opinion on the points of difference in the views of Dr. Gibson and Captain Wingate on this subject.

I have, &c.,
W. COURTNEY,
Acting Secretary to Government.

Bombay Castle, 19th December 1848.
I have the honour to acknowledge the receipt of your letter of 19th December (No. 7840), with its enclosures, and to state that, on a careful consideration of the latter, and of the correspondence therein quoted, I do not think the real difference of opinion between Captain Wingate and Dr. Gibson important.

2. The whole question turns on the practical application of the 2nd Rule, contained in the Joint Report of the Superintendents of Survey, dated 2nd August 1847. That Rule has reference, 1st, to fruit trees; 2nd, to all trees. It is to its 2nd part, as affecting forest and timber trees, and more especially teak trees, that Doctor Gibson objects, and his objections are, as I understand them, limited to those places where the survey has assessed, or will assess, tracts of land containing forest trees, which it seems desirable to preserve for public purposes. To this part, therefore, of the 2nd Rule I will confine my remarks.

3. Where waste arable Government land contains valuable trees, which it would be desirable to preserve for the State, the Collector is under no obligation to give such land for cultivation: he has the same power now that he ever had, to retain such land for public purposes, and this he should do in such cases, the trees being of more value to the State than the grain which the land would produce. Rule 2nd does not, in any degree, limit the Collector’s discretionary power in this respect; a discretion which is acknowledged in rules 14 and 15 of the same Code, and in conformity with which the Collector of Belgaum was instructed, in the Chief Secretary’s letter of 1st May 1847 (No. 1285), to check Kumri cultivation where it damaged the forests.

4. Where Government land, containing timber trees that are worth preserving, has been recently given in cultivation, the Collector has undoubted authority to resume it for public purposes; where, however, it has descended from father
to son, as regularly cultivated land, and that its resumption would be a matter of harshness, the Collector could still, as explained in paragraph 5 of Captain Wingate's letter of 26th October to your address, retain the trees in the hands of Government, by placing "an upset price upon them, beyond which the biddings must proceed to admit of the trees being sold at all."

5. The aforementioned measures will, I submit, secure the interests of Government with respect to trees in all Government lands. The Conservator of Forests should show the Collector of each zillah the particular lands which contain Government trees, or trees which have no particular owner, and which it is desirable to preserve for Government timber; and where the Collector sees no objection to retaining the land and trees for Government, he should do so; where he conceives that private rights would be thereby violated, or on other grounds dissents from the Conservator's opinions, he should submit the case for the decision of Government.

6. On the subject of the wild date, Dr. Gibson appears, in his letter to Government, 26th October (No. 206), para 8, to have somewhat misunderstood Captain Wingate's explanation, which had no reference to the unimportance of the toddy farm, but to the fact that Government has not, and never had, any right in the date tree itself as such. The cultivator who has date trees in his field, has the same control over them that he has over any other trees on the same ground; he may draw the juice or not draw it; he may preserve the tree or cut it down, to the same extent that he could deal with any other tree; but if he preserve the tree and draw the toddy, he is controlled in the disposal of the latter, by Regulation 21 of 1827, Chapter 11. I fully agree with the Superintendent that the destruction of these trees is on no account to be regretted, should it take place; I can add nothing to his forcible exposition of their pernicious influence, where abundant, on the native population.

7. Referring to Doctor Gibson's remarks (paragraph 10) on Rule 11, I would respectfully refer His Lordship in Council to paragraph 13 of my letter dated 10th September 1847 (No. 2258), and to paragraph 33 of the Secretary's reply dated 22nd September last (No. 5593), which required its modification.

I have, &c.,

E. H. TOWNSEND,
Revenue Commissioner, Southern Division.

Dharwar Districts, Rev. Comr.'s Camp,
Gadag, 7th Feb. 1849.
No. 1496 of 1849.

TERRITORIAL DEPARTMENT, REVENUE.

From
W. COURTNEY, Esq.,
Acting Secretary to Government,

To
E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

SIR,

I have laid before the Right Honourable the Governor in Council your letter No. 675, of the 7th instant, and in reply I have been instructed to inform you, with reference to paragraph 26 of my communication No. 5593, of the 22nd September last, that His Lordship in Council has approved of Rule 2nd of the Joint Report of the Superintendents of Survey, dated the 2nd August 1847, for disposing of the produce of fruit trees standing in fields, with the modification proposed by Captain Wingate in the 6th paragraph of his letter No. 206, dated the 26th October last.

I have, &c.,
W. COURTNEY,
Acting Secretary to Government.

Bombay Castle, 28th February 1849.

No. 3195 of 1849.

TERRITORIAL DEPARTMENT, REVENUE.

From
E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division,

To
W. COURTNEY, Esq.,
Acting Secretary to Government.

SIR,

The Government letter dated 22nd September 1848 (No. 5593) having been communicated to the Superintendents of the Survey in this division, the replies of those Officers are of the dates quoted in the margin. I will proceed to comment on them in order of date.

Superintendent, Ahmednagar, 21st February 1849.
Late Superintendent, Dang Survey, 28th May.
Settlement Officer, Poona Survey, 12th July.
2. The first 11 paragraphs of Captain Wingate's letter are occupied with the question of "the superiority of the fixed field assessment of our surveys, administered by annual leases, over other modes of revenue management," &c. In all these remarks I fully concur.

3. In paragraphs 12 to 16, inclusive, Captain Wingate comments on the disadvantage of sub-dividing fields, and on the measures that should be adopted to prevent this evil: his remarks appear to accord with the sentiments of Government, as expressed in paragraph 36 of the letter under reply, and do not call for much remark. With regard, however, to "ejectments from Miras land," referred to in the Superintendent's 15th paragraph, the present state of the law and the practice of our Courts would, I fear, prevent the adoption of the proposed plan: on this subject I would respectfully refer His Lordship in Council to my letter dated 24th May last (No. 2380), and the previous correspondence therein quoted.

4. The subject of the Superintendent's 15th paragraph is discussed in my letter to Government of 7th February last (No.675), and is disposed of in your letter of the 28th of that month (No. 1496), which "approves of Rule 2nd of the Joint Report."

5. On the subject of Rule 13th, the Superintendent dwells on his 19th paragraph, and explains the sense in which he uses the word "unratable" with regard to fields covered with jungle. It appears to me, however, as stated in your 27th paragraph, that the word cannot be justly applied to such land as is here contemplated; the Superintendent is satisfied that this Rule and the 4th "cannot be misapplied in practice," and I am not disposed to think that any serious inconvenience will occur from occasional misapplications, even should they occur, which, however, I hardly anticipate.

6. In the Superintendent's remarks in paragraph 20, on the subject of Rule 5th, I quite concur, for he admits the only exceptions for which I wished to contend, in my letter of 10th September 1847, viz., cases which "have been fraudulently, or through mistake, omitted to be entered." That such cases must be guarded against, Government have decided in paragraph 28 of the letter under reply, and important as I admit the Rule to be, justice, I think, requires that the exception should be borne in mind.

7. In his 21st and 22nd paragraphs, the Superintendent argues against any relaxation of Rules 7 and 8, as suggested in paragraphs 11 and 12 of my letter, and partly concurred in by Government, in paragraphs 30 and 35 of the Secretary's reply, already quoted. I concur in much of what Captain Wingate says; part of his argument, however, does not seem to me to apply to my objection to

Vide amended Rule in paragraph 20 of this letter.
interfere with existing rights. It is truly remarked in the Government letter under reply (paragraph 35), "in giving out waste for cultivation, no prior rights are involved," &c.: in such cases, Rules to preserve the integrity of fields, are, I fully admit, highly expedient; but I would not have them take retrospective effect when fields, originally separate, were included in one of the survey, or when large fields, which had been long cultivated by separate parties, were thereby liable to be transferred from the hands of two or more parties possessing equal rights, to one of the sharers.

8. In his 23rd paragraph, Captain Wingate alludes to an application which he made to me on the 5th December last for a copy of the Government rules, dated 12th February 1847, regarding the cutting of trees, and with which I furnished him on the 5th January.

9. The Superintendent proposes, in his 24th paragraph, a slight modification of Rule 12, in which I quite concur, and which suggests no further remark.

10. I do not agree with the Superintendent (paragraph 25) as to the benefit of obliging the ryot to attend at the Mâmlatdâr's kutcherry for each field that he requires: the Superintendent, Ahmednagar Survey (paragraph 18), is of the same opinion as Captain Wingate. Mr. Tytler (paragraph 7) agrees with me that this duty should be entrusted, in the first place, to the village officers, always subject to the Mâmlatdâr's control and revision. The latter officers are already overwhelmed with the multiplicity of their duties; and any attempt to require them to enter more into details, will, I think, add to the number of ill-performed duties, without any corresponding advantage.

11. The plan proposed in the Superintendent's 26th paragraph of fixing a day on which the village officers should assemble the ryots, and call on them to decide what fields they would retain and what resign, appears to me a very good one, and I would recommend its adoption. I would send the "list to the Mâmlatdâr," as proposed by Captain Wingate; but I would leave it optional with the ryots to go or not, as they chose.

12. In paragraphs 27 to 31 the Superintendent discusses the question of revenue instalments, which Government, in paragraph 45 of the Secretary's letter, appeared disposed to discuss separately. I refrain, therefore, from entering into this question further than to say that Captain Wingate's arguments have not altered those expressed in paragraph 17 of my letter dated 10th September 1847.

13. In Captain Wingate's last paragraph I fully concur.

14. The first six paragraphs of Lieutenant Anderson's letter dwell on the advantages of the present annual settlement, as com-
pared with long leases; in these opinions he agrees with Captain Wingate. The Ahmednagar Superintendent's observations on village boundaries, in paragraphs 8 to 10, appear very just.

15. In his 11th paragraph, Lieutenant Anderson expresses himself as not quite prepared to propose Rules for the classification of rice lands. Mr. Tytler says (paragraph 6) that the rules in force in the Ahmednagar Dangs have been sent to all the surveys, and that, with trifling alterations, they have probably been generally adopted: to this subject Captain Wingate does not allude.


17. The same Officer proposes in his 13th paragraph an amended draft of Rule 13, for which I would solicit the sanction of Government.

18. In the Superintendent's 15th paragraph, amended forms of Rules 7 and 8 are proposed, which I trust will be approved of by Government.

19. In his 16th paragraph an amended Rule 11 is given, which limits the rights of "occupants of Miras, Judy, or Inam fields, holding the same from Government," to cut down trees. My first impression on reading this passage was, that it meant Mirasdars and Inamdars who are freed from all interference as regards the trees on their Miras or Inam lands by paragraph 2 of the Chief Secretary's letter dated 12th February 1847 (No. 390); and were this understanding correct, the latter would be clearly at variance with the Rules approved of in the letter just quoted. But if "occupants" signify not the Inamdar or Mirasdar, but ryots who, for any or various reasons, have become under Government the tenants of such lands, the objection does not stand, and the Rule as proposed would be unobjectionable. To prevent misunderstanding, however, it might be desirable to insert a parenthesis after the words "the same from Government," viz. ("not Mirasdars and Inamdars").

20. In the Superintendent's 17th paragraph an amended Rule 16 is contained for the disposal of unarable waste, which appears to meet the wishes of Government, and which I trust will be approved.

21. I have no doubt that "a vigilant watch should be kept upon the proceedings of village officers," as suggested, in the Superintendent's 19th paragraph, but the plan of permitting them in the first instance to allot fields to the ryots need not interfere with the Mamlatdar's supervision, and his correction of any and every abuse of authority; on this subject I beg to refer to paragraph 10 of this letter.
22. On the subject of the introduction of a simple and uniform system of accounts into the surveyed districts, alluded to in paragraphs 47 and 48 of the Government letter under reply, I beg to refer to our Joint Reports dated the 1st November and 10th February last, Nos. 3 and 2, respectively. In regard to the latter Report (on district accounts), I hope very shortly to forward the forms to Captain Wingate for his opinion, a few questions raised by the Revenue Commissioner, Northern Division, having hitherto prevented my doing so.

23. On Mr. Tytler's letter I have already made such remarks as its perusal suggested. The "Settlement Officer" in charge of the Poona Survey states that his acquaintance with his present duties is of so recent a date, that he does not feel himself competent to offer an opinion on the points at issue.

24. In conclusion, I request that you will be good enough to furnish me with copies of the letters of the Superintendents of the Ahmednagar and Southern Mahratta Country Surveys accompanying, as I do not wish to detain this correspondence till the required transcripts of them can be made in this office. Copy of Mr. Tytler's letter, I beg to say, is not required.

I have, &c.,

E. H. TOWNSEND,
Revenue Commissioner, Southern Division.

Poona, Revenue Commissioner's Office, 10th August 1849.
No. 33 of 1849.

To

E. H. TOWNSEND, Esq.,
Revenue Commissioner, Southern Division.

Sir,

In reply to your letter No. 2256, of the 16th instant, I have the honour to state that I did not perceive that my opinion was called for on the Government letter No. 5593, of the 22nd September last, to your address. I now, however, beg to forward such observations as suggest themselves to me.

2. The plan of leases proposed in paragraph 10 of the Government letter would give the lessees a 5 per cent reduction on the rates fixed by our surveys. Were this reduction to secure the abolition of remissions to the lessees, it would be cheaply purchased; but I fear it would not. It seems to me that the ryots in surveyed districts are already as far bound by lease as they, in the present state of the country, can be; and if the great object of our revenue surveys is not gained, the cause thereof will be traceable, I think, not to the absence of leases, but to the fact of the new rates not being
sufficiently low. If, therefore, our surveys fall short of their object I should prefer a general reduction of five or other per cent. to an individual one. This would be more simple and uniform in its operation, and, being more general, would be more effectual.

3. In paragraph 12 of the Government letter, it is observed that nearly all boundary disputes have "been made the subject of investigation previous to the survey, with a view to settlement, while not one in a hundred has been actually disposed of." This is because officers have corresponded and not acted. As the Rules proposed in the Joint Report involve action without correspondence, I have no doubt of their succeeding.

4. In the Dang country I pursued a different course. I always employed a Native Panchayat, under Regulation VII. of 1827, Section III.; with one or two exceptions, all have been thus settled, and to the best of my belief every adjustment has to this day remained undisturbed and binding. By a Rule of the Sadar, an adjustment by Panchayat, under mutual agreement, cannot be disturbed.

5. While I prefer a Panchayat to any individual settlement, if the members are judiciously selected and directed, owing to the local knowledge which they must necessarily possess, I would not propose any alteration in the Rules laid down in the Joint Report, because I think them all well suited to the end in view; while the Survey Officers, not being in permanent charge of the taluka, would have difficulty in selecting, forming, and directing Panchayats.

6. As regards Rules for classifying rice land, those in force in the Nagar Dangs have been sent either officially or semi-officially to all the surveys. They give the frame-work of the system, and explain the mode of valuing, first separately, and then conjointly, the influences which combine to determine the class to which the field belongs. With the trifling alterations required to adapt them to the varying circumstances of the different districts, they have probably been adopted in most of the surveys. In Poona they formerly were not, but have lately been so.

7. I do not think that it is necessary to insist on ryots proceeding to the Mamlâdâr's kutcherry to obtain new land: heads of villages may be allowed this patronage. They require building up; and anything tending to this, without involving injury to other interests, is, I think, beneficial.

I have, &c.,

C. E. FRASER TYTLER,
1st Assistant Collector, late Superintendent Dang Survey.
Sangamner, 28th May 1849.
APPENDIX A.

The Right Honourable the Governor in Council directs that the following papers be annexed to the official correspondence on the system of revenue survey and assessment, printed by order of Government in 1850, and that the Supplemental Rule be observed in those collectorates which have been subjected to a revision of assessment.

By order of the Right Honourable the Governor in Council,

H. E. GOLDSMID,
Secretary to Government.

Bombay Castle, 23rd May 1851.

No. 104 of 1851.

To

H. E. GOLDSMID, Esq.,
Secretary to Government, Bombay.

Sir,

In compliance with the instructions contained in the Government letter No. 8473, dated 16th November last, to the address of Captain Anderson, Acting Superintendent, I have the honour to submit, for the consideration of Government, the subjoined Supplemental Rule to those of the Joint Report, together with translations of the same in Mahratta and Canarese.

Conservator of Forests' Memorandum No. 17, dated 7th January 1851.
Superintendent's letter to the Conservator of Forests, No. 40, dated 24th January 1851.
Conservator of Forests' letter No. 114, dated 24th February 1851.

2nd. The Rule in question has been approved of by the Conservator of Forests, and its scope, as well as the objects it is intended to subserve, will be fully understood from the correspondence between that officer and myself noted in the margin, of which copies are transmitted with the present communication.
3rd. I beg also to transmit for approval a Mahatta and Canarese Notice, embodying the Government sanction for giving % per cent. of village lands for plantations, called for in the 2nd paragraph of the Government letter above quoted.

I have, &c.,

G. WINGATE,


Superintendent's Office, Belgaum Districts,
Camp Herkul, 14th March 1851.

Supplemental Rule to those following paragraph 84 of the Joint Report by the Superintendents of Survey, dated 2nd August 1847.

The specifications regarding trees contained in the 2nd, 10th, and 11th of the Survey Rules are not to be considered applicable to villages and parts of villages specially selected by the Conservator of Forests, and approved of by Government, for the growth and preservation of teak and other trees on behalf of Government: in such villages and parts of villages property in trees, and also the arrangements made for their preservation, shall remain unaffected by the introduction of the survey settlement.

PROCLAMATION.

Be it known to all, that Government is anxious to have Mango, Tamarind, Banian, Peepul, and other useful trees planted in the vicinity of villages, in order to afford shade for men and animals, and with this object have sanctioned the Rules of July 1849, regarding grants of small pieces of ground in hereditary Inam to any persons who may agree to plant them with useful trees, to be carefully preserved, as enjoined by the Rules in question: and Government has further declared, in a letter No. 4130, dated 20th May 1850, and addressed to the Revenue Commissioner, Southern Division, that such small Inams may be granted in any village to the extent in all of half an acre for every hundred acres of arable land contained within the limits of the same village.
MEMORANDUM.

Alibag, 7th January 1851.

The Conservator of Forests has the honour to forward to Captain Wingate a fasciculus of correspondence touching Rules for Forests.

2. He does this in order to put Captain Wingate in a position for complying with the request of Government as to drawing up certain Supplemental Rules calculated to settle the question of Forest Rights.

3. The undersigned has all along been acting on the impression that the agreement drawn up by Captain Wingate and himself, in January 1849, at Kogalgiri, met the requirements of the case in a manner sufficiently clear.

In conformity to the provisions of that agreement, he, in June 1849, forwarded to the Collector of Poona a list of villages which, as containing forest, he deemed should (in their forest portions) be subject to the old Wahiwat, and exceptions to the Rules of the present survey in regard to trees.

4. Captain Wingate is aware that in some of these forests, as Singhur, the whole Ghera of the Fort containing forest is parcelled out into Inams for Sunnuadies and others. These parties have, however, never dreamed of making any claim to the teak growing in these grounds, but quietly cultivate their raggy-on the hill sides, taking care of the trees thereon.

So also in the Kuran grounds of Chas Kumán, cultivation is carried on, and the trees are lopped and attended to, nay often improved now that care is taken of their preservation.

Such is the case in Gor-Nehr also; but latterly a patel there claims, in virtue of the Revenue Commissioner's Circular of 1847, the teak growing in his Inam, although it can be satisfactorily proved that this has been conserved from the Peshwa's time on Government account.

5. Further, in regard to the Jambul plantations in Gor-Nehr these have been and continue to be a Government preserve. It may
be necessary to state that the Jambul grows in the "Charas," or alluvial lands forming "Bets" in the river, and lining its banks. These Charas are, from the action of the river, continually liable to variation. In some of them cultivation is carried on either by Wahi-wat or in ground said to be Miras.

6. To attempt to define the limits of such is a matter of great complexity, as well as to say when a tree, from the shade it throws on the ground of the neighbouring cultivator, may be reckoned as belonging to him or the Government.

In 1848, on the urgent solicitation of Mr. Davidson, the Conservator, with some trouble, portioned off the number of trees said to belong to a man having a Miras holding, and to define them from those which, as growing in the lifts and broken banks of the river soil, were the property of Government.

The result of the experiment has been so little encouraging that he is not disposed to extend it.

The Mirasdar cut down, in 1850, the trees in his holding, and, at the same time, appropriated 64 from the adjacent Government preserves.

True, he may be fined and punished for this, but in an extended view of the same case the frequency of such a necessity would become intolerable from the labour it entailed.

7. On the whole, as to these preserves, the question resolves itself into this: is it desirable to encounter the labour and uncertainty of minute portioning off of rights; or, in terms of the Agreement of 1849, are certain spaces to be allotted off bodily as reserves and treated entirely according to the old Wahiwat? The result of acting on the former principle will, in the Conservator's opinion, be that three-fourths of the now growing and promising forest will be lost, and these three-fourths in the best portion, viz., the lower slopes of the hills, where there accumulates soil sufficient to cause a stick to become a tree.

8. The Conservator is prepared to state that, in certain trees, Government has always maintained a proprietary right, both in the Deccan and the Konkan.

In proof of this he would refer to the clearly expressed opinions of—

Mr. Pelly, the first Collector of the Konkan,
Mr. Dunlop, who followed him.
Mr. Reid, ditto.
To the arguments and proofs adduced by Mr. Coles, the present Collector of the Southern Konkan, and to the existing practice in all countries at present or lately under native rule, as Sáwánt Wári, Satara, &c., as also to the existing practice in all alienated forest villages in British territory.

In these countries and villages claim is exercised over all teak and sissu, wherever growing.

9. The proposed plan is more considerate, as it is confined to certain tracts where forest has been or is.

The proof of the proprietary right of Government is offered in the form of ancient usage unquestioned, of existing practice also unquestioned, and the recorded opinion of the several officers who have had the chief authority in forest preserves, from the time these fell to the British Government, on the cessation of the Peshwa's rule.

10. Lastly, as to the Kuran or Babul preserves set apart by Government in 1847, on the Bhimthari and Murá Mula Rivers. Encroachments on these have, since the date of the Revenue Commissioner's Circular of 1847, been numerous and extensive, and as the treeless state of most of that country rendered it desirable that they should be kept up in the same state as to boundaries, as that in which they were received from the officers of the stud at Aligám (when the latter ceased to exist), the Conservator has been at much pains to bring into operation the provisions of the Convention of January 1849, with a view to their being kept entire.

11. On those within the limits of the Nagar Zillah in particular, such as that north of Pátaš, successive encroachments have nearly destroyed the vestige of a kuran.

12. The Conservator hopes that the foregoing particulars may suffice to enable Captain Wingate to determine the nature of the Supplemental Rules into which the general principle of the Agreement concluded in 1849 may be fitly extended.

A. GIBSON,
Conservator of Forests.

No. 40 of 1851.

To

Dr. GIBSON,
Conservator of Forests, Bombay.

Sir,

With reference to your Memorandum dated 7th instant, and the correspondence forwarded therewith, which I now return, I have
the honour to transmit, for your consideration, a draft of a Supple­mental Rule to those printed under the Government Order of 5th March 1850, which, it appears to me, will fully meet the difficul­ties detailed in your Memorandum under reply, as it excludes from operation so much of the Survey Rules as relates to trees in vil­lages and parts of villages selected by you, and approved of by Government, for the preservation of teak and other trees.

2nd. It is of great importance, however, in my opinion, that such villages and parts of villages should be selected as soon as possible, to avoid the semblance of resuming any privileges granted by the Survey Rules; and I would suggest that the property in trees declared by Rule 10 of the Survey Code should in no case be interfered with, unless the exceptions contemplated in the Supple­mental Rule herewith submitted, be made within the year subse­quent to the introduction of the survey settlement in any district, and before the close of the present year (1851) in the case of dis­tricts in which the survey settlement and Rules are already in oper­ation.

3rd. I beg also to forward a Mahratta version of the Supple­mental Rule, and request to be favoured with your opinion of it, as well as of the English one. Should they both meet your approval, I will submit them to Government, for the purpose of being added to the Survey Rules already printed, on receipt of your reply.

I have, &c.,

G. WINGATE,

Superintendent’s Office,
Camp Soortoor, 24th January 1851.

No. 114 of 1851.

To

CAPTAIN WINGATE,

Miany, Sind, 24th February 1851.

Sir,

In reply to your letter No. 40 of 1851, received yesterday, I have the honour to state that the draft of the Supplemental Rule which you have done me the honour to forward, appears completely to meet the requirements of the case.
2nd. The provision contained in paragraph 2nd appears necessary and proper, and I will take care that it is duly complied with.

3rd. Indeed, I had already, in June 19th, 1850, submitted a list of villages to the Collector of Poona. This list I hope to complete before the end of July; that for Ahmednagar shall in like manner be attended to at the earliest possible date.

I have, &c.,
A. GIBSON,
Conservator of Forests.

The Right Honourable the Governor in Council directs that the following papers be annexed to the correspondence on the system of Revenue Survey and Assessment printed in the year 1850, and that Rule 11, in paragraph 84 of the Joint Report, dated 2nd August 1847 (page 22 of printed copy), be considered amended accordingly.

By order of the Right Honourable the Governor in Council,
H. E. GOLDSMID,
Secretary to Government.

Bombay Castle, 26th May 1851.

To
W. W. BELL, Esq.,
Collector, Dharwar.

Sir,

I have the honour to request that you will inform me whether you are of opinion that Government would permit the modification of any part of the Survey Rules as published in the printed correspondence circulated; that part of Rule 11 conveying authority to patels and kulkarnis to permit the cutting of timber trees in Government waste lands, being, in my opinion, calculated to cause an infinity of mischief, and defeat the object of increasing the number of trees, which it is the wish of Government to effect.

2. Patels and kulkarnis are authorised to permit trees in Government waste lands to be cut for agricultural purposes, on condition that two trees are planted for every one so cut.
No man will be so foolish as to cut his own trees, so long as he can get Government trees for nothing; the effect of the publication of this Rule, when understood in places where timber is scarce and valuable, will be a scramble for the Government trees; every man will discover that he wants a plough or a harrow; each will be afraid that his neighbour may apply before him, and the fewer the trees the greater will be the rush; the consequence of this excitement will be a host of squabbles, jealousies, and heart-burnings among the applicants themselves, and innumerable complaints of corruption and partiality (true or false) against the village officers who have had to decide upon the application.

The condition of planting two trees for every one cut will very easily be fulfilled; according to the Rule, there is no obligation to water or take care of these plants; and it is, therefore, very probable that a good many of them will not grow to maturity.

The patel and kulkarni are entirely unrestricted as to the position or utility, for shade or ornament, of the trees they may permit to be cut down; so long as they belong to nobody, they are justified by the Rule; and the result will be, that numbers of fine trees, perhaps the growth of centuries, the pride and ornament of whole villages, will be destroyed to gratify some feeling of spite or jealousy.

It is needless to recapitulate all the evils that will result from the publication of this most unfortunate Rule: on very slight consideration of the matter they will be obvious.

On first perusing the Rules, it never struck me that the meaning of this one could be what it now appears, but my attention has lately been particularly attracted to it by a complaint made against a kulkarni of a village, in the Kod Taluka, of having sold two trees growing near a village in a piece of uncultivated Government land; the kulkarni denies having sold the trees (and there is no proof that he did so), but acknowledges having given permission to a man to cut them, and quotes as his authority your Canarese Circular No. 29, dated 19th February 1849.

I would suggest in lieu of this Rule, that leaving the cultivators to do as they please in their own fields, no tree on Government waste land should be cut without the permission of the Mâmlatdâr or Mahâlkâri, and then only on payment of a fair price, to be determined by the Mâmlatdâr or other officer deputed to dispose of the tree, or by public auction.

Of course, neither the modification I propose, or the Rule as it now stands, can be carried into effect in the neighbourhood of the jungles; it is only where timber is scarce and valuable, that it is necessary to take precaution for the preservation of it.
10. The mischief to be anticipated from the Rule under discussion is so palpable, that I would recommend an order suspending the objectionable part of it to be immediately circulated, but Government have so strictly insisted upon exact and particular conformity to these Rules, that it will probably be advisable to obtain authority for modifying some part of them before proceeding to do so.

I have, &c.,

W. A. GOLDFINCH.
First Assistant Collector.

Shiggaon, 12th November 1850.

No. 183 of 1851.

To

E. H. TOWNSSEND, Esq.,
Revenue Commissioner, S. D.

Sir,

I have the honour to acknowledge the receipt of the correspondence on the subject of Rule XI. of the Joint Report, forwarded with your letter No. 1649, dated 25th ultimo, in which you request me to state my opinion as to which of the Collectors most correctly understand the intention of the Rule alluded to, and how far I concur in the objections urged against it.

2. It will be observed, from the marginal note to Rule XI., that the Superintendents of Survey did not contemplate conferring on the cultivators the privilege of cutting down, with the permission of the village officers, trees in Government waste, or even fruit and large timber trees standing in their own fields. The original version of the Rule was altered in compliance with the instructions contained in the 33rd paragraph of the Government letter dated 22nd September 1848 (vide page 49 of printed papers), by which the Rules prescribed in the Government letter No. 390, of the 12th February 1847, are directed to be upheld.

3. I am in consequence unable to state with certainty the exact intention of the Rule, but I agree in the interpretation of it given by the Collector of Sholapur. It would appear from the corre-
spondence connected with the Rules of 12th February 1847, that
they had in view more particularly the circumstances of the Sho-
lapur Collectorate, and that the privilege of cutting trees on
waste fields with the permission of the village officers was accord-
ed, in order to enable the cultivators to obtain, without incon-
venience or delay, the wood required for the repair of their agri-
cultural implements. This wood is chiefly babul, of a small size;
and from the circumstance of the Rule requiring the permission
of the Māmlatdār or Mahālkari to be obtained in order to cut wood
for building or other purposes, it is clear to me that it was
intended to limit the permission to be granted by the village
officers, to cutting down small trees of little value, as might be
required to meet emergent applications from ryots for wood for
the repair of agricultural implements.

4. I am of opinion, then, that there is nothing in the provi-
sions of Rule XI. to prevent a Collector absolutely forbidding the
village officers to permit a cultivator to cut down any tree large
enough to provide building timber, without first obtaining the per-
mission of the Māmlatdār or Mahālkari; and he might also, in
my opinion, without in any way controverting the Rule, forbid
the latter officers on any pretence to accord this permission in the
case of trees useful for shade or ornament, or for other reasons
deserving of preservation. The Rule is clearly limited to trees
against the cutting of which there may be no objection.

5. I further agree in opinion with Mr. Goldfinch, that it is
in many cases very undesirable to allow cultivators to cut wood
from the Government waste without paying for it, but I am not
of opinion that this is required by the Rule. The latter contains
no specification for letting them have wood gratis, and I see no
objection to a fair price being placed upon the trees permitted to
be cut under the Rule, as suggested in the 8th paragraph of Mr.
Goldfinch's letter. This point might be left to the discretion of
the Collector, as in some localities the value of wood is so trifling,
that it would not be worth the trouble to fix and receive a price for
the trees allowed to be cut.

I have, &c.,

G. WINGATE,
Supt., Rev. Survey and Assessment, S. M. C.

Superintendent's Office,
Dharwar, 5th April 1851.
Amended Rule 11 of the Joint Report by the Superintendents of
Survey, dated 2nd August 1847 (vide page 22 of printed copy).

Rule XI.—Holders of Government fields, besides those

specified in preceding Rule, or occupants

of Miras, Judi, or Inam lands, holding

the same from Government,* must obtain
permission to cut down trees, and will, in
event of permission being given, be re-
quired to plant two trees for every one cut,
unless exempted from this condition by
order of the Collector. Permission to cut
young babul or other trees of little value,
which are neither fruit-bearing, nor useful
for shade or ornament, whether growing
in the fields referred to in the preceding
part of this Rule, or in Government waste fields, may be granted
by the patel and kulkarni to meet emergent applications from
cultivators for wood required for the repair of their agricultural
implements, a record thereof being kept for the inspection of the
Government officers. For other actual and immediate wants of
the villagers, such as repair of houses, &c., permission to be obtain-
red from the Mâmlâtdâr or Mahâlkarî, but for cutting any large
number of trees, or for any purpose of sale or profit, the permission
of the Collector, or one of his Assistants, to be necessary, when any
conditions which may appear advisable can be imposed. The Col-
lector, however, may, at his discretion, require a fair price to be
paid for any trees permitted to be cut under this Rule.
APPENDIX B.

RULES FOR BOUNDARY MARKS.

The following Rules (of which 1 and 16 were drawn up by Captain Wingate, Revenue Survey Commissioner), for the maintenance and repair of field boundary marks in districts where the revenue survey assessment is being administered, have been passed by Government, after obtaining the opinions of the several local Officers, Superintendents, and Revenue Commissioner of the Southern Division.

1. The field boundary marks to be maintained in proper condition are stones and mounds of earth, or of stones of the following dimensions:

   1st.—Stones of 1 to 2 cubits in length, half sunk in the ground, and the exposed portion white-washed.

   2nd.—Mounds of earth or of stones, 8 cubits long, 4 cubits broad at bottom, and $\frac{1}{4}$ cubit at top, $2\frac{1}{2}$ cubits high.

2. Each corner of a field or survey number should be defined by two mounds, or by three stones, as shown in the subjoined examples. The mark o represents a stone, the mark - a mound.

3. When the interval between adjoining boundary marks placed at the corners of numbers exceeds 12 and falls short of 24
gunta chains in length, there should be a single mound, or one stone in place of it, about the middle of the interval, and on the line of boundary. When the interval exceeds 24 chains in length, there should be a mound or stone set up at every 10 or 12 chains along the line of boundary. In addition to these marks there should be a stone at every large bend or angle in the line of boundary.

4. When a number is bounded on any side by a nullah, river, canal, hedge, embankment, or stone wall, no boundary marks are required on that side, and any cultivator who may have good reasons for wishing to do so, should be permitted to form a new hedge, ditch, canal, embankment, or stone wall, along any side of a number hitherto defined by boundary marks.

5. Stones are more suitable for boundary marks than mounds of earth, in low situations liable to be flooded by the overflow of nullas or rivers, and in very rainy climates, where the mounds would be liable to be washed away during the monsoon; also in valuable garden or rice lands, when the numbers are small and the mounds would take up so much space as to interfere with cultivation. In any of these situations, but in no others, stones may be substituted for mounds of earth, at the discretion of the local officers.

6. At the annual inspection of field boundary marks enjoined by the 23rd of the Survey Rules, when a mound is found to be not less than 1½ cubit in height, it is to be considered in good repair; but when it has sunk below this height, it is to be considered as wanting repair, and is to be raised to the height of 2½ cubits required by Rule 1. Stones are to be daubed with white-wash during the course of the annual inspection.

7. When more boundary marks than are required by Rules 2, 3 and 4, are found on any line of boundary, so many of them as may be in excess are to be allowed to fall to ruin, and are not to be repaired. Such extra marks are not to be entered in the Inspection Register at all.

8. When any mound requiring repair is found to be of greater length than 8 cubits, then a portion of it only of this length is to be repaired, and the remainder is to be left untouched.

9. The village officers of every village in which mounds have been erected, should be required to keep 3 rods, respectively 8, 4, and 2½ cubits long, to measure the length, breadth, and height of the marks, and these rods should be taken to the field at all field boundary-mark inspections.
10. In the case of dry-crop land, a strip of 2 to 3 cubits in width must be allowed to remain unploughed between adjoining marks, in order that it may become overgrown with grass and bushes, so as to form a distinct and easily recognizable boundary to the number. Rice and garden lands have usually well-defined boundaries, such as banks or hedges; but when they have not, a strip of one cubit in width should be left unploughed, to connect adjoining marks, and constitute the boundary. And where the village limits have been defined at the time of survey by double lines of boundary marks, the intermediate strips of land are to remain unploughed.

11. The foregoing Rules apply to all villages in which field boundary marks were systematically set-up during the course of the Revenue Survey, or have been so since its completion. They apply, therefore, to all villages in the collectorates of Dharwar, Belgaum, Ahmednagar, the Canarese taluks of Sholapur, the Barāmāti Kurryat of the Indápur Taluk, part of the Donja Petha of the Haveli Taluk, the Māmlādār’s division of Purandhar Taluk, and the entire Shivnar, Kheir, and Māwal taluks of the Poona Collectorate.

12. In the Mahratta districts of Sholapur, the taluks of Indápur (exclusive of the Barāmāti Kurryat), Bhimthari, Haveli (exclusive of part of Donja Petha), Pabhal, and the Supa Petha of Purandhar, in the Poona Collectorate, field boundary marks were not systematically constructed at the survey, and the Collector should determine whether there are any villages in these districts to which the Rules should be made applicable.

13. In villages to which the nine first Rules may be decided to be inapplicable, existing boundary marks of whatever kind are to be carefully kept up, and Rule 10, regarding the breadth of space between fields to be kept unploughed, is to be everywhere enforced. Also in all cases of disputed or doubtful boundaries settled by the district authorities, stones are to be placed on the limits, as required by Rules 2 and 3.

14. Repairs to boundary marks in khilaiat uncultivated lands are to be made by the local officers at the expense of Government, unless the Collector is satisfied that the repairs would be as effectually and more cheaply made by the farmers to whom the grazing of this land is annually sold, under the 14th, 15th, and 16th Survey Rules, when a clause, requiring this to be done, should be included among the conditions of the sale. When the former
course is adopted, the farmers of waste should be freed from all responsibility whatever connected with the boundary marks, as the sale of the grazing farms must be injured by laying any amount of responsibility on them.

15. To provide funds for the repair of boundary marks to khali-sat uncultivated lands, the Collector is authorized to deduct from the amount for which the grazing farms of each taluk or portion of a taluk to which the first nine Rules are applicable may sell, a sum not exceeding 5 rupees for every 1,000 acres of waste, and hold this amount in deposit until the 15th day of July in each year, when any unexpended balance of it should be brought to credit on account of the grazing farm, so as to prevent any accumulation of funds beyond the close of the revenue year.

16. In taluks where the boundary marks to uncultivated lands have been allowed to fall into great disrepair, and the sum provided by the foregoing Rule would not suffice for their restoration, the Collector is authorized to expend from the collections on account of grazing farms double the amount allowed by the preceding Rule, or to the extent of 10 rupees for every 1,000 acres of waste, on reporting his reasons for this extraordinary expenditure, for the information of the Revenue Commissioner.

17. The ryots are not to be allowed to dig out earth close around the boundary marks for the repair: they are to leave a space of 2 cubits in breadth all round the marks untouched, so as to prevent injury to the mounds from water lodging in the cavities from which the earth for the repairs is taken.

18. The Assistant Collectors are personally to examine the boundary marks of some of the "numbers" of several villages in every taluk, as soon as possible after the completion of the examination by the Native local officers. In the case of districts which are under the immediate superintendence of the Collector, that officer is to mark off several numbers in the village registers for examination by the Dufferdar or other high officer of the establishment.

19. The Revenue Commissioners, during their circuit, are to take measures for preventing the inspection ordered in Rule 23, paragraph 84, of the Joint Report, becoming a mere form.

A. MALET,
Chief Secretary to Government.

Bombay Castle, 20th August 1852.
APPENDIX No. 1.

To
JOHN VIBART, Esq.,
Revenue Commissioner, Poona.

Sir,

In compliance with instructions received from you, we have effected a meeting for the purpose of taking into consideration the desirability of the system of settlement being pursued in the North-Western Provinces, and of the Government of India, and tendering our opinions as to the expediency of adopting therefrom any measures calculated to improve the plan of operations for the Survey and Assessment of the Deccan, proceeded under our inspection. Having given the subject our most attentive consideration, we now beg to submit the following Report.

1. In proceeding to consider the applicability of the plan of settlement, adopted in the North-Western Provinces, to the Deccan, we shall, in the first place, briefly refer to the most important points in which the circumstances of the two countries differ, as the fitness of any public measure must be determined with reference to the usages obtaining in the country where it is proposed for adoption.

2. In the North-Western Provinces, the land tax is assessed upon estates generally comprising many occupations, instead of upon single fields, as here. An estate may be a single village, or occasionally only part of a village; an aggregation of villages, or parts of villages; and instead of being simply the property of one individual, is almost invariably that of many proprietors, who are jointly responsible for the payment of the land tax, which is assessed on the estate in the lump. In the Deccan, on the contrary, the existing divisions of land are usually fields of moderate size, capable of being conveniently cultivated by one person; these divisions have been preserved in our settlement, and the land tax is fixed independently upon each. An estate, therefore, in the North-Western acceptance of the term, may comprise one or many of such fields, and be the property of one or many persons; the chief distinction of the two being the difference of size in the division of land upon which the tax is fixed. The assessment, however, in the Deccan has not been fixed upon fields, in consequence of the non-existence of estates; there are divisions of land, held by brotherhoods of Mirasdars or proprietors, which seem to correspond very nearly with the Mahals of the North-Western Provinces; nor from the absence of Mouzas, for the whole country is apportioned into villages, which, however, differ from those of the North-Western Provinces, in their greater size, and in comprising within their limits not one or few, but numerous estates, having actual possessors, under the denomination of Miradsars, or which, from the extinction of the original proprietors, have lapsed to Government, or become "Gutkuls," but are still known by distinctive appellations.

3. We do not feel ourselves competent to canvass the North-Western system, with reference to the country where it is found; but it appears imperative to show that the objections preferred by the Sadar Board of Revenue against the Madras ryotwar settlements, in their letter dated 20th March 1833, to the address of the Officiating Secretary to the Right Honourable the Governor-General, are in no wise applicable to the system now pursued in the Deccan, and at the same time
briefly to take notice of the chief advantages brought forward by the Board as distinctive of the North-Western system, but which we believe to be equally secured by ours; and in doing so, we shall take up the subjects in the order observed by the Board.

I. With reference to the size and nature of the estates, and the means taken to effect a survey of them.

5. It is objected by the Board to the Madras system, that the survey is confined to "a few estates scattered over the face of the country, which have been created and assigned to certain individuals." With us no estates have been created or disturbed. Such as existed, exist still, and here, equally as in the North-Western Provinces, a whole district is divided into villages; each of these villages has its known boundaries, the position, extent, and capabilities of each village have been detected and recorded. We have further an accurate record of the extent, capability, and position of each field or number within the village, and though we have no scientific delineation of the boundaries of villages, we have yet maps showing the relative position of fields, rivers, roads, sites of buildings, wastes, etc., prepared with care by natives, under the superintendence of European officers, which we believe sufficient for all useful purposes, and certainly, judging from the papers before us, much superior to the Khusrau map of the North-Western Provinces. An estate, or holding, may consist of one or more fields, and be held, as in the North-Western Provinces, in severalty or by many co-parceners, under joint responsibility, but the circumstances of the assessment being fixed upon fields instead of estates, and of no portions of different estates being included within one field, renders any further apportionment or allotment of the tax unnecessary, and admits of the freest transfer of property, whether by judicial process or private agreement.

6. It is stated by the Board that in Madras "the extension of cultivation without a corresponding increase of demand is strictly interdicted," but "that in the North-Western Provinces each village, and consequently each estate, contains a quantity of waste and cultivable land, and the proprietor, during the period of the settlement, is entitled to the whole profits of all he can make out of this land without any increased demand, although the amount of waste land has generally some considerable influence upon the Collector in settling his Jumma." The case here is the same as in Madras, but it is most certain that this has not been found to oppose any obstacles to the extension of cultivation. On the contrary, as has already been brought to the notice of Government, in all districts of the Deccan, as we have been enabled to see, cultivation has increased with surprising rapidity, so much so, as to give occasion to apprehend it to have extended beyond what the accumulation of capital would warrant, and, at all events, far beyond any previous anticipation. And it may be also argued in favour of this mode of settlement, that by it Government is enabled to fix the Jumma of a district, in the prospect of the waste being brought gradually under cultivation, and thus ensure the demand being lightest in the early years of the settlement, which admits of a more rapid accumulation of capital in those years, to be employed in bringing the waste under cultivation, than would be possible with an invariable annual demand, settled at an average of what the district is anticipated to yield during the whole term of the lease.

7. In Madras, as stated by the Board, the survey was not checked by any professional measurement, so that its correctness must have rested more upon the honesty of the measurers, than the superintendence of European authorities, while the absence of maps is considered an insuperable objection to any survey professing to specify the contents of each field. The latter objection does not apply to the present survey of the Deccan, which is illustrated by village maps superior to the Khusraus of the North-Western Provinces; and the work of the native...
measurers is also checked by a professional measurement, by European officers, not, however, by surveying the whole area of a village, but more effectively, it is believed, by selecting and re-surveying a portion of the work of each measurer in every village. The work of our native measurers is performed by means of a crew staff and chain, as we believe has been adopted in the latest surveys in England, where great accuracy in ascertaining the areas of small spaces is an object; and in proof of the accuracy attainable by this description of measurement, as well as of the efficiency of the check kept up by the European officers, we may add that the average amount of error in the Deccan Survey has recently been brought within 2 per cent., further accuracy than which, even if obtainable, would in a practical point of view be useless. The maps have also been laid down of late by our native measurers according to a scale, and admit of being constructed with an extraordinary degree of accuracy, considering that this is done without the aid of instruments for measuring angles. We take the present opportunity to forward, for the inspection of Government, copy of one of these maps for the village of Kumbhari, in the Chander Taluka of the Nager Collectorate.

8. It is remarked by the Board "that the Musabat records, prepared accord-
ing to Regulation VII. of 1822, specified many trifling and insignificant pec-
ificates of soil and produce, which have, however, been subsequently discon-
tined as useless." At the time of Mr. Pringle's survey of the Deccan there were some very detailed and intricate records prepared, under the name of Kafisats, which we have also found it expedient to do away with as useless, and tending by their great length and complexity to involve in obscurity, rather than elucidate, the subjects of which they treat, and by their very bulk to render the detection of errors a matter of impossibility.

9. From the 18th to 24th para. of their letter already quoted, the Board describe Sir T. Munro's system of classification and assessment, and give it as their opinion "that a detailed classification such as his would, if made with " tolerable accuracy, be sufficient for the purpose of assessment and the future " management of estates, where property in land attaches exclusively to the Go-
vernment; no parties existing immediately between the State and the actual " cultivators of the soil, who have a right to regulate rents and enjoy a portion " of them, but would not be adequate to those purposes where proprietary rights " are recognized as attaching to individuals, and a title to change the rent of fields " or to disregard the customs by which the amount of them has always been " regulated, at the pleasure of the ruling authority, is neither claimed nor " asserted." As proprietary rights are fully recognized under our settlement, and the Board's objections, if applicable to Sir T. Munro's system, are equally so to ours, we deem it incumbent to state our reasons for believing the Board to have arrived at a mistaken conclusion upon this important point. It appears to us that a proprietary right in land can only be destroyed by the imposition of an assessment so heavy as to absorb the whole of the rent, for as long as the assessment falls in any degree short of the rent, the portion remaining will give a value to the land, and enable its possessor to let or sell it, which of necessity constitutes him a proprietor. Whether or not Sir T. Munro disregarded the rights of the real proprietors, and recorded the land simply in the names of the actual occupants, who thus became responsible for the payment of the assessment, we do not think it necessary to inquire; but we unhesitatingly record that our settlement recognizes all existing proprietary rights and that the proprietor has the fullest liberty to assign his lands to under-tenants upon whatever terms he chooses, and which right is everywhere exercised. The imposition of a land tax upon every field in England would no more destroy proprietary rights than the existence of tithe does at the present moment; and it is the amount, not the mode of assessment, that could by possibility do this. An assessment in excess of the rent would destroy pro-

* The Kafisats prepared for many of the villages assessed by Mr. Pringle were upwards of 300 yards in length.
proprietary rights in the North-Western Provinces equally as in Madras, while one less than it would preserve, or constitute them alike in both countries. If, therefore, the value of land or property in land has been destroyed in Madras, the cause is to be sought for in the exorbitancy of the assessments, not in the mode of its imposition.

10. The Board also allege that Sir T. Munro's classification was greatly vitiated by fraud, and further, "the details enjoined were so minute that their "successful accomplishment, even by men of the most upright intentions, was im-
possible." With the correctness or otherwise of former classifications we have little to do, but may state our opinion, that any classification performed by natives of this country, unless subject to regular and rigid test by European officers, would prove incorrect. We have not the means of determining whether or not the details of Sir T. Munro's classification were so minute as to render it impossible for men of upright intention to accomplish it successfully; but we feel assured that the system of classification followed here is capable of being, and has been, executed with a degree of correctness sufficient for all practical purposes.

11. There being in all countries a regular gradation in the value of soils, from those of the highest to the lowest fertility, the most natural mode of classification would appear to be to divide this gradation into a certain number of classes, which might be more or less numerous, according to the value of the land in the country to be classified, and the consequent difference in the amount of assessment that would be occasioned by referring a particular soil to one or other of two adjoining classes. We have adopted, for the portion of the Deccan to which our operations have as yet extended, nine classes or gradations, to one of which every peculiarity of soil has been referred; and these we have reason for believing to be sufficiently numerous. The relative value of the various peculiarities of soil is in every country intimately known to the agricultural classes engaged in their tillage, and this knowledge, especially in India, where the application of capital to, and its consequent effect on, the natural value of land, is so limited, may be acquired by a native agency, if not already familiar, and also by the European officers, whose duty it is personally to superintend the execution of the classification. Should any doubt be entertained of this, it will, we think, be at once removed by the evidence we shall presently have to adduce of its successful accomplishment.

12. Before the value of any field, or other portion of land, can be ascertained, it is, of course, necessary to know what descriptions of soil, and what proportions of each, exist within it; and for this purpose, the classifier, upon our system, minutely examines the field, digging at intervals over its whole surface, to ascertain the depth and quantity of the soil, as well as the nature of the sub-soil. From this examination he is enabled to assign the several varieties of soil in their proper proportions, to one or more of the nine classes above referred to, which particulars he records in his field book, with other extraneous circumstances, should there be such, affecting the value of the field. From this return, we are at once enabled to ascertain the average quality of the soil as well as the relative value of any field.

13. A proportion of these returns is subsequently subjected to test by the European officer, who, in company with another classifier, unacquainted with the classification already made and recorded, goes again over the same ground, and these make their independent classification of its soils. Should their results correspond, the accuracy of the test is established, and the correctness or otherwise of the original classification is ascertained from its comparison with the test; and as this duty of accompanying the officer is not confined to one, but devolves in turn on every native classifier, it is evident that the nature of this check tends to produce uniformity of classification, by bringing the opinion of each classifier into immediate contrast with that of his fellows, and of the officer himself, and so enabling the latter at once to detect and remedy any deviations from the general standard. This test is systematic, and extends to every village; while we, at the
same time, endeavor to make it return as frequently as possible to the work of every classifier, and take care that it should never be allowed to fall much in arrear. The proper execution of this test is deemed the principal duty of the Survey Officers, as a slight error in the classification affects the amount of assessment, more than a gross error of measurement.

14. Our classification requires not only a good eye and judgment to distinguish between the different gradations of soil, but also tact in estimating the proportions of each, in the field under inspection; and to the difficulty of this latter operation may be referred most of the errors brought to light by our system of check. We find, however, that such accuracy has been attained as to reduce the errors arising from all sources, so much that the total error in a whole field rarely amounts to the difference between the value of two contiguous classes, and as we have nine of these, it is evident that such an error is inconsiderable, and cannot possibly vitiate the work; and the object of classification being to ascertain the relative values of different portions of land, this will be sufficiently attained for practical purposes when the resulting assessment is found not to interfere with cultivation, and where the waste lands of a district are uniformly brought under tillage, without any greater anxiety to obtain or shun particular fields, being observable, than can be accounted for on considerations independent of the assessment. And that this is the case here we can abundantly prove, for in every district, and not in every district merely, but in every village, whatever its peculiarities of soil or situation, having any considerable portion of arable waste at the time of settlement, a marked extension of cultivation has subsequently taken place.

II.—Basis of Assessment.

15. It is unnecessary to refer particularly to the Board's description of the Madras mode of fixing the assessment, the Government demand here, as well as in the North-Western Provinces, never having been assumed at any portion of the gross produce. From the directions for arriving at the fair amount of Government demand, laid down in the Board's settlement circular of the 9th April 1839, it would appear that there is in reality no material difference between their and our mode of fixing this amount. Our method of proceeding will generally agree with that described in the 81st, 82nd, and 83rd paragraphs of the above-quoted circular, the present condition of the agricultural classes, the state of particular villages, the amount of the Government realizations, the prices of produce, and similar considerations, compared with those of preceding years, affording us the chief ground work for determining satisfactorily what abatement or addition should be made to the existing Jumma. We also, by a similar process, arrive at an opinion of what the rates of the different soils should be, and by applying these to the ascertained area and classification, we find what amount of Jumma these rates will produce, and by examining whether this is as much in abatement, or excess, of the existing Jumma, as our previously formed opinions had led us to think necessary, we are enabled to correct our first estimate of the appropriate amount of Jumma, and thereby finally settle our rates. This in effect, as we understand it, the North-Western system, with little modification.

16. In the North-Western Provinces further modifications have been made in the assessment of particular estates, in order to accommodate the present settlement to that previously existing, and which appear to have been rendered necessary by the marked difference of industry and agricultural skill in the various communities of proprietors and cultivators located in the different villages. The Board regret the existence of such a necessity, and it has been their object to equalize, as far as possible, the Government demand. Here, how-

# In choosing a field a ryot does not look to the assessment alone, but also to the convenience of the position with reference to the rest of the farm, and many other evident considerations which it is needless to particularize.
ever, such marked distinctions in the several classes of cultivators are not observable, and have never been recognised as a reason for exemption from assessment. The modifications in question are, therefore, happily unnecessary, and all villages possessing equal advantages of position, water, soil, and climate, have been assessed alike.

17. From the difficulty of ascertaining the true rent of different descriptions of land, we have not assumed any theoretical proportion of this for the standard of our assessment; but we fully coincide in the justice of the principle of limiting the Government demand to a portion of the true rent, and believe 50 to 80 per cent. thereof, as laid down by the Board, would form a liberal assessment, and that this principle, if capable of being carried into practice, would prove an invaluable blessing to the agricultural classes of India, and introduce a new era in their history. And we further ascribe to the fact of a portion of the rent having been seldom, if ever, left to the proprietor or cultivator in India, the characteristic wretchedness of its agricultural population, rather than to any peculiarities marking its different systems of revenue management.

III.—Waste Lands.

18. We have already, in para. 6th of this letter, made some remarks upon waste lands, but we may here take occasion to record our belief, that the absence of any extension of cultivation in the Madras districts, brought to notice by the Board under this division of the subject, was not a consequence of the waste being assessed, but of both it and the cultivated land being over assessed. Kowrs may be necessary under over-assessment to prevent a rapid diminution of cultivation, as by their means the cultivator is enabled to pay from the produce of his kowli land the full rates of assessment upon the rest of his holding, which would otherwise be impossible, and wherever they exist, there we should at once expect to find over-assessment.

19. Under a fair and equitable assessment, we think kowls not only unnecessary, but injurious; for their inevitable effect is to stimulate the cultivator to engage for more land than he has the means of profitably cultivating, and by so doing, to retard the agricultural advancement of the country in which they obtain. We have already stated that in the districts settled by us, cultivation is rapidly extending, without any adventitious aid whatever, as we believe would be the case anywhere under a liberal assessment; and we therefore think it unnecessary to offer any further observations on this head.

IV.—Mode of Settlement.

20. The mode of annual settlements described by the Board as existing in the Madras districts, does not differ materially from that hitherto followed in the Deccan. The complexity and detail observable in this, however, are almost wholly due to over-assessment, and to the absence of any uniform and simple system of accounts; this important part of revenue management having hitherto been left to the discretion of the Collector, or his native establishments for the time being.

21. The tour made by the Mātmātādār and his establishments, for the purpose of taking engagements from the cultivators, and ascertaining what lands they wish to give up, or take, in addition to their previous holdings, is not only unnecessary, but highly prejudicial. It is sufficient for Government to know what lands are actually under cultivation in each year; and this information may be fully obtained by one annual field inspection, conducted by the village officers in concert with a kārkau from the district establishment. The correctness of this return
could be tested with facility, by the Māmlatdār and his chief kārkan, as well as
by the Collector, his assistants, or trustworthy members of their establishments,
deputied for the purpose; and this duty, even now, though capable of being greatly
simplified, is executed with exactness, in proof of which we may mention that
in the whole course of our duties as Superintendents of Survey and Assistant
Collectors, which have entailed a most extensive examination of the lands of villages,
we have only met in the Deccan with some six or seven instances of concealed
cultivation. Some instances of one cultivated field being entered in the accounts in
the place of another, have indeed been noticed, but the introduction of maps under
the new settlement will prevent the occurrence of such errors. From this annual
inspection of fields, the village accountant frames an Assamwar Statement, from
which the Māmlatdār makes an abstract for each village, and from these again
one for his whole district, and these comprise everything requisite for the com-
pletion of a ryotwar Jamabundī.

22. The revenue is collected by the village officers, and paid into the Māmlat-
dār’s treasury by regular instalments of so many annas in each rupee; and to
prevent fraud on the part of the Government officers, every ryot is furnished
with a receipt book, in which his payments are required to be immediately noted
by the village accountant, and signed by him and by the Patel. The same opera-
tion is repeated in the day-book and ledger of the accountant, and in like manner
the revenue due from each village; and all payments on account thereof are entered
in the books of the Māmlatdār. So effectively does this plan work, that frauds
of any description have become, as you are well aware, matters of rare
ocurrence.

23. The variations of the annual demands in Madras are attributed by the
Vide 65th para. of Board to six causes; but in districts where our settle-
ment’s have been introduced, such variations are limited to two, viz:—

I.—An increase or diminution of the quantity of land in cultivation.

II.—Remissions on account of failure of crops, or poverty of ryots.

24. The first is essential to our system, and we hold it to be one of its greatest
advantages, as leaving the ryot at perfect liberty to enlarge or contract his cul-
tivation, as his individual circumstances may render expedient.

25. The second must, we apprehend, be to a greater or less extent attendant
upon any settlement in India, where seasons are so very uncertain, and general
failures of the harvest by no means unfrequent. Under the new settlements here,
remissions have already become quite inconsiderable, and we have reason for
believing that in a very few years more, as the circumstances of the cultivators
improve, they ought in ordinary seasons to be little more than nominal.

V.—Balances of Revenue.

26. Upon this head we have merely to record our impression, that no balan-
ces on account of land revenue, contracted subsequent to the new settlement, exist in any of the revised dis-
tricts; nor do we apprehend the slightest danger of such under the most ordinary exercise of care on the part of
the Collector.

VI.—Average Rate of Assessment.

27. We forbear offering any remarks upon this division of the subject;
Vide para. 67 to 70 of Board’s letter of 30th March 1838.
under a belief that no useful conclusion can be derived from its discussion, without an intimate acquaintance
with the various capabilities of the countries brought under comparison.
VII.—SALEABLE VALUE OF LAND.

28. Owing to the rack-renting system prevalent in the latter years of the Pindwara's Government, and over-assessment throughout our administration, sales of land have become as little known in the Deccan as in Madras. Irrigated land, however (which is of inconsiderable extent in the Deccan), has generally retained some small marketable value, and a large proportion of this land is now under mortgage. Notwithstanding this annihilation of the value of land, little revolution of property has taken place, owing to the peculiar nature of the Mirasdars tenure, which, until of late years, seems to have prevented it being sold, either in execution of judgment of courts or for arrears of revenue—a fortunate result, in one point of view, as having enabled the ancient proprietors to retain possession of their lands until the present time, when there is every prospect of their acquiring a considerable value. The new settlements have nowhere been in operation for a sufficient period to admit of any certain or general conclusions being drawn regarding their effect on the value of land; but the eagerness of Mirasdars to become re-possessed of such portions of their estates as have fallen into the hands of others, and the competition of different cultivators for portions of waste, would seem to indicate that all descriptions of land are rapidly acquiring a value; and we have little doubt but that in the course of a few years they will become saleable with the same facility as other descriptions of property.

VIII.—EXPENSES OF COLLECTIONS.

29. The Board discuss at some length this question, but more with the view of disproving the vast superiority that has been claimed for the ryotwar over the village plan of settlement on the score of economy, than of deciding absolutely as to the expense of the two systems. We see nothing to be gained by the continuance of this discussion, which would also require more detailed information than is in our possession, and can hardly, in our opinion, be considered a practical question with reference to this part of the country, where great part of the expense of collection is made up of land and shares of the Jumma, alienated to hereditary district and village officers, which are vested rights, and could not be got rid of under any system.

IX.—DEPENDENCE ON NATIVE FUNCTIONARIES.

30. We fully concur with the Board in ascribing the prevalence of fraud in the Madras Districts to the peculiarities of the system of management there followed, which offer so many opportunities for extortion and peculation, as, in our opinion, to render their prevention impossible by the most active vigilance and care on the part of the European authorities; and we also believe that the aid of informers, and the enmity of one man to another, relied upon by the Madras Collectors as some check upon the evils of their system, are as little to be trusted to for the protection of the interests of the cultivators and Government, as they are certainly calculated to arouse the worst passions of our nature, demoralize the native community, and bring the European character into disrepute.

31. The Board justly observe, “in addition to the sources of peculation arising out of the collections of a fixed demand, which exist equally in the North-Western Provinces and in the Madras Districts, there are in the latter all the opportunities arising out of a fluctuating demand;” an objection, however, which does not apply to the system here, where the demand during the period of the settlement is as certain and irrevocable as in the North-Western Provinces; that is to say, that
the person who engages for the cultivation of any number of fields, is perfectly
aware beforehand of the amount of assessment he will have to pay in conse-
quence, while he has the most perfect liberty to cultivate them in what manner,
to raise what crops, and to effect what improvements he pleases, without the
amount of his annual payments being thereby in any way affected; and we appre-
 hend this to constitute a degree of security and certainty as perfect as can be
wished for. With us, the Collector has no power to modify the demand as fixed
upon each field for the term of the settlement, except when statements are re-
cired in particular instances on account of failure of crops; but such, as we have
already stated, will become less and less necessary, by perseverance in moderate
assessment, and the improvement in the circumstances of the proprietors that
will thereby be occasioned. Practically speaking, the amount of these remissions
has become so trifling in the districts settled by us as to leave very little opening for
fraud or collusion.

32. One great advantage of a fixed field assessment is the freedom and indepen-
dence it secures to every proprietor or cultivator within the village, by the safeguard
it offers against oppression or over-exaction on the part of our Revenue Officers or
other influential persons; for (with a full knowledge of the prevalence of abuses in
former years) we conceive it hardly possible, now that a Deccan ryot should not
know the amount of assessment on the fields he holds in cultivation, or should sub-
mit to pay more without immediately bringing the grievance to the notice of the
Munshi, Mahalkari, or European authority.*

33. In the N.-W. Provinces, owing to the greater size of the portions of land
on which the assessment is fixed, these advantages must necessarily, in our opinion,
be less. With us, if the field be the property of one person, he can be in no doubt
as to the sum he has to pay, and he cannot be obliged to pay more than is due by
the oppression or defalcation of his neighbours, while, if it be the property of more
than one, yet the number of the co-partners must be small, and the intimacy of
the relations constituting their dependence upon each other, and their consequent
liability to injury from one or more of their body, proportionally less, as our fields
are smaller than the Mahals or estates of the North-Western Provinces. And we
cannot but think that the number and complexity of interests involved in making
up the demand payable on these estates, must give opportunity for much oppres-
sion on the part of the richer and more influential members towards the poorer
and feebler portion of the community, and this opinion is confirmed by the state-
ment of the vast number of cases connected with land
brought before the courts for adjudication, subsequent to
the introduction of the present settlement, and also
by other parts of the correspondence before us. Mr.
Thomson, indeed, states in the 49th para. of his Report on Azimgarh, that "a
wealthy and intriguing man, who once gets a footing in a village, will soon con-
dure to bring the interests of all the others to sale, and, by purchasing them, be
"come himself the sole proprietor," and this extended system of compulsory joint
responsibility would also appear to be unfavourable to industry and agricultural
improvement, which, in common with other sources of national prosperity, will
generally flourish in proportion to the degree in which the efforts of individuals
working for their own advantage are left unshackled.

* By the appointment of Mahalkaris, the kutchery of a head Native Revenue and Police
Officer has been brought within a day's journey of every village; and you are well aware that
the avenues of redress thus opened up to the ryot are fully equal to the occasion, and that
cases of oppression or over-exaction on the part of the village officers have become as rare as
they were once common, while the checks established upon the conduct of the Munshis and
Mahalkaris, added to the confidence acquired by the cultivators in their ability to obtain
redress from the European authorities, render it almost impossible for the former to stifle com-
plaints, or at least much too dangerous to attempt under any but most extraordinary tem-

The existence of proprietary rights in the Madras Districts, argued for at some length by the Board, has, we are told, been denied or doubted, and we can understand the feeling of surprise with which such assertions must have been received; for, however the value of this right may have been affected by taxation, it is difficult to imagine an assessment to date from a period so remote, and to have been so unvarying in its nature, as to have prevented this right ever rising into existence, or when once risen, to have continued so long as not only to have destroyed its value, but obliterated its very remembrance.

But the Board would seem further to infer that this right existed in the form of joint proprietorship, as corporations, communities, municipalities, republics; and for this opinion, in particular instances, there are probably sufficient historical grounds; but such tenures, where involving a common ownership and participation of liabilities and advantages, appear to us in opposition to nature, and such as could only be called into existence by the force of peculiar circumstances.

In the ordinary course of affairs, men naturally desire to separate their interests as much as is possible. It is inconvenient even for brothers to possess the same bullocks, the same plough, the same fields, and the same house. The joint management and responsibility instituted by the Jesuits in Paraguay was productive of the worst results. Under such a tenure, the industrious find that they are working for the idle, and the idle never feel the spur of want to urge them to exertion, and these inconveniences have been so severely felt as to have occasioned a separation of interest, and rendered individual proprietorship general in every civilized country. If allowed the freedom of choice, six persons would, we apprehend, divide an estate into six parts, rather than hold it in common. The joint owners of 1,000 guineas would not long keep them in a common purse. A family of brothers would soon cease to live in the same room, and though the reverse of this might hold good for a single generation, it is impossible to imagine it continuing through a long course of ages.

We would not be misunderstood, however, as asserting that a common agreement for the purposes of Government is unnatural or uncommon; but we mean to say that a combination of interests for the purposes of dividing the profit of an estate, where this is found to exist, is unnatural, although we fully assert with the Board in thinking that the inhabitants of every village usually made their own arrangements, and were jointly responsible for the payment of the Government assessment in olden times. We do not, however, infer from this the existence of a common property in the village lands, or the joint ownership we are told is so common in the North-Western Provinces. Joint responsibility for the payment of the revenue and joint village management were predominant in the Deccan, but we can find no traces of joint ownership, and must believe that it never existed. The villages here are much larger than those of the North-Western Provinces, but generally contain a number of Thala or Tickas, about the size of the Mahals or estates of the latter, which, though divided off into distinct fields are commonly the property of persons of the same family. Yet in these also we have no hesitation in stating our belief that joint ownership did not commonly exist, but we are, at the same time, perfectly satisfied, that with a distinct and recognized division of fields and property, a common responsibility for, and joint payment of, revenue, did at one time, and in fact up to the accession of our rule, exist. Each field of this “Thala” or “Ticka” had its distinct owner, its recognized proprietor, and had also its established rate of assessment, fixed in some cases by Government, and in others by the village community, forming the limit of its owner’s liabilities, except in the case of the defaulctions of other cultivators, which, in consequence of the revenue being collected from the village in the lump, the community at large was required to make good, and this
was generally effected by an extra cess on its several fields or estates in cultivation, in proportion to the amount of their regulated assessment. It is clear, therefore, that this joint responsibility was the act of Government, and resulting from the mode in which its revenues were collected, but is altogether distinct from the question of ownership. Even under this system, however, the utmost care was taken by the community to ensure the proper proportion of the revenue being paid by each cultivator, and it was only in the last resort, when all other means he failed, that any defalcation was made good by a general cess on the lands of the village.

33. The practice of imposing a distinct assessment upon each field, followe in our plan of settlement, is therefore strictly in accordance with ancient custom but the system of joint payment and responsibility, which is unjust in itself, as could not be permitted without again throwing the mass of cultivators and proprietors into the power of the village officers and more influential members of the community, has been studiously avoided, and by this means every man's liabilities have been confined to his own concerns.

GENERAL REMARKS.

39. The Board conclude their letter with a lengthened and impressive summary of the evils deemed by them inherent in the ryotwar system, as evidenced by the wretched state of the Madras districts, which they contrast with the flourishing condition of the North-Western Provinces under the present settlement, and hence deduce the immovable superiority of the village plan of management; but, in our humble opinion, the immovable superiority observable in the North-Western Provinces is the result of the moderation of the Government demand; the undeniable inferiority to the Madras management arises from the error committed, of imposing exorbitant and illiberal assessments.

40. Many of the remarks made by the Board on the evils of the ryotwar system appear to us to be true, and true only of over-taxation, what ever the system with which it is connected. And in characterising any system where over-taxation has prevailed, we would say with the Board that "it is found in connection with the lowest state of pauperism and dependence. It cannot be said to be preservative of Indian tenures—where it exists there can be no leases to uphold, and a possessory right will not be even claimed. That any system, when over-taxation exists, can be dear to the people, can only be believed when "men feel a pleasure in seeing their dearest possessions torn from them to be given to others, and unless men are found indifferent about the occupancy of fields, on which they have bestowed their labours in previous years, being at all times ready to change from one field to another, as the assessment suits their fancy or convenience; and under such a system there must "always be necessity for Government interference, and the surveillance of Government inquisitors." "Every man must be degraded in his own opinion, and relegated to a state of perpetual pupilage. The honest, manly bearing of one accustomed to rely on his own exertions can never be his—he can never show forth the erect and dignified independence of a man indifferent to the favour or frown of his superior, accustomed as he must be to prefer perpetual remonstrances and solicitations, and abide with the most enduring patience. His earnings, while his rent continues more than he can pay, are limited by the will of some meddlesome speculator; if they are brought to "light, he must pay for his industry; if they are concealed, he must pay for the collusion."

41. The Board conclude their letter with a lengthened and impressive...
41. All of these remarks are clearly applicable to over-taxation, although brought forward in proof of the evils of a ryotwar settlement; and that over-taxation, to a ruinous extent, has existed in Madras, the Board themselves supply us with sufficient proof, when they state that in Coimbatoor the average annual settlement for the last ten years is about one-third, or 11,62,463 below the maximum demand; and that in Kanara, in 1243 Fasli, out of 51,449 verge, only 31,935 paid the maximum, and in 20,164 verge, temporary or permanent deductions were allowed; and the Board truly observe, that "under such circumstances, however, the cultivators may exert themselves, the hope that by their industry they may attain the standard assessment, and thereby reach a "limit to the Government demand, is absolutely vain; thence must result inaction, "poverty, dejection, and all the worst concomitants of oppressive over-asses-

samt."

42. The N-W. Provinces, from the Reports before us, would appear to be naturally very productive, and to have had the benefit of a generally moderate assessment throughout the term of our administration. Enjoying also the security afforded by the stability of the British Government, it is not to be wondered at that they should have largely improved during this period, and it can hardly be doubted that they will continue to do so, while this liberal management, which has been confirmed and prolonged by the new settlement, continues. In Madras, on the other hand, by a long course of oppression and misrule, the country had become greatly impoverished when the ryot war settlements were introduced, and these last were unhappily fixed to an amount so oppressive as to render their realization impossible, and give occasion for annual abatements, at the discretion of the Collector. This proved, as might have been expected, the source of fraud, villany, and oppressions, to an almost unparalleled extent, and also gave occasion to the vast and almost interminable details of the accounts, the minute investigation into the concerns and the means of the cultivators, and the tyrannies and oppressions of the Government officials, so much deprecated by the Board; but all which evils, it appears to us, might be as easily avoided in a ryotwar settlement as in any other.

43. When the Board shall have proved that a ryotwar settlement is necessarily accompanied by over-taxation, and that moderation of demand is impracticable in connection with it, then, and not till then, shall we be prepared to submit the justice of their remarks in condemnation of this plan of settlement. For it appears to us that moderation and certainty of assessment, security of property and proprietary rights, long leases, and whatsoever is necessary to the well-being of a country, are as attainable without a village settlement as with it, and that their free working and beneficial effects must be impeded rather than advanced by a forced system of joint ownership and joint responsibility.

44. We further believe many most important elements of national prosperity to be secured by the plan of settlement now being followed in the Deccan, among which may be enumerated, a moderate and equal assessment, leaving a portion of the rent with the proprietor or holder; the settlement confirmed for thirty years; security against increase of demand, on any account whatever, during the term of the settlement; the consequent accruement of all benefits arising from improvements to those who make them; limitation of joint responsibility to a few cases where fields are held in common, or have been sub-divided by co-parceners; recognition of property in the soil; and perfect freedom of management with regard to rent from sub-tenants, and sale, secured to its owners; facilities for effecting sales or transfers of land afforded, by the apportionment of the assessment on fields; or such limited portions of land as would, in the circumstances of the proprietors of this country, be naturally made the subject of such transfers; collection of the assessment from cultivated land only, and thus permitting the ryot to contract
and extend the sphere of his labours according to the means at his immediate com-
mand— a privilege of immense importance in a country where the capital of the agricul-
turalist is not only small in itself, but subject to great fluctuation, from the
effect of variation in the seasons.

45. Such are some of the advantages of the system; and although our views
of human nature are not sufficiently favourable to permit our indulging in expecta-
tions so fair and promising as those portrayed by the Board in their pleasing picture
of the anticipated effects of the village system of the N.-W. Provinces, where fami-
lies will be united by the closest bonds of concord and sympathy—where the poor will be supported by the
affluent, and widows and orphans encouraged to look for
protection from their natural supporters— we yet expect that our settlements will
confer real and substantial benefits upon the people, and augment, at the same time,
the resources of the State.

46. We trust by the preceding observations to have successfully vindicated
our settlements from the many evils attributed by the Board to those of Madras;
and while seeing much to admire in the system upon which the N.-W. Provinces
are being settled, we do not think that any portion of it could be advantageously
crafted on our plan of operations here, while, as a whole, it appears quite unsuit-
ced to the circumstances of this part of the country. We have here few consider-
able landed proprietors or other capitalists, who would be willing to engage for the
revenue of our large villages under any system calculated to preserve proprietary
rights, and prevent oppression on their part; and were the case otherwise, we are
certain that any attempt to constitute them Zamindars would be viewed with the
utmost dissatisfaction and dismay by the whole agricultural community. We
shall probably be considered prejudiced judges of our own operations, but as our
opportunities of ascertaining the feelings of the people regarding them have been
great, we shall venture to assert that our settlements have been received almost
universally with feelings of great satisfaction; and should confirmation of this
assertion be needed, we unhesitatingly appeal to the experience of every officer
who has been employed in districts where the new settlements are in operation.

47. We have already stated our belief that no part of the N.-W. system of
operations differing from our own, can be advantageously adopted here; but it will
be as well to treat this portion of the subject a little more in detail.

48. We have not the means of ascertaining what degree of accuracy has been
attained in the Khaseb, or detailed measurements and maps prepared by the
Amins in the N.-W. Provinces. A method, however, of verifying the Khaseb is
recommended for adoption by the Board in the 66th para. of their Circular of the
9th April 1839, but it does not clearly appear from this, or any other parts of
the correspondence forwarded for our perusal, that this included a systematic re-
measurement of a portion of the Amins' work, and if not, the method would ap-
pear unequal to the detection of any but gross instances of his mis-measurement.
In our system, every field is subjected to a careful examination during the process
of the classification, to prevent any gross errors of measurement remaining undis-
covered, but we place no confidence in this as a means of ensuring accuracy and
care on the part of our native measurers, for which we rely wholly on the test of
re-measurement made by the European Officer, and already described in our 7th
para. The ascertainment of the area of the whole village, or even of the cultivated
and uncultivated portions from the professional survey forms, we think, no safe-
guard against fraud on the part of the native measurer, who would in all cases
take care that the total results of his measurements were not affected by particular
deviations from accuracy which he might think his interest required him to make
in recording the area of individual fields.
49. The professional survey of the village boundaries, however, is a feature of the N.-W. system, to which we have nothing similar here; but we apprehend that the utility of this measure should be considered almost solely with reference to topographical purposes. It seems doubtful whether the information obtainable from such a survey would in practice be found of much use towards the settlement of future disputes, caused by the fraudulent removal of boundary marks; for, in order to render it available, it would be necessary to depute a professional surveyor to the spot, which might not always be possible, and, if so, would involve a greater expense than the importance of the land in dispute would generally warrant.

50. Should Government, however, deem it necessary that a professional survey of village limits be instituted, with the view of being applied to topographical and geographical purposes, we are decidedly of opinion that this object would be best attained by means of a separate agency, acting under the instructions of the Surveyor-General. The duties of the officers of the Deccan Surveys are already ample, and the superaddition of a professional survey would necessarily retard the general progress of the work, without proving of any service in settling the assessment, which forms the grand object of our present operations. We consider, also, that the qualifications requisite for the conduct of a professional survey of this kind are quite distinct from those necessary to fit an officer for the superintendence of our present system, and that any attempt to combine the two employments would certainly endanger, if it did not render impracticable, the successful accomplishment of both. The professional survey, in our opinion, could be successfully and economically prosecuted only by a department appointed for the purpose, as in the N.-W. Provinces.

51. We have not the means of forming any proper estimate of the cost of such a survey in this part of the country, but from the scarcity of qualified agents, it is probable that, for some years at least, it would be more expensive than that of the N.-W. Provinces, notwithstanding the large size of our villages, which may average 3 square miles each. From an extract of a letter from the Secretary to the Board of Revenue, to the address of the Secretary to the Lieutenant-Governor of the N.-W. Provinces, and dated 1st September 1837, we learn that up to that period the cost of the professional survey had varied from Rs. 61-4-0 to Rs. 20-10-6 per square mile, but it was anticipated that, under a modification of the system proposed by the Board for adoption, this would be reduced to Rs. 12-8-7½ per square mile. Whether this reduction of expense has been effected or not, we are not informed; but even on the supposition of the work being executed here at the lowest of the estimates, its cost would be considerable. We have not at command any record of the number of square miles in the Ahmednagar, Poona, and Sholapur Collectories, in which the survey is now in operation; but you may possibly be able to supply this information from your office, and state what the expense of the work would amount to on the preceding supposition.

52. The demarcation of village boundaries, and the settlement of all existing disputes, are also affected during the progress of the survey in the N.-W. Provinces. We fully acknowledge the importance of these measures, but have been hitherto unable to give them effect here, in consequence of the defective provisions of Regulation X. of 1827, of the Bombay Code, which forms the present law on this subject. We hope, however, that a new enactment will shortly be framed, in supersession of the latter, and enable us to effect a permanent settlement of village boundaries.

53. At present, all village boundaries, regarding which no dispute exists, are described, and their position indicated in the village maps. All disputed portions are also measured and mapped as such, leaving the title of the contending parties...
for future adjudication; by which arrangement the extent and position of all disputed land, as it now exists, is ascertained and recorded, and the occurrence of fresh disputes prevented. In the districts to which our operation, have yet extended, with one exception, disputed boundaries are few in number, and not otherwise important, which has prevented the want of means for their final settlement being severely felt.

54. The mode of classifying land followed by us, as well as the accuracy attainable by it, have been already described in our 12th and 13th paras. That of the N.-W. Provinces appears to us to be of much too general and cursory a description to be applicable to a field assessment like ours, where the apportionment of the Jummas on each field is made with reference to its natural fertility and extent, which therefore require to be nicely ascertained. In the North-West Provinces all varieties of soil appear to be referred to three classes, but greater importance is attached to the circumstances of the land being capable of irrigation or not, and to the description of crop grown upon it. But that even these particulars are not always ascertained with accuracy, may be gathered from many parts of the correspondence before us, among which may be mentioned the following passages. In the 67th para. of the Board's Revenue Circular, an extract of a letter from one of the Settlement Officers is given, and in this it is mentioned that "if not sufficiently bribed, the Amin enters an unduly large number of fields as irrigated, and as consisting of the better descriptions of soil, and an unduly large amount of cultivation of the better sorts of produce. On the other hand, where it suits him, he not only acts on the reverse with respect to these cases, but puts down many fields as uncultivated for many years." And again in the 69th para., "In order to diminish the labour of going over the fields as much as possible, every number of the Kusreh which has been measured as now irrigated, is first marked in the field map with a small cross in red ink. When this is done (which takes little time) a glance at the map will show on which side of the village the great mass of irrigated land is situated. The examining officer then begins first in that quarter, and if he discovers the existence of error, he proceeds to every field which is marked as above described, and records on the spot whether each number is really capable of being watered or not." From this it appears that the classification is not such as to lead the Settlement Officers themselves to anticipate any great accuracy in it, or to place any great dependence on it—an opinion which is borne out by the following extract of Mr. Muir's Report on the settlement of some districts in Bareilley, dated 6th September 1838.

55. In para. 21 he states that "the classification of Mouzas, according to their individual capabilities, renders the more uncertain classification of kinds of soil in individual Mouzas of but secondary importance. The classification of soil in Mouza is recorded under the heads of Surraeen and Bhoor, the former including all the land entered in the Kusreh as Domunt and Mutteewar, and the latter only that entered as Bhoor. With a Mouzahwar classification, however much reference to these returns for the purposes of assessment is, in a great measure, dispensed with, I have to observe also that there is an immense difference between a good and a bad Surraeen soil. Thus the unproductive hard soils, called by the people Klaput and Birkhuttees, come under the head of Surraeen, because they are recorded in the Kusreh as Mutteewar, which they really are, although the worst description of Mutteewar. This species of Surraeen, therefore, is of as bad a quality as the poorest Bhoor. Again, there are some kinds of Bhoor approaching to Domunt, which are almost as productive as the best Surraeen. I make these remarks that no misapprehension may occur regarding the kinds of soil recorded in the village forms as they have little to do with the grounds of assessment, which was based on a classification of Mouza. We need hardly add that a classification which is not even trusted to for conveying a general idea of the average capabilities of different Mouzas would be utterly inadequate to determine that of particular fields."
56. The plan followed in the N.-W. Provinces, of fixing the assessment upon each village or estate, chiefly with reference to its actual condition at the time of settlement, must, we think, offer strong inducement to the proprietors to endeavour by collusion with the Amis to have the quantity of land in cultivation, as well as its general quantity, fraudulently under-estimated; and what attempts of this kind have been frequently made, and not always unsuccessfully, appears abundantly evident from the papers before us.

57. Frauds of the foregoing description we believe to be hardly practicable under our system of superintendence, but the laxity, to our ideas, observable in the execution of the field measurement and classification of the N.-W. Provinces is perhaps accounted for by the inferior place these operations hold in the general plan of settlement there, compared with the important position they occupy in our system here. Comparatively little use seems to be made of them in fixing the amount of assessment to be levied from each Mouzah or estate; and in addition to the remarks on this point already quoted, we learn from Mr. Milbil's report on some districts of the Doab, that "the classification of many villages there was "omitted to be recorded through negligence; and that these officers' settlements "frequently preceded the preparation of the field measurement and classification "altogether;" and these further appear to be of little service in asportioning the Jumma among the several proprietors, sub-tenants, and others having rights in the same village, which is done by the interested parties themselves, and recorded as they agree upon, however much this may be at variance with the estimates of their respective liabilities, obtainable from the Kusreh. Great difference of opinion indeed appears to exist regarding this document; and Mr. Elliot, in the 77th para. of his Report above quoted, regards it as the most important of all, although he states having heard that some Collectors have given it as their opinion that the Kusreh is an almost useless document, and this not only where cultivators are tenants-at-will (in which case they may be in a measure justified), but, under other circumstances, where he considers it indispensable.

58. But although no apportionment of the assessment of a village or estate is made on the basis of the measurement and classification of the several holdings or fields composing it, yet this is done according to agreement among the villagers themselves, and the record of this agreement, not only the proportion of Jumma to be paid by each proprietor or shareholder, but also the amount leviable from every cultivator established to hold land at fixed rates, and the usage of the village with reference to those who are mere tenants-at-will. This statement, which is intended to define and confirm the right of every individual in any way connected with the village, appears to involve not only as minute, but a much more minute inquiry into the private concerns of the ryots than is even attempted under what is usually termed a ryotwar settlement, and we should think it must be difficult in the extreme to draw out such specification of private rights and usages, with any tolerable degree of accuracy. But supposing it done correctly at the time of settlement, what provision can be made for recording the thousand changes by succession, transfer, and sale continually taking place in every community? and if these be not recorded, what relation to existing circumstances will the present survey papers present twenty or even ten years hence?

59. Thus it appears that in reality the assessment of a village is broken down into as small parts, and apportioned on as minute divisions of land in the N.-W. Provinces as can be, and that there a much more minute interference with the management of property is made than here. This interference, we should apprehend, would not only fail of effecting the object of securing the rights of all parties, but might even be made a means of destroying them, and the former, in our opinion, would have been more satisfactory if made according to the ascertained value of the several Pattees, Tankees, and fields forming an estate, instead of by the opinion of the villagers themselves. Here at least we can state from experience,
that if the alternative of apportioning the Jumma were offered to a village, all but the most influential inhabitants would instantly decline it, and beg that the duty might be performed by the officers of Government.

60. And in consequence of the apportionment of the Jumma being left to the ryots themselves, it is not probable that much trouble will be taken to inspect the boundaries of fields, and to perpetuate the usefulness of the Kesre measurements by the preservation of the divisions of land which it records. We do not learn, indeed, from the papers before us, that any provision has been made for this important object, and our impression, from a review of the whole system, is, that upon occasion of a future modification of the Government demand, a new survey and classification will be necessary in order to apportion it; for the Kesre measurement and records of the present settlement would no longer give any information of the distribution of landed property, or the rights and liabilities of holders.

61. We have no means of ascertaining how the revenue management of the N.-W. Provinces is now conducted, but from the complexity and variety of tenures and liabilities recorded in the present settlement, we should anticipate that a much closer supervision on the part of the Government would be requisite to ensure its proper working, than in the more simple mode of assessment introduced here; and it is perhaps little in favour of the former, that every necessary adjustment is required to be made through the medium of the civil courts, for, however this may simplify and lessen the work of the Collector's establishments, it seems doubtful whether it will tend in any way to prevent a hurtful and inquisitional interference with the concerns of cultivators, while it can hardly fail to give rise to a litigious spirit throughout all ranks of the people. With us, the possible occasions of doubt and dispute regarding the payment of the assessment are few indeed, being limited to cases where fields are possessed by more than one individual, and of these hardly one would be made the subject of civil action, because capable of easy and satisfactory settlement through the agency of the village or district revenue authorities, to whom the parties interested would naturally, in the first instance, refer it.

62. In conclusion, we would point out the impossibility of instituting a fair comparison between the measurement and classification or other executive details of the system here, and similar operations, as practised in the N.-W. Provinces, apart from the mode of settlement to which they are subservient; for, under different modes of settlement, different degrees of accuracy in measurement and classification, and even different methods of performing these operations, may be permitted. We have not, therefore, ventured to express our opinions upon any part of N.-W. plan of operations, except with reference to its applicability to this part of India.

63. We have endeavoured, however, throughout this Report to express our conviction, that the settlement of the N.-W. Provinces is being made on liberal principles, and our belief that any settlement, based on the principles of moderation, would prove a great blessing to this country, and could hardly, under any attendant peculiarities of system, fail of advancing its prosperity.

64. But while we acknowledge the N.-W. Settlement to possess the first of requisites—liberality, it has other features to which we cannot yield our approval, and we still remain unshaken in our belief of the superiority of a fixed field assessment, as, in our humble judgment, of simpler execution in the first instance, and likely to require fewer adjustment afterwards, as interfering less with the existing tenures on landed property, and offering greater facilities for effecting its sale.
and transfer, while affording to the poorer and less influential portion of the community a better protection against injustice and oppression.

We have, &c.,

(Signed) H. E. GOLDSMID,

Civil Service.

G. WINGATE, Lieut., Engineers,

Superintendent of Survey and Assessment in the Deccan.

Ahmednagar, 17th October 1840.

No. 167 of 1840.

To

J. VIBART, Esq.,

Revenue Commissioner, Poona.

Sir,

I have the honour to acknowledge the receipt of copies of correspondence noted in the margin, forwarded with your letter of 5th instant, in which you request me to report whether a system of mapping each village could not be grafted on my present operations, and also furnish a succinct account of the latter, with a description of the actual operations in any one village, as a specimen.

2. The information and opinions here called for have been already in great measure supplied in the joint report lately submitted to you by Mr. Goldsmid and myself, in which our present system of operations is compared, in detail, with that of the North-Western Provinces. To go again over the same ground would be at once a tedious and unnecessary task, and I propose, therefore, in the present communication, to confine my attention to the elucidation of such points arising from the correspondence now under consideration, as have not in the previous report been touched upon or sufficiently explained, and to an attempt to furnish a brief and intelligible account of the process of surveying a single village, which may serve as a specimen of the whole system.

3. Before proceeding further, however, I would direct your attention to several serious misconceptions entertained by the Government of India, in regard to the nature of the operations connected with the Deccan Survey, and which it is the more important to bring forward in this prominent manner, as from them have originated the various objections preferred against the system.

4. Mr. Colvin, throughout his note of the 9th August 1840, rests his arguments on the supposition of the assessment being here fixed on the basis of conjectural estimates and calculations of produce, and similar uncertain grounds, instead of on the safe and practical considerations arising from a constant reference to former regular and easy payments, which he claims as the distinctive character and merit of the system followed in the N.-W. Provinces, and distinguishing it broadly
from others. From the adoption of this view he is led to apprehend as an almost
necessary consequence of the Deccan survey the worst of evils, over assessment.
No assumption, however, could be more unfounded; for the amount of revenue
fixed for each district here has, as you are well aware, been determined almost
solely with reference to practical considerations, and mainly on a consideration of
past realizations; while the unexampled rapidity with which cultivation has every­
where extended, consequent on the introduction of the new settlement, is of it­
self abundant proof, that, whatever the objections to which they are open, among
them over-assessment can have no place. On the contrary, the survey was insti­
tuted for the express purpose of effecting a just and equitable reduction of assess­
ment, and the new settlements have been deemed by some to exhibit an uncall­
d-for degree of liberality, but I think without sufficient reason; though, if such were
the case, "the loss on this account," as observed by Mr. Colvin, "would be far
overbalanced by the prospect of escaping the contrary and greater evil."

5. A further mistake into which this gentleman has fallen is, in believing
the assessment here to be fixed upon all the resident ryots or single cultivators in
villages. The assessment is fixed upon fields, or divisions of land, which have ex­
isted in most villages from time immemorial; but without any reference to the
situation of their being waste, or cultivated by one or several individuals.
These fields do not, therefore, materially differ from the Mahals of the N.-W.
Provinces, except in being of smaller size, and generally cultivated by, or the property
of, one individual.

6. To the foregoing misconceptions regarding the basis of the Deccan set­
tlements, may be traced most of the doubts and apprehensions entertained by the
Government of India, of their beneficial tendency, but they do not require a de­
tailed elucidation, as this has already been afforded in the report already alluded to.

7. His Lordship the Governor-General in Council has expressed surprise to
find in the new Deccan Survey, by which all old errors were to be corrected, that
the operations are so conducted as to be absolutely of no value for geographical or
topographical purposes, and it is much to be feared of little more than temporary
utility even for merely revenue purposes.

8. The latter objection has been already fully discussed; and, I trust, satisfac­
torily disposed of; and with regard to the former, here again a serious misunder­s
standing of the case seems to exist. The present Deccan Survey is not a new survey;
but was instituted for the purpose of revising and correcting, where practicable, Mr. Pringle's operations; and in accordance with this
design has the work been carried out. Complete remeasurements of villages have
rarely been necessary, and consequently no opportunities offered for the introduc­
tion of a more complete and scientific system of survey. The measurements made
may be rather likened to the partialling operations of the Settlement Officer in the
North-Western Provinces. The present survey, moreover, was instituted for purely
revenue purposes, and the question of rendering it subservient to those of Geo­
graphy and Topography is now mooted for the first time. It can hardly therefore
be in fairness objected to the plan of operations, that it does not include the accom­
plishment of objects that were not contemplated at the time of its formation.

9. I would here beg it to be understood, however, that not one detail of the
operations already gone through, or one rupee of the expense incurred, could have
been saved by the institution of a circuit survey of village boundaries similar to
that of the North-Western Provinces. Everything now done would have been
equally required on this supposition, and neither labour nor money has therefore
been lost by the omission. If a scientific survey be considered necessary, it may be
as conveniently and economically entered upon now, as it could have been then, for
in any case it could afford no materials for fixing the details of a field assess­
ment, and it is therefore immaterial whether it precede or follow the latter operation.
10. I have mentioned that the present Deccan Survey was organised for the purpose of correcting Mr. Pringle's operations, but in the Sholapur Collectorate there are some districts to which the latter did not extend, and which it, therefore, has become necessary to survey de novo, and I shall now endeavour to describe the operations followed for this purpose in these last, as being complete in themselves and admitting of a more simple and intelligible description, than the methods taken for ascertaining what points of Mr. Pringle's proposed system. The latter also, would prove of little service towards the determination of the system of survey best suited for general purposes, which is the question now under the consideration of Government.

11. To render intelligible the operations of the Survey, it is necessary to bear in mind, that throughout the Deccan, the lands of every village are composed of an aggregation of fields, generally of moderate size, of which the village accountant has always a record, more or less complete, and according to which the whole of his revenue accounts are drawn out. In surveying any village, therefore, it becomes requisite to ascertain, not merely the area and average quality of its land as a whole, but also the extent, position, and peculiarities of soil, of each of its component fields, whether entered in the accountant's records or not, and likewise the area of waste, roads, rivers, sites of buildings, &c.; each of these divisions is measured in detail, and the sum of the whole gives the area of the village.

12. The first step taken is to send an order to the village authorities intimating that on a certain day a kirkun will arrive at their village for the purpose of effecting its measurement, and directing them to inform every owner of a field of cultivator to have in readiness stones of a certain size to be sunk as land marks by the measurer at each corner or bend of his field during the progress of its measurement. The patel and accountant are also required to be present, and to accompany the kirkun and the measurer to the field; with the divisional marks of the village, in order to point out the proper boundaries of each field, and fix the boundary marks.

13. A measurer is then appointed to survey the village, according to detailed instructions which will be understood from the following description of his operations.

14. For the purpose of recording the particulars of his measurement he is provided with a field book, every page of which is numbered and signed by the European officer, under whom he may be employed. In this book no erasures or obliterations are permitted, any erroneous entry being indicated by a line drawn through it so as to leave the original writing easily legible, and the corrected entry written immediately over it. By this precaution, an entry once made cannot be subsequently altered, so as to prevent discovery, by fraud or collusion. The record of the measurement of each day is also required to be prefaced by a list of the village officers who accompany the kirkun to the field, who thus feel themselves made responsible for the accuracy of the boundaries pointed out, while a list of witnesses to the operations of the measurer at every period is also thus preserved.

15. In commencing his survey, the measurer selects a field adjoining the village, usually in front of the principal gate, which he enters in his field book as No. 1, and also the number by which it is known in the village accounts. He then enters its position to the village, with reference to the cardinal points, its name, in what "thall" situated, the name of its owner, if "miras" waste, or cultivated; if the latter, by whom, and the number of bighas, or other land measures obtaining in the village which it contains. These particulars are obtained from the accountant's records, or, in case wanting in these, from an oral examination of the village officers, and owner or cultivator of the field.
16. The measurer then chains the boundary of the field, laying down its
land-marks, and making a sketch of its shape in his field book, as he goes round
on which he notes down the number of chains each side is long; the length of
the several sides of the field are roughly laid off in his field book from a scale of equal
parts, by which he is enabled to make his sketch very nearly in accordance with
the actual shape of the field; this he is afterwards enabled to correct, and make to
approximate very closely to the truth, for transference to the village map, by a
process which will be shortly described. The area of the field is obtained by divid-
ing it into triangles, and measuring the lengths of the bases and perpendiculars,
the position of the latter being obtained by means of a cross staff, and the direc-
tions of these various measurements are indicated on the sketch by means of dotted lines. Should there be a well in the field or a road or watercourse traverse it,
these are also shown upon the sketch. The measurement completed, he describes
in his field book its situation with reference to adjoining fields, and the points
where he has laid down boundary marks. Having completed the measurement of
one field, he proceeds to the next adjoinei, and so on, until he completes his survey
of the village; any road or rivers not within the boundaries of the fields are sub-
sequently measured, and the area of the village obtained.

17. The preceding description will be rendered more intelligible by the
following example of the method of recording the measurement in the field book:

Saturday, the 19th of December 1840, and native date.

PRESENT IN THE FIELD.

On the part of Government.

<table>
<thead>
<tr>
<th>Hurre's Gopal</th>
<th>Measurer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheik Adam</td>
<td>Peon.</td>
</tr>
</tbody>
</table>

On the part of the Village.

Bappoo Wil. Sooltanu ..........Mokuddum P.
Harree walad Appa ..........Patel.
Bappoo Shreepat ..........Kulkarni.
Rama ..........Lohar.
Krishna ..........Purreet.
Rama ..........Sonar.
Balla walad Bappoo
Rumkuk
Apano ..........Mahars.
Harree
Balle
Kindoow walad Appa ..........Mangli.

No. 1. (No.6 in Kulkarni's Records.)—Situated north of
the village, in front of the great gate. The Miras of—,
but now cultivated by——. This field
is named “Gaon Khoon,” being part
of Thal “Jadaw,” and
contains 13 Kuddam
bighas, according to
the village papers.
The length of the bases and perpendiculars shown by the interior dotted lines, and the calculation of the area of the field, are here inserted.

North boundary 19 chains long, formed by large nulls; East boundary 7 chains long, not well defined; two large stones have been sunk at the two corners. South boundary, 15½ chains long, formed by a prickly-pear hedge; West boundary 12 chains long, formed by road to——. This field is bounded on the North by the village nulls, beyond which is No. 9 "Gutkool," cultivated by——; on the East by No. 2, the Miras of——; on the South by prickly-pear hedge, beyond which is the village site; on the West by road to——; beyond which is No 14, the Miras of——.

18. The foregoing example, which will be found to correspond with No. 1 of the map, in the opposite page, will, I trust, have made the entries in the field book intelligible, and it will also be evident that the field thus measured can be easily and correctly laid down upon paper, by means of the interior and boundary measurements shown upon the sketch. This is accordingly done by the measurer, after his return from the field, each field being plotted separately, and then transferred by means of tracing paper to its proper place in the general map, which may in this way be constructed with great accuracy by natives wholly ignorant of the European methods of surveying. With every care, however, a good deal of adjustment will be required to make all the fields fit into their relative positions, or, in technical language, to make the work clean, in a map constructed in this rude fashion; and to assist in effecting this object, the position of each village, and that of two or three of the principal roads or nullas intersecting its adjoining lands, are sketched in the European method, by means of a surveying compass or theodolite. Thus in the example given in the opposite page, the position of the village and diverging roads, marked in red, are obtained by the European method of detail survey; and the whole village lands being thus divided into sections of moderate size, the limited number of fields comprised in each are easily adjusted, in position approximating very closely to the truth, from the map prepared by the native measurer.

19. Now, though maps of this kind would prove of little service for geographical purposes, they yet exhibit the topographical features of each village with considerable accuracy and great minuteness of detail, showing not merely the interior divisions of the lands of the village into fields, but also the directions of the various roads, foot-paths, and water-courses found within its limits. With the addition of a scientific circuit survey of village boundaries, these maps might be rendered sufficiently accurate for every purpose, even to their minutest details; but it appears to me that this additional degree of accuracy is hardly an object of sufficient importance to repay the large expense required to obtain it. The whole of the Deccan has already been surveyed and mapped on a scale of 4 inches to a mile, which is abundantly detailed to serve every purpose of the Collector, Magistrate, and Judge. This question, however, has already been sufficiently discussed in the Joint Report already quoted.

20. The measurement of a village being completed, with its field map as above described, the accuracy of the work is tested by the European officer, who re-surveys and maps a proportion of the interior fields.

21. The classification of the village is then proceeded with, and in this operation every field is again subjected to examination, the accuracy of each entry in the measurer's field book tested and established, and the varieties and proportions of soils in each field, with a minute description of every well or other source from which water for the purposes of irrigation is obtained, are entered by the classifier in his field book, which is kept and numbered much in the same manner as that of the measurer.
22. The work of the classifier is again subjected to examination by the European officer, who re-classifies a proportion of his fields, as he had previously re-surveyed those of the measurer.

23. In the field work, therefore, connected with the survey of each village, there are five distinct operations:

1. Every portion of land comprised within the village limits is measured by native surveyors in detail, by means of a cross-staff and chain; the particulars regarding every such portion are detailed in a field book kept for the purpose, and also shown upon the village map, which is constructed from actual measurement.

2. The accuracy of this measurement and map is ascertained by systematic test, executed by the European officer.

3. Every portion of land within the village is again submitted to examination by the classifiers, by whom also the nature and peculiarities of its soil and capabilities are ascertained and recorded.

4. The preceding classification is systematically tested by the European Officer.

5. The site of the village and the position of the principal roads and water-courses traversing its adjoining lands are fixed by the European method of detailed survey, for the purpose of correcting and adjusting the details of the village map, so as to make them approximate very closely to the truth.

24. Under these heads are comprised the distinctive features of the field operations, and they compose a system of Revenue Survey. I have no hesitation in saying, more accurate and complete than that embracing similar operations in the N.-W. Provinces. It does not, indeed, include a settlement and demarcation of village boundaries; but this defect has been fully accounted for, and a remedy suggested, in Mr. Goldsmid's and my Report already noticed, nor is it available for geographical purposes at present, but may be made so if the objects be deemed of sufficient importance, by the superaddition of a scientific survey, as shown in my 9th paragraph.

25. During the progress of these operations, a tabular statement is framed of the whole village lands, in which are recorded the designation by which each field or division is known, the name of the cultivator and proprietor, the tenure by which it is held, the number of years it may have been in the possession of its present holders, and the proofs by which each claim to exemption from assessment is supported. Copies of all deeds or other documents connected with grants of land are taken, and a list made of all old papers connected with the management of the village in possession of the hereditary accountant. A census is also taken of the inhabitants, in which the name, cast, and occupation of every house-holder, the number of his family, servants, slaves, cattle, ploughs, &c., the description of tenant he inhabits, and such other statistical information as can be obtained, are embodied.

26. The manner in which the various information collected during the progress of the survey is made to bear in determining the question of assessment, has been fully explained in the Joint Report by Mr. Goldsmid and myself, already so frequently noticed, and it would be needless to fatigue you with a recapitulation of its statement in this place. They will have proved to your satisfaction, I trust, that the various precautions adopted in the N.-W. Provinces, to guard against error of judgment on the part of the settling officer, have been carefully attended to here, and that a liberal standard of assessment, based upon the safe and practical considerations of past payments, in opposition to merely theoretical conjecture, is equally characteristic of both systems.
27. Before concluding, and also in the hope that the observations I am about to make may prove serviceable towards enabling Government to organize an efficient system of survey generally, I must beg to allude to one point of the constitution of that under my superintendence, which I deem essentially defective, and certain, while it continues, to prevent the department acquiring that degree of efficiency of which it is capable. I allude to the inadequate remuneration of the European officers engaged in its superintendence, offering in this, a striking contrast to the case of the Revenue Survey of the N.-W. Provinces, where the services of the most able and experienced officers in the civil and military services are retained by means of a liberal and graduated scale of emolument. In the Deccan Survey, on the contrary, there is no prospect whatever of advancement, and the experienced officer who has laboured for years in the department, made himself intimately acquainted with every part of his duties, and whose services to Government are consequently doubly enhanced in value, finds himself in no better position than he occupied when he entered the department, and had every thing to learn. The necessary consequence of this is a very general feeling of disappointment at their present position and prospects, entertained by the survey officers, rendered keener, perhaps, by the very arduous nature of their duties, and by the knowledge that there is a singular instance of equally responsible and important duties, having been performed on the same terms.

28. I took occasion to propose a remedy for this state of things in my letter to your address of the 3rd October 1839, and had the satisfaction of subsequently learning that the justice and expediency of the measures therein proposed were fully acquiesced in by Government. I trust, therefore, that on the present occasion, when the system of Revenue Survey in this Presidency is under the consideration of the Supreme Government, that advantage will be taken of the opportunity by the Honourable the Governor in Council, to obtain a satisfactory settlement of the important points now noticed; for we shall vainly expect to prevent a constant and most hurtful succession of charges among the European officers employed on the survey, while the emoluments and advantages of their appointments continue in every respect inferior to those of most subordinate grades in other departments of the public service.

I have, &c.,
(Signed) G. WINGATE,
Superintendent, Revenue Survey.

Bamborough, 30th December 1840.

No. 229 of 1841.

From THE REVENUE COMMISSIONER,

To MS. CHIEF SECRETARY REID.

Sir,

I have the honour to acknowledge the receipt of your letter No. 3302, of the 20th October last, forwarding a copy of Mr. Junior Secretary Halliday's letter...
No. 137, of the 17th of August, and its accompaniments, and requesting that, after consulting with Mr. Goldsmid and Lieutenant Wingate, I would submit my opinion on the questions raised by the Government of India, to consider and report whether a system of mapping every village could not be engraved on the present operations, and to procure from Lieutenant Wingate a succinct account of the manner in which the survey is conducted, with a description of the actual operations in any one village, as a specimen.

2. I take this opportunity of resuming the subject of my letter No. 1587, of the 29th August 1839. It will be in Government's recollection that I was favoured, under date the 15th of the same month, with a copy of a letter from the Honourable Court dated the 19th of April preceding, communicating its sentiments respecting the new survey and assessment now in progress in the Deccan, and directed to state whether I would recommend an application being made for copies of such documents connected with the survey in the North-Western Provinces, as the Right Honourable the Governor-General might consider would be useful to this Government.

3. The despatch of the Honourable Court, it will be recollected, after approving of the decision of this Government in setting aside Mr. Pringle's survey and assessment, as the basis of the general revenue settlements, expressed a wish to have a somewhat more precise account of the exact means by which it was proposed to regulate the assessment which was to be substituted for that set aside; indicated various points on which the information before it, as regarded this part of the question, was defective; and desired that, if the work were not proceeding in a satisfactory manner as this Government could desire, the Government of India should be applied to for such information, regarding the survey and assessment now in progress in the North-Western Provinces, as might be considered calculated to throw light on the general question of the revision of assessment, and guide us to a more effectual course of proceeding, for the purpose of obtaining a just and equitable assessment.

4. In my reply to your letter, I expressed a hope that the correspondence to which I referred, and which must have reached the Hon'ble 29th August 1839, Court subsequent to the despatch of their letter in question, would have, in a great measure, satisfied their doubts, and cleared up the obscurity in which many of the points they referred to were involved; and suggested that the Government of India should be requested to furnish copies of any documents tending to explain the principles and mode of operation followed in the North-Western Provinces, not because I saw any reason "to apprehend that the work" in the Deccan "was not proceeding in the satisfactory manner anticipated," but because all information regarding similar operations in other parts of the country could not but be useful to the officers employed in the Deccan.

5. A great number of documents of the nature indicated were received from the Government of India, forwarded to me with your letter of the 10th February 1840, and referred to Messrs. Goldsmid and Wingate, with a request that they would favour me with their opinions as to the expediency of adopting any measures, forming a part of the system followed in the North-Western Provinces, which they (Messrs. Goldsmid and Wingate) might deem calculated to improve the plan of operations for the survey and assessment of the Deccan.

6. These gentlemen have accordingly drawn up a Joint Report, which I have now the honour to submit, together with a separate letter from Lieutenant Wingate, containing the information which, in your letter of the 27th October last, I was desired to call on him to furnish. Mr. Goldsmid's letter on the same subject has

* No. 151 of December 16th, with my letter No. 54 of the 5th January 1841,
been already submitted to Government, as referring principally to the proposed survey of the Southern Mahabrat Country, and containing propositions which, if complied with, it was necessary should be considered and decided on without delay; and the greater part of his Report on the survey and assessment of two Tarafs of Taluka Chandore, forwarded with my letter No. 58, of the 8th ultimo, might with propriety have accompanied the letters now forwarded, and will be frequently referred to, as containing a very full and able general exposition of the objects and mode of proceeding in the survey of the Nasik Sub-Collectorate.

7. A perusal of the documents just enumerated will, I have little doubt, afford equal satisfaction to the Governments in this country and the Home authorities, as explaining many parts of the system pursued in the Deccan which were before involved in obscurity, showing that some of the most valuable parts of the system pursued in the N.-W. Provinces, already form part of the plan of operations in the Deccan, and that, where the methods differ, that pursued in the Deccan has been adopted in consequence of local peculiarities, which, as now explained, will, I confidently anticipate, be allowed to form good grounds for considering the system preferred for the Deccan the best adapted to the peculiarities of the province. A perusal of the documents now forwarded will further, I have little doubt, give additional strength to Government's confidence in the admirable qualifications of the Agents it has selected to carry its designs into execution.

8. The objections of the Hon'ble Court to the plan which it was at first proposed to follow, in revising the survey and assessment of the Deccan, were the want of any clearly-defined mode of proceeding which promised sufficient security for the correctness of the assessment. No principle, it was observed, was laid down to guide officers in the selection of any particular mode of settlement, and the amount of assessment was left too much dependent on the discretion of the settling officer, without any means of checking or correcting it, except by a re-examination of the land itself by another officer not inferior in qualification to the first.

9. The uncertainty as regards the mode of settlement had, as already observed, been in great part removed previous to the receipt of the Hon'ble Court's despatch, as explained in the letters from Government referred to in the margin; the uncertainty as regards the amount of assessment will be explained in considering the questions raised by the Government of India in their letter of the 17th August last, to which I would now beg to refer.

10. The greater part of the letter in question relates to the proposed survey and assessment of the Southern Mahabrat Country, on which, as the province in question is not within my range, it is unnecessary for me here to remark. On such parts of the letter and its accompaniments as refer to the surveys now in progress in the Deccan, I propose pointing out those parts of the documents enumerated in para. 6th, which contain the information required, and which, as far as a description of the mode of operation goes, appear to me sufficiently full and accurate to preclude the necessity of any additional remarks of my own. In following this course, I shall have to state my reasons for recommending the adoption of or rejection of the system pursued in the North-Western Provinces, wherever it differs from that followed in the Deccan, and thus comply with the first requisition of your letter under reply, viz., to submit my opinion on the questions raised by the Government of India, without traversing step by step the same ground as that was done by Messrs. Goldsmid and Wingate in their necessarily very voluminous reports.
11. The objects of the operations which those officers are employed in are so well understood, and the functions of the survey and assessment in the Deccan, as described in the Governor-General's letter, with some alterations in the public establishments, with a view of better adapting them to the ascertained extent, population, and wealth of the various districts. Some alterations of this kind, as well as in remodelling the divisions of districts, &c., have been made at the suggestion of the officers employed in the survey and assessment; but the necessity for much reformation in the points indicated, has never, that I am aware of, been shown to be great, and it therefore forms no prominent part of the objects of the survey and assessment.

12. "An accurate survey of the land, with a specification of the quantity barren and cultivable," and a classification of the latter, are here, as in the North-Western Provinces, necessary steps towards the attainment of the objects proposed. To ascertain and record the relative proportion of cultivable and cultivated land, is here, from the nature of the prevailing tenures, a necessarily annual operation; and the scale of classes of soil, though in principle that which is perfectly familiar to the people, is, of course, more systematic.

13. In the survey operations under Lieutenant Wingate in the Poona Collectorate, and those districts of Sholapur which belonged to the old Sub-Collectorate, the duty of the surveying officers, as far as the measurements are concerned, is confined to testing and correcting those of Mr. Pringle's survey, which have been there acted on since its completion in the other districts of Sholapur; and in the survey under Mr. Goldsmid's charge, all the measurements are made de novo, for though parts of the Nasik Districts were surveyed by Mr. Pringle, his survey was never acted on, and its correction would consequently, at this distance of time, have entailed more trouble than an entirely new survey. Both in the North and the Southern Deccan, the classification is entirely new, that of Mr. Pringle's, where it existed, having been found generally too faulty to admit of correction.

14. The first step preparatory to a survey in the North-Western Provinces appears to be "an accurate adjudication and demarcation of the boundaries of every village by the Revenue Officers."

15. While the survey operations in the Deccan were confined to districts which had been once before surveyed by Mr. Pringle, and where, from that and other causes, the cases of disputed boundary were comparatively few and unimportant, the necessity for any distinct class of operations, having for their object the demarcation of village boundaries, was never very strongly felt; and while the provisions of the Regulation for adjudicating disputed boundaries were so cumbersome as to bar their being applied in ordinary cases, the cases themselves were seldom of sufficient importance to justify an application for an alteration of the law. When, however, the survey was extended to districts which had not previously been the theatre of any operations of the kind, the case was found to be different.

* Para. 4th of the Right Hon'ble the Governor-General's letter to the Hon'ble Court, No. 3, of August 19th, 1838.
and the want of some means of deciding and marking the village boundaries, in a more expeditious and effectual manner than was practicable under existing regulations, was so severely felt, that Lieutenant Wingate gave it as his opinion, that without it the operations of the survey must be comparatively valueless. The subject has been discussed, at considerable length in the correspondence which preceded my letter No. 147, of the 29th ultimo, in which I submitted a draft of an Act for making village boundaries, and deciding such as were disputed, founded in a great measure on the system which appears to be in force in the North-Western Provinces, the manifold advantages of which, as detailed in the Governor-General's letter to the Hon'ble Court, are sufficiently evident. With the assistance of an enactment, such as that proposed, the officers of the Deccan Surveys will be enabled to assimilate this branch of their system very closely to that followed in the North-Western Provinces.

16. The next step in the system followed in the North-Western Provinces, appears to be a scientific survey of the boundaries and areas of every village, showing in a general way the principal variations of soil and surface.

17. The objects of this survey are apparently chiefly of a geographical and topographical nature. It does not appear that, beyond a correct protrusion of the village area and of the more prominent features of the country, much correctness is aimed at; as Mr. Colvin states, that "as the measurements" (of the fields of every village by the Native Amins, under the general superintendence of the scientific surveyor) "are not subjected to any check, excepting as to the total area, and the extent of its principal subdivisions, by the professional survey, it is said that this part of the work is of little value, and that these interior village or field measurements have, in fact, to be done afresh, at a time, to be explained in the sequel, by the Collector's establishments." I should infer, indeed, from paras. 20 to 25 of the Governor-General's letter, that it was in contemplation to omit altogether, at this stage of the process, the delineation of any but the very prominent and permanent interior features of the village, and that the scientific survey now only lays down the boundary of the village, and the chief geographical features.

18. To this, the first or scientific circuit survey of village boundaries, there is nothing analogous in the surveys on this side of India, and it appears to have been from the want of it that the Government of India has been led to express its surprise "to find that the operations are so conducted as to be absolutely of no value for geographical or topographical purposes, and, it is to be feared, of little more than temporary and doubtful utility even for merely revenue purposes." 

19. Before advertizing to the question raised regarding the value, or otherwise, of the data collected by the Deccan Surveys for topographical and geographical purposes, I would beg to remind Government that all the districts in which revenue surveys are now going on in the Deccan, have been long since surveyed by the officers formerly under the superintendence of Major Jopp; and maps have been compiled, one or more copies of which are, I believe, in the office of every Collector. These maps show the villages, hamlets, nullas, rivers, roads, and all the considerable inequalities of surface, with great minuteness; but greater detail, or difference in the scale of the maps, might be necessary for scientific purposes, I am not competent to judge. Possibly, if the existing maps are deficient in these respects, others might be compiled from the same materials, from which I have always understood maps might be drawn on a scale very much larger than those in use in the Collectors' offices, the scale of which is, I believe, four (4) inches to a mile. Of these latter, however, I can speak with safety, that they are amply sufficient for every purpose for which a Collector can desire a map which does not show the divisions
into fields, and to effect all the purposes stated in the
Governor-General's letter to the Hon'ble Court, as among
the objects of the professional survey, viz., "to serve, as it were, as an index to
"the native village maps, to show at once the position of a village, its proximity
"to the market, facilities of communication, and the tract in which it lies, which
"may be marked by peculiarity of soil, scarce or abundant means of irrigation, or
"other circumstances which are found by experience to affect tracts of country
"or groups of villages."

20. But even if it were otherwise, and there were no such maps of any use
as geographical or topographical documents, I confess I
could not think that it could be turned, as a fault in the
Deccan Surveys that they did not supply the deficiency.
They were undertaken solely at the instigation of Revenue
officers, with no other end in view but that of furnishing
to the present time, the collection and record of geogra-
data was never proposed as even a collateral object.

21. Still, however, though in drawing them out no particular reference was
had to the scientific objects alluded to by the Govern-
ment of India, the information collected, and the village
maps made out by the Deccan Revenue Surveys, must
be, I should conceive, of considerable value for topogra-
phical purposes; and with one of Major Jopp's maps as
a general index, and the village maps drawn out by the
native establishments in the manner hereinafter to be stated (and a specimen of
which will be found among the accompaniments), I own I am at a loss to know
what further can be required for any present practical purpose. However that
may be, I would beg Government's attention to the opinion expressed by both
Mr. Goldsmid and Lieutenant Wingate, that for revenue purposes a scientific
circuit survey of village boundaries, as a preliminary to the present operations,
could save no part of the labour and expense of the latter, nor add anything to
their value; they could prove no check on fraudulent mismeasurements in a detail-
of field survey; since, whatever might be the error in individual fields, the field
measurers could never find any difficulty in making the total to the amount of
any charge made; and the measurement of which the operations of the scientific survey must necessarily
be confirmed) correspond with that brought out by themselves.

22. I would beg, therefore, to state my full concurrence in the opinion ex-
pressed by Messrs. Goldsmid and Wingate, that the ex-
pedience or other wise of a scientific survey of village boundaries is a Revenue
question.

In the Deccan, the expediency or otherwise of a sci-
centific survey of village boundaries is a Revenue
question.

Para. 22.

23. For further details on this point—one of the most important, raised by
the Government of India on the present occasion—I would beg to refer to the par-
of the correspondence now forwarded, which are specified below.

* Paras. 7 to 10 of Lieutenant Wingate's letter of December 30th.
* Para. 24 to 26 of the Joint Report of Messrs. Goldsmid and Wingate, and paras. 27
* Mr. Goldsmid's Report of the 16th of December, forwarded with my letter No. 55,
24. The next step in the system pursued in the North-Western Provinces, appears to be the transfer of the results of his labours, by the scientific surveyor, into the hands of the settling officer, and before showing by what means the necessary maps and returns for the foundation of an equitable assessment are obtained in the Decrees, I would say a few words on the objections to entrusting the survey and assessment to one and the same class of officers. The disadvantages of such a combination of duties are pointed out in Mr. Colvin's note, viz., a tendency to fix the demand of revenue too much upon speculative and uncertain grounds, and consequent over-assessment.

25. The means which are here taken to guard against this result, which is justly termed the worst which can follow any attempt at assessment, will be pointed out when we come to consider the mode in which the assessment is fixed. I will here only explain why I do not apprehend any such consequence, from entrusting the two operations to the same Agent in the survey under Lieutenant Wingate.

26. It will be in Government's recollection that at the commencement of the revision of Mr. Fringe's survey, the system followed in the North-Western Provinces was so far acted on, that Lieutenants Wingate and Nash were sent as Survey Officers under the general superintendence of Mr. Goldsmid, by whom the settlements were to be made. When the latter officer quitted the superintendence of the work in that part of the country, Lieutenant Wingate was selected to succeed him, not from any insensible fall, but to the general advantages of having the two duties of Surveyor and Settlement Officer conducted by separate individuals, but from the very peculiar qualifications which Lieutenant Wingate had manifested as a practical Revenue Officer—the intimate acquaintance he had obtained with the districts to be surveyed, and with the views and plans of Mr. Goldsmid—all which circumstances, I believe, led Government to the conclusion that no one was better fitted to carry on the latter gentleman's duty, as Settlement Officer, than Lieutenant Wingate. How far this conclusion has been justified by the mode in which Lieutenant Wingate has discharged the duty entrusted to him, I need hardly stop to point out, Government having so decisively expressed its approbation at, almost every step of his proceedings; but I may be allowed to remark, that the result has certainly not been over-assessment, as far as we can at present judge; the only fault that any of the local Revenue Officers have found, or rather expressed their apprehension of, has been that the assessment was too low. Had this apprehension been well founded, it might have been an instance of the kind alluded to by Mr. Colvin, where Government did not get the whole of its fair revenue, and would, as he justly remarks, have been overbalanced by the prospect of escaping the contest and greater evil; but where, in the case in question, further inquiry showed that the effect of the reduction in the nominal assessment had been to give such an impulse to agricultural industry, and so to extend cultivation, that the sacrifice of revenue was merely temporary, and that sometimes, before more than a single season had elapsed, Government derived from the district an actually larger revenue than the average of their former collections, paid without the slightest difficulty or distress, it became evident that the fear of Government's having suffered even a temporary loss in extending relief to the over-taxed cultivators was groundless. On this point, I would beg to refer particularly to the parts of Mr. Goldsmid's and Lieutenant Wingate's letters noted in the margin, and to almost every paragraph of their Joint Report, and will only further remark—that the practice followed here, of requiring all the Survey Reports and propositions regarding the assessment to be forwarded through the Collector, secures sufficient check against over-assessment, provided the Collector be even less qualified for his situation than
would be required if he were to be made, as it appears he frequented is in the North
West Provinces, the Settlement Officer; and 2ndly, that the survey under Lieute-
nant Wingate is the only one in which the two duties of Survey and Settlement
Officer are combined, and that, whenever the state of the public service may admit
of an addition to the number of his assessors, so as to make his duties as Super-
intendent and Settlement Officer more onerous, and his services as a Surveyor less
necessary to the completion of the work within a reasonable period, there can be
no difficulty in confining his attention exclusively to the former class of his duties,
by placing the surveying and assessing establishment, now under his immediate
control, under that of one of his Assistants. In the Nasik Survey, as Govern-
ment is well aware, the survey is conducted by officers under Mr. Goldsmid, whose
duties are those of Superintendent and Settlement officer; and in his plan for a
survey of the Southern Maharatta Country, submitted with his letter dated the 16th
December last, he proposed that the two branches should be kept perfectly distinct.

27. It is unnecessary that I should enter into any lengthened detail to show
how the maps and other documents which are to furnish the data for the settlement, and which, in
the N.-W. Provinces, be in part prepared by the profes-
sional survey, are provided in the Deccan, as the sketch
of the operations of their establishments, given by
Messrs. Goldsmid and Lieutenant Wingate in those parts
of their Reports noted in the margin, will explain better
than any abridgment I could offer the whole course of
operations—the provision of good field boundaries, the
measurement of the individuals field, and the mode in
which those measurements are recorded, the plotting
each field roughly in field book, and the subsequent
transfer of it to its proper place in the village map, and
more especially the mode in which a certain portion of the work in every village
is tested by the European officers in a way to render as certain as possible the
detection of any error which may have been committed.

28. I would beg, however, not to be understood, from the observations con-
tained in paras. 24 to 26, as expressing an opinion that it is at all desirable to
elucidate the superstition of the survey and duty of making the settlements
to different officers. It undoubtedly is desirable that the Settlement Officers
should not be burdened with the immediate superintendence of any of the native
surveying and classifying establishments; but I would certainly recommend that
the Survey Department should be subjected to the control of the officers entrusted
with the settlements, as by no other arrangement can we ensure that the survey
establishment should procure the information required of the kind and in the
shape most useful for the Settlement Officer. In the Broach and Guzerat Survey
we have an example of the evils of a contrary mode of proceeding. Though the
scientific part of the work was most ably executed, and the statistical and other
information collected most minute and extensive, it is to this day comparatively
useless, owing to the operations having been conducted without any reference to,
or connexion with, the local revenue officers; so that the object of supplying the
wants of the latter, by forming a foundation for future revenue settlements, was
frequently lost sight of. This could not have been the case had the officers, like
those of the Deccan Survey, been constantly reminded that the end and object of
their labours was to propose a new assessment, and that they must be prepared
not only to defend their propositions in theory, but to submit them to the test of
being immediately put in practice. Nor, indeed, does the course I have recom-
mended seem at variance with that followed in the N.-W. Provinces, where the
Scientific Survey seems to supply many of the data of a more general description,
which are made use of by the Settlement Officers. All the measurements, for,
which are more immediately used in the settlements, are either made or tested by
the establishments under their own immediate superintendence.
29. As this is a branch of the work, the correctness or otherwise of which admits of being at once correctly tested, I would beg Government's particular attention to paras. 50 and 51, and note Z of Mr. Goldsmid's report on Chandore, as a specimen of the extent and nature of the errors detected respectively by the European and Native testers of the measurements; and would remark that, though it is of course within the bounds of possibility that an error may remain undetected by either of these successive tests, the probability of its being so reduced as low as appears practically possible; and that the system of subjecting a certain fixed portion of the measurements of every village to such a strict revision—that portion being selected in a manner which makes it impossible to say what particular fields will be re-examined—must render anything like systematic wilful fraud almost impracticable by increasing so greatly the likelihood of its being detected.

30. Before quitting the subject of the measurements, I would again beg that it may be borne in mind that in all the districts of the old principal Collectorate of Poona to which Lieutenant Wingate's operations have been hitherto chiefly confined, the measurements of Mr. Pringle's survey have been in general adopted; and that, in this part of the work, the duty of Lieutenant Wingate's establishment has been chiefly confined to testing; and, where necessary, correcting the measurement as already made and recorded by Mr. Pringle's survey.

81. The next step is to classify the land, which is effected in the manner described at length in those parts of the annexed documents mentioned in the margin. I would particularly beg attention to Lieutenant Davidson's Memorandum on this subject (which forms an Appendix to Mr. Goldsmid's Chandore Report), as a very clear explanation of a process sufficiently simple in itself, but which, from a general description, might be supposed to be somewhat complicated and intricate; and also to the 9th to 14th paras. of Messrs. Goldsmid and Wingate's Joint Report, which are chiefly intended to show that the objections taken by the Board of Revenue for the North-Western Provinces, against the system of classification followed in Sir Thomas Munro's Surveys in the Madras territories, do not apply to that followed in the surveys now in progress in the Deccan.

32. The whole of the information thus obtained is recorded in convenient forms for reference; and during the progress of these various operations, the peculiar facilities which are offered to the officers employed are taken advantage of to obtain and record a great amount of statistical information, more detailed and correct, as may easily be supposed, than would be obtainable in any other way; all old documents, such as sanads, &c., connected with the land, and useful in showing the tenure on which it is now, or has been held and assessed, are registered and described, and, when important, copied.

33. It will be seen, then, from a perusal of those parts of documents to which I have more especially referred, that at the point where the duty of the Settlement Officer in the North-Western Provinces begins, the officers in the Deccan Survey have collected a mass of data considerably more detailed and minute than those required for a settlement in the North-Western Provinces, for the obvious reason that the nature of the prevailing tenure in the Deccan requires that the settlement should be considerably more in detail, than, to judge from the documents with which I have been favoured, is thought...
necessary in the North-Western Provinces. I trust, however, that Government will, at the same time, be satisfied that this greater minuteness of detail has not length as in any way to render it a matter of difficulty to satisfy the superintending authority of the correctness of the work performed. This fault, one of the most prominent ones of Mr. Pringle's survey, is one which has been most carefully guarded against in the present operations, and I would beg particularly to point out that where minute correctness is attempted, it is not, as in Mr. Pringle's survey, and in many of those to which the observations in the letter from the Sudder Board of Revenue refer, in estimates of produce and expenses, profits, rents, &c., but in measurements and classification, where, with due care, a very high degree of correctness is very easily attainable, and is of the greatest importance to the fairness of the assessment. That such care has been taken, Government will, I trust, be satisfied, when the precautions which are taken to prevent error or fraud, and the repeated and severe tests to which the work is subjected at every step, are taken into consideration. On this point I would more particularly beg attention to those parts of the documents now submitted which are noted in the margin.

34. Furnished with the data thus procured, the Superintendent of the Survey proceeds to the last and most difficult of the operations with which he is charged, viz., to fix the assessment which is to be levied; and the mode in which this is effected will be found very fully explained in the documents to which I have so often had occasion to refer; a perusal of which will, I trust, satisfy the Government of India that so far from the assessment now in progress in the Deccan being based on speculative and uncertain grounds, or upon conjectural calculations and estimates, as would appear to be apprehended by the Government of India, it is reduced from a consideration of all the particulars mentioned in the documents which relate to the North-Western Survey, as allowed weight in fixing the jummas in the settlement of those provinces, and this consideration is more especially extended to the past realizations of revenue.

35. When all his inquiries are concluded, the Superintendent of the Survey submits to Government, through the Collector and Revenue Commissioner, Reports from himself and his Assistants, who may have been entrusted with the immediate superintendence of the measurements and classification. In these Reports are stated generally the result of the survey, with a description of the districts, and of any peculiarities in the soil, climate, population, state of agriculture, &c., &c., which are likely to affect its assessment, together with a particular history of its past revenue management and realizations, elucidated by diagrams, which show at a glance the proportions which the cultivation, assessment, and the collections have borne to one another during our occupation of the country; and by tables of prices, population, stock, &c., derived from the statistical information which has been collected; and stating, as clearly as is possible in such an operation, the reasons for the rates of assessment which the Superintendent proposes.

36. The Collector and Revenue Commissioner, in forwarding these Reports, have an opportunity of bringing the conclusions of the Superintendent to the test of such local knowledge and experience as they may possess; and, if the propriety of adopting the rates proposed be made out to Government's satisfaction, the Survey

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* Mr. Goldsmid's Chander Report, para. 83 to 89.
  Joint letter of the 16th December, No. 154, para. 3 to 4; Joint Report, para. 15 to 17.
  Lieut. Wingate's Report of December 30th, para. 3 to 5 and 25.

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Officers proceed to draw up, from the returns of classification, statements showing the rent at which each field is thereafter to be assessed, at least during the terms of thirty years for which it has been declared that the present assessment shall remain in force.

37. As all that the Government of India required was a clear and precise explanation "of the duty assigned to the several parties in the business of survey and settlement, and of the safeguards on which reasonable reliance can be placed against excessive assessment," I trust that the documents above referred to will be found to contain the information desired, especially Mr. Goldamid's Report on Chandore (forwarded with my letter No. 52, of the 8th January last), and Lieutenant Wingate's now submitted; but as it is impossible to say beforehand what points we may have left obscure, from their relating to local peculiarities which are familiar to us, and appear therefore to require no explanation, I would respectfully beg that any such deficiencies which may be apparent should be pointed out, a final judgment on the point being deferred pending the receipt of what I confidently hope will prove a satisfactory explanation.

38. Of the result of operations which have been so lately commenced, and so frequently interrupted by the removal of the officers employed, when their Regiments proceeded on active service, it would, perhaps, be premature now to speak; but I may be permitted to allude to the very general satisfaction which has been expressed by the parties more immediately concerned—the cultivating ryots—in every district in which operations have been commenced, and to the uniformly concurrent testimony of all the local revenue officers, to the impulse which has been imparted to agricultural industry.

39. The operations of the survey must, in my opinion, be extended to a very much larger tract before any safe conclusions can be drawn from its results; but when in districts the cultivation of which has been long dormant, and heavy balances of revenue accumulating, we find that though the nominal assessment has been greatly reduced, cultivation becomes so extended as to recompense, and sometimes exceed, in the first and second season, the very heavy sacrifice which Government had made in reducing the Jumas on the land in cultivation at the time the survey commenced. When this is effectuated at the same time that the greatest pains are taken to prevent the artificial increase to any artificial diminution, and when, by setting up claims which had long been allowed to lie dormant, and by resorting to various expedients to obtain possession of land which they cannot hope to cultivate for several seasons to come, the ryots show that they consider the land to have acquired a value which it did not before possess, I cannot but think that whatever may be the fault of our system in other respects, we may safely take credit for having avoided that most fatal one of over-assessment, the correction of which was the chief object of commencing the present operations.

40. My reply to the question put in the 2nd para. of your letter under reply has been anticipated by the foregoing observations. For every purpose for which a Revenue Officer can desire a map, those already furnished by the late survey under Major Jopp, and those now making out by the Deccan Revenue Surveys, of which a specimen is annexed, seem to me amply sufficient; and if any thing more accurate or detailed be required, it must be, I conclude, for some purpose of speculative science, on the necessity or otherwise of which I am not required to express an opinion.

41. In conclusion, I would beg Government's particular attention to the 27th and 28th paras. of Lieutenant Wingate's Report. I have already respectfully tendered my opinion as to the inadequacy of the pay allowed both to the Superintendent and his Assistants, and
will, therefore, here only express my hope that the Hon'ble the Governor in Council may see fit to take the present opportunity of requesting the sanction of the Supreme Government to paying the Survey Officers in these provinces on the same scale as that allowed to officers similarly employed in other parts of India.

I have, &c.,

(Signed) J. VIBART,
Revenue Commissioner.

Revenue Commissioner's Camp,
Bombay, 15th February 1841.
PART II.

ACTS I. OF 1865 AND IV. OF 1868 WITH THE DISCUSSION IN THE LEGISLATIVE COUNCIL WHICH PRECEDED THE FORMER; ALSO THE RULES ISSUED UNDER THE ABOVE ACTS.
PART II.

STATEMENT OF OBJECTS AND REASONS FOR
INTRODUCING ACT I. OF 1865.

Revenue Surveys have been in operation in this Presidency since 1836-37.

The design of these surveys is the regulation of the assessment on land, so as to secure an adequate revenue to Government, the progressive development of the agricultural resources of the country, and the preservation of proprietary and other rights connected with the soil. The operations of these surveys have been completed in many of the districts of this Presidency; and are still in progress in others.

The result is a progressive increase of cultivation and of the Government revenue, and a marked improvement in the condition of the agricultural classes.

The measures which have brought about this result, although in accordance with custom and usage, and not at variance with any law in force during the period of their operation, have in some instances been questioned for want of specific legal sanction.

The object of the present Bill is therefore to give a legal status to these Revenue Surveys, by placing beyond question acts done in connection therewith which have been, or may be, in accordance with the rules approved by Government, to provide for the Revenue administration of the country under these surveys, and for the future revision of assessments from time to time as guarantees expire.

The general principles and rules which form the basis of survey operations, and guide the revenue administration of surveyed districts, are described in the printed compilation of "Official Correspondence on the System of Revenue Survey and Assessment in the Bombay Presidency." These Rules, and others specially sanctioned by Government, have been followed by Survey officers, whose proceedings in conformity therewith it is proposed to legalize by the present Bill, which accordingly confirms all existing settlements.

The Bill empowers the Governor in Council to order, whenever expedient, a Revenue Survey for the settlement of the Land Revenue, and the record and preservation of proprietary and other rights connected with the soil, for which an authority is given him to appoint, subject to the general control of the Government of India, such establishments as may be deemed requisite.
The functions of Survey officers are defined, and sufficient powers for the successful performance of them are given.

The determination of field boundaries, and the erection and repair of field boundary marks, are carefully provided for, and the few simple rules, which furnish a practicable mode of settlement of disputes regarding village boundaries, will supersede Regulation X. of 1827, which, having proved unworkable, has remained almost a dead letter.

Boundary disputes, though generally unimportant in themselves, are a most fruitful source of ill-feeling and contention. It is, therefore, highly desirable to settle them expeditiously on the best data available. Survey officers have the best opportunities of ascertaining the correct boundaries of the villages to which their operations extend, and they have, therefore, been able, even without the power of enforcing the attendance of witnesses, to settle many thousands of boundary disputes; but it is necessary to give a finality to their decisions, and to place them in a position to obtain all procurable evidence relative to the subject of dispute.

Provision is made in the Bill for the Revenue administration of surveyed districts. The Governor in Council is empowered to guarantee, for any period not exceeding thirty years, assessment to which his sanction has been given; and the recognition of proprietary title is authoritatively declared.

Hitherto there has been but the simple guarantee by Government of the permanency, for a certain fixed period, of certain assessments, and of the occupancy of land so long as the fixed assessment was paid. By this Bill the benefit of all improvements from private capital and resources is secured to owners and occupants of land; and the right of occupancy, upon the sole condition of payment of the fixed assessment, is declared to be a transferable and heritable property, continueable without question, after the expiration of each guaranteed term, on the same sole condition of payment of the fixed assessment. A simple and secure title is thus given to each occupant of Government land.

The preservation of divisions of land, as laid down by the Survey, from sub-division into minute occupancies, by process of law, is provided for by Rules embodied in the 43rd section of the Bill.

This Bill should be translated into the Marathi, Gujarathi, Canarese, and Sindhi languages.

(Signed) J. D. INVERARITY.

Poona, 10th August 1864.
In moving for leave to introduce this Bill into the Council, I may be permitted to make a few observations on the rise and progress of surveys in the Bombay Presidency. On our occupation of this part of India, war was succeeded by peace. War prices of agricultural produce disappeared. But the burden of a heavy and unequal assessment remained. The necessity for providing relief for the agricultural interests was soon felt by Government, and surveys were instituted in various parts of the country. These, however, did not fulfil anticipations, and a description of that provided for the Deccan under the denomination of 'the Survey and Assessment of the Deccan' will serve as an example of the system which ended in failure. Had the eminent talent and sterling worth of the English gentlemen who presided over these surveys availed, these surveys would have answered every expectation; but however good the theory of them might have been, the application of that theory was bad. The detailed operations were en-
trusted to the hands of a subordinate native agency, whose work was supervised and checked by a superior native agency, which result proved to be inadequate to the task. Nevertheless, where an expenditure of upwards of eight lakhs of rupees had been incurred, it was right and necessary, before setting aside all that had been done, that a minute and searching inquiry should be instituted. This duty was entrusted to Lieutenant Shortrede, a practical surveyor and a gentleman who had been engaged for some time in topographical and trigonometrical surveys. The result of his inquiries proved, beyond a doubt that the burden of assessment, instead of being removed, had been intensified and increased. There are but a very few now remaining who have a personal knowledge of the depressed state of agriculture some thirty years ago, and of the feeling of utter hopelessness that pervaded the ryots of that time. To those few who are acquainted with the large paper revenues that swelled the accounts, with the enormous remissions and accumulating balances that were shown year after year, it will be unnecessary to detail the miseries of the agricultural population some thirty years ago. But for the benefit of those who have not thus been brought into contact with the ryots of that distant period, I may be allowed to give, from the pen of the Revenue Commissioner of that time, a description of the survey and of the defects of that survey as described by Lieutenant Shortrede, and of its effect upon the agricultural population. Writing in 1836 the Revenue Commissioner says—

'Of false classification and unequal assessment, Lieutenant Shortrede's report contains so many and such strong examples, that it appears reasonable to conclude that those errors pervade and have vitiated the whole survey. In 45 out of 50 villages examined the errors are beyond all moderate bounds, as neither the classification nor the rate of assessment have any connection with the qualities of the soil.'

"Lieutenant Shortrede enumerates several places where the injustice of the assessment was very apparent. Fields were entered as being of the very best sort of soil, which were really of a very inferior quality. Soils were found wrongly classed in almost every village. It was not this nor that field which was wrongly described. The errors ran through whole Thals, and were not occasional or accidental, but continual and systematic. Holders of alienated or private lands had been greatly favoured. Exemplifications were given of the partial manner in which they had been assessed. Assessable lands, held by hereditary officers, were recorded in a lower class to that to which they properly belonged. Lieutenant Shortrede mentions several villages which he had himself visited where he found that the best lands were scarcely ever entered as
such. In several instances the class at first assigned by the assessor was tolerably correct; but this had been changed by the head assessor almost everywhere. In the field belonging to the patels, kulkarnis, or mirasdars in good circumstances, a chief characteristic and leading objection of the survey rates consists in that partiality which assesses the superior lands at a lower rate than the inferior, and one of the striking defects of the work has been to lower the assessment on the land whose superior fertility and produce enabled it to pay the highest rates, and to increase the rates on the poorer soils, where they pressed more heavily on the ryots and were more difficult to collect, thus occasioning inequality of assessment, and that sort of inequality from which Government chiefly suffers, for thereby the revenue that was most secure was diminished, and that which was most precarious increased. In fact, over-assessment of the poorer lands and under-assessment of the richer lands were the characteristics of that survey.

"The errors of measurement which Lieutenant Shortrede attributes to the survey are considerable. Out of upwards of 72,000 acres examined, there are 23,013 which are rated for 3,855 more than they contain, making an average error against the ryot of 16½ per cent. There are also 53,593 acres rated at 10,321 less than their true measure, making an average error against Government of 19½ per cent.

"The acknowledged principle of an equitable land assessment is that Government is entitled to a certain share of the produce of the land, the deduction of which leaves the cultivator a wide margin of profit after payment of expenses. This share of the produce converted into a money payment forms a fair money assessment. Lieutenant Shortrede shows that this money assessment when levied at the rates of the survey to which he refers, was by no means equitable; that those rates generally bore no fixed proportion to the capacity of the soil; and that, consequently, the proportion of the produce which the ryots had to surrender, in order to pay them, varied, not only between village and village, but often between two adjoining fields in the same village. The Revenue Commissioner of that time says that, during the preceding eighteen years, territorial produce had not been worth half of what it was during the eighteen years before that period, so that a bigha that was lightly assessed at 1 rupee twenty years before was at that time highly assessed at 12 annas, while if the former rate or even 14 annas had afterwards been exacted, the land would have been thrown out of cultivation, and its occupants thrown into poverty. That such effects have been produced by the high rates in the Deccan, every one who has minutely examined the condition of the villages and the effect of the land assessment, will bear witness. Cultivation has been declining, and
but for the wise and humane measures adopted by Government to arrest that decline, there is reason to fear that the revenue would have gradually fallen off till it did little more than pay the current district disbursements. Had the past system and high rates been adhered to, there can be no doubt that the country would have gone fast to ruin. And, except where measures had been taken to improve the system, ruin was in very many places progressing up to the period to which I have referred. Up to 1834-35 cultivation and revenue had been gradually decreasing, and the onerous assessment had the effect of driving our cultivation to private estates, or to the neighbouring countries of the Nizam or the Raja of Satara.

"But," says the Revenue Commissioner, "the pecuniary loss, heavy as it is, which Government sustains from such a system is not its worst consequence. Its demoralizing effect, always observable, has exhibited itself in a very extensive form in the Deccan. It has spread with a force that has carried its poison not only into every district, but to almost every village, as well as to almost every family having any connection with the fiscal affairs of the country. The large and constant remissions, for which over-assessment afforded a just plea, were perverted to the base ends of fraud, oppression, and injustice. Heavy and accumulating arrears paralyzed agricultural industry. The cultivator's cattle, the last support of the indigent, were mercilessly sold; and, to extort rents, the persons of the unhappy defaulters, who were already reduced to beggary, were sometimes barbarously tortured. "Had I not the honour," says the Revenue Commissioner, "to address a Government that has had, and very recently had, abundant proof of the extensive existence of these enormities, I might have felt it necessary to enter into details to substantiate what, in the eyes of the uninformed, might appear in the light of exaggeration."

"Such, Sir, was the old system, now happily but a tradition, as described by the Revenue Commissioner of thirty years ago, than whom there was no one more conversant with the condition of the agricultural population, and to whose untiring and energetic advocacy we are indebted for the more excellent system to which I shall now refer.

"Government abandoned a survey, and sacrificed the immense expense and labour it had cost the State without regret. The work done was unfitted to its end. The cost was unfortunately worse than thrown away. The outlay had been attended with the dilapidation of the resources it was intended to improve and consolidate, and with the impoverishment of the people whose condition it aimed at ameliorating. Meanwhile, peculiarly qualified officers were employed in various parts of the country in obtaining, by personal intercourse with the people, information and data on which
to base a complete revision of the assessment,—an object which was to be effected only by patient, searching, and accurate inquiry. A survey so conducted, fulfilled, as might have been expected, every anticipation; and as a contrast to the gloomy picture given of the former survey, I will now describe the result of the survey and assessment which superseded it in Indapur, which was the first taluka brought under its operation. This description was given towards the close of 1868 by the same Revenue Commissioner, to whose enlightened views and liberal advocacy the country is indebted for much of the improvement which we now see around us. His description may be summarized as follows:

(1) The survey measurements in acres were carefully tested, or, where any considerable error was discovered, the land was remeasured.

(2) A new classification was made of the land according to its soil, situation, and other capabilities for cultivation, and every field was entered under one or other of nine classes.

(3) The field boundaries which had been effaced, were ascertained and marked afresh.

(4) A complete land register was framed in which the name, number, position, boundaries, tenure, extent, class, and all other particulars relating to the field, were carefully entered.

(5) An assessment was fixed on the land according to its class and capabilities.

(6) The land was let out on lease at the assessment so fixed; each man's holding and the assessment he had to pay being so described in the lease as to leave little room for defrauding either him or Government.

(7) The whole work was conducted on a system of such strict checks and supervision as to guard, as far as possible, against errors arising either from carelessness or fraud.

"After describing this survey the Revenue Commissioner says—"

'It now remains to be seen what effects have been produced by these improvements, as they must be acknowledged to be when it is considered that, previous to the commencement of this work, neither the measurements, boundaries, nor classification entered in the records could be depended upon as correct; that the assessment was so heavy that little more than one-third of the arable land had been cultivated for the last ten years, and that though in that period remissions were given in all but one season, and they four times in twelve years exceeded the amount left to be collected as Government revenue, yet the latter was collected with so much difficulty that
heavy balances were left unrealized at the end of the year, and the district generally was reduced to the extreme of poverty, and that the effect of the heavy assessment and all this uncertainty regarding it was to give rise to a system of oppression and fraud to which the records of Government afford few parallels.

'The effects of the revision of the assessment as seen in the past year, which was, be it remembered, not better than an average one, were:—(1) Since the revision commenced, cultivation has increased to an extent very far beyond what it has been for the last twelve years, and though it is difficult to compare the present acres with the vague bighas in which the land was registered previous to 1827-28, yet the quantity of land now under cultivation is as much if not more than when we first got possession of the pargana, which was then more prosperous, and cultivation more extensive, than it has been before or since. (2) As the nominal rental has been so much reduced, it is to be expected that the gross jamábandí would be so also; nevertheless it was higher than in seven of the nineteen years preceding. (3) After deducting haks and remissions, the net revenue to be collected on account of Government is higher than it was in nine, and lower than it was in ten of the preceding years. (4) The sum actually collected and paid into the Government treasury in the course of the year—the chief point to be looked to in the question of mere pecuniary profit and loss to Government—has never been so great, except during the first four years of our occupation, when it is generally acknowledged our demands were much too high. (5) The outstanding balances have never yet been so low at the end of the official year as they were last year.

'The outstanding balances have never yet been so low at the end of the official year as they were last year.

"In short, at an expense, every item included, of Rupees 12,165-14-1, or about one-third less than the average of the balances outstanding at the end of the year during the first seventeen years of our possession of the country, a light and equitable assessment paid punctually and without difficulty by a contented and grateful body of ryots, has been substituted for a heavy nominal paper assessment, never realized to its full amount, and yielding less actual cash to the Government coffers, and even that exacted from a population that was yearly sinking towards ruin.'

"These effects were produced by a large infusion of the European element into the survey, the chief feature which distinguished it from its predecessor being the care and attention with which all details were executed, and the sound, good sense and the strict adherence, where practicable, to former usage. Its leading principle
was to fix an assessment so moderate and so simple as to be easily and readily paid by a poor and simple population.

"The success which attended this survey in Indápur was followed by similar results in the other districts to which it was extended. I will not occupy the time of the Council by entering into details which might be tedious, but will merely give a few fact which show the extent of the success in the poorest of the collectorates that have been surveyed. In the Poona Collectorate the realizable land revenue in 1838-39 was Rs. 5,67,319; in 1862-63 is amounted to Rs. 9,97,414. In 1851-52 the percentage of waste to culturable land in this collectorate was 19½ per cent. In 1862-3 this percentage was reduced to 6½ per cent. In the Ahmednagar Collectorate the realizable land revenue in 1838-39 was Rs. 10,72,225; in 1862-63 it was Rs. 19,27,277. The percentage of waste to culturable land in this collectorate in 1851-52 was 39½ per cent.; in 1862-63 this percentage of waste was reduced to 14½. In the Sholapur Collectorate in 1838-39 the realizable land revenue was Rs. 6,98,106; in 1862-63 it was Rs. 13,10,575; the percentage of waste to culturable in 1851-52 was 23½ per cent.; this percentage in 1862-63 was reduced to 8 per cent. These figures place in a strong light the benefits of the survey as it now exists, and similar results are to be found in every collectorate in the Deccan, the Southern Mahratta Country, and Guzerat, to which this survey has been extended. So convinced are the people themselves of the great advantage derived from the system as now organized, that private individulas, feudal chiefs, and people foreign to the Bombay Presidency have introduced it into their lands and territories. The benefits of this system, as shown by the logic of facts, are incontestable, and the survey as it now exists has placed the ryots of this presidency in a position to take advantage of the opportunities afforded them by the Crimean and American wars to provide an exportable produce to their own great and immediate profit. Such, Sir, is the survey now proposed to be legalized by the Bill, for the introduction of which I now request permission. The Statement of Objects and Reasons attached to the Bill gives some of the reasons which render such legalization necessary."

The Honourable Mr. Inverarity then gave a copy of the Bill and of the Statement of its Objects and of the Reasons for it to the Secretary (thus introducing the Bill), and said that much time would be saved if the Bill could now be read a first time and referred to a Select Committee. The Bill was a most important one, and it was very desirable that the Select Committee should thoroughly consider its provisions, and that the Council should not be hurried in discussing it towards the close of their present sittings, which would be the case if the ordinary routine were followed in
the case of this Bill, and the first reading deferred till the next meeting of the Council.

The Honourable Jugonnath Sunkersett pointed out the great importance of the Bill to the whole agricultural community, and the necessity for having the translations widely published and fully considered; but on being assured that the suspension of the Rules to enable the Bill to be read a first time would not interfere with the grant of ample time for the consideration of its details, he intimated that he would not object to the first reading being taken at once.

His Excellency the President suspended Rule 15 of the Rules for the conduct of business at meetings of the Council.

The Bill was then read a first time, and, on the motion of the Honourable Mr. Inverarity, was referred to a Select Committee composed of—

The Honourable Mr. Frere,
The Honourable Mr. Hart,
The Honourable Mr. Robertson,
The Honourable Mr. Jugonnath Sunkersett,
The Honourable Mr. Madhowrow Vithul Vinchurkar,
and the Mover, with instructions to report at the second meeting of the Council to be held in September 1864.

The Select Committee appointed to report upon the Survey and Settlement Bill beg to report that they approve of the principle of the Bill. They have made a few alterations in it which they consider to be improvements, and they recommend that the Bill be passed with these amendments.

This report should be translated into Marathi, Gujarathi, Canarese, and Sindhi languages.

(Signed) J. D. INVERARITY.

" " W. E. FERRÉ.

" " JUGONNATH SUNKERSETT.

" " A. D. ROBERTSON.

" " W. HART.

Poona, 25th August 1864.

The Honourable Mr. Inverarity, in moving the second reading of the Survey and Settlement Bill, said—

"Sir,—In moving the second reading of the Survey and Settlement Bill, I wish to offer a few remarks on the petitions which have been presented to the Council on the subject of this Bill. There is first the petition of Sorabjee Jehangeer and brothers

"
On the last occasion of our meeting I noted a want of information in regard to the terms on which these proprietors held their villages. This information has been promptly supplied to me by the petitioners, and I shall request the Under-Secretary to return the copy of their title which they have forwarded, with an expression of my thanks for the courtesy they have displayed. They request the extension to their villages of the provisions of the Survey Bill now before the Council. In doing so they give important testimony to the value of the Bill, and evince an enlightened appreciation of the benefits they and their ryots will derive from its operation. Their request is most reasonable, and I propose to comply with it by introducing, on the Bill being taken into consideration in detail, an additional section which will give the applicants all that they desire.

"The second petition is signed by Cursetji Nusserwanji Cama, Vishwanath Narayen Mandlik, and others. It is of a different character, and written in a very different spirit from that to which I have just referred. On first reading it my impression was that it had been written under some grave misapprehension of the objects and intentions of the Survey Bill. On re-perusal the petition appears to me not to have been written in good faith for the purpose of bringing to the notice of this Council any substantial error or defect in the Bill. In effect it is calculated to convey erroneous impressions to those who will not analyze the Bill and make themselves acquainted with its different sections, and the relation each section bears to the existing rules upon which the Revenue Survey and Assessment of the country has long been proceeding. The petition appears essentially such a one as might be got up by an uninformed writer ad captandum vulgus. It contains so much indefinite and irrelevant verbiage that, if not impossible, it is certainly difficult to discern how the writer intends that its several paragraphs should be connected with or opposed to any of the provisions of the Survey Bill. I will, however, with the permission of this Council, proceed to remark seriatim on the subject of each paragraph.

"The first two paragraphs are as follows:—

'"That your Excellency’s Government has recently introduced into the Legislative Council of Bombay 'A Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.'

'2. That this Bill sanctions the settlements now being made and confirmed under the authority of your Excellency in Council.'
These paragraphs simply recite the title of the Bill and state a couple of facts.

The third paragraph is as follows:

'3. That the grounds upon which these settlements are based, have not been laid before the Legislative Council, nor is the public generally aware of what they are, or how they will influence the rights of proprietors generally.'

These assertions are incorrect. The member in charge of the Bill mentioned the most really important grounds on which the settlements are based and have all along been proceeding, and referred those who desire further details to the official correspondence on the system of Revenue Survey and Assessment in the Bombay Presidency which has for years past been before the public in a compilation printed by order of Government, the last revised edition of which was published in 1859.

The fourth paragraph runs as follows:

'4. That the Survey Rules which were published some years ago appear to provide for the registration of what may be called Ryotwarri holdings, but they seem to ignore the existence of the different classes of landed proprietors whose powers of freely enjoying their lands have been crippled, and whose property is being thus deteriorated in value to an immense extent by the restrictions which the rules impose as to the sub-letting of their holdings.'

It criticises the Survey Rules as ignoring the existence of the different classes of landed proprietors. It may be said that Rules which are made for a particular object would not be Rules, but impertinences, were they to meddle with what they had no concern. So far as Government or the Survey Rules or this Survey Bill are concerned, landed proprietors have full power of freely enjoying their lands, and no restrictions whatever are imposed on them either in the sub-letting of their holdings or in any other way. The only way in which the Survey Rules affect property is by adding to its value, inasmuch as they concede to the holder of land, wherever it is possible to do so, such right of property therein as may belong to Government. Classes of proprietors who are not in any way affected by those rules are not mentioned in them; but they cannot, therefore, with any justice be said to be ignored by them. The assertions made in this paragraph are simply opposed to fact:

The fifth paragraph is as follows:

'5. That Nos. 10 and 11 of the Survey Rules interfere with the rights of proprietors to the trees and forests in their
lands, which they have been enjoying from time immemorial, and with which this Bill interferes."

"The assertion made in this paragraph is incorrect. The 10th of the Survey Rules, so far from interfering with existing property, concedes the Government right in trees to holders of mere Gat-kul land, who have been twenty years in possession, and Rule 11 provides that those who have been a shorter time in possession may also cut trees (really the property of Government) on certain conditions. These Rules, however, have no place in the Survey Bill, and it is contrary to fact to assert that any provision in this Bill in any way authorizes interference with the rights of proprietors, as stated by the writer.

"The sixth paragraph is as follows:—

'6. That besides holders of Miras, Judi-inam, and Inam lands, there are proprietors of villages absolutely sold by Government; proprietors of villages with a permanently settled land-tax; proprietors of villages and parts of villages who hold their estates subject to such assessment as may be imposed at the general survey of the district called Prant-Pahani; proprietors of lands held under different kinds of leases from Government; proprietors of reclaimed lands called Shilotri-dars, Isafatdars, Sutidars, &c., &c.'

"The information contained in this paragraph may or may not be correct, but in either case its connection with the Survey Bill is not obvious.

"The seventh paragraph is as follows:—

'7. That the proposed enactment deprives the proprietors of their remedies against the Collectors by recourse to the Civil Courts for redress, and this change is sought to be made apparently without a due consideration of the vast interests at stake, and the character of the changes sought to be introduced, in a constitutional point of view."

"The assertion made in this paragraph is incorrect. The Bill in certain matters shows the procedure to be followed by Survey Officers and others, being revenue authorities, but does not in any way affect any procedure in the Civil Courts, or any right of bringing a suit against the Collector therein.

"The eighth paragraph is as follows:—

'8. That a survey of private lands and villages has been made compulsory, whereby a great deal of annoyance and expense will be unnecessarily caused to their proprietors, who had hitherto to the power and the right—which this Bill threat-
ens to deprive them of—of surveying and assessing their own estates at their own convenience, and according to their own means.'

"The assertion made in this paragraph is contrary to fact. The survey of private lands and villages has never been made compulsory. It is, of course, necessary in surveying Government lands to fix the boundaries between them and lands not belonging to Government; but this is necessary as part of the survey of such Government lands. It is only reasonable that a man who holds an Inam field in a Government village should go to the trouble and expense of defining the boundaries of what he thus holds by grant or sufferance from Government as an exceptional privilege. The Bill does not make the survey of Inam villages compulsory, neither does it deprive the proprietors of such villages of the power and right of surveying and assessing their own estates at their convenience and according to their means, as incorrectly and ignorantly stated by the writer.

"The ninth paragraph is as follows:—

'9. That the inquiry into the proprietary and other titles of holders of land by means of the Survey Department being entrusted to an ill-paid and practically irresponsible agency, is replete with danger, and will, we feel certain, open the door to fraud and abuses of various kinds.'

"This paragraph would make it appear that the Survey Department inquires into and decides upon questions of proprietary and other titles to land. This assertion is altogether contrary to fact.

"The tenth paragraph is as follows:—

'10. That the settlement of boundary disputes, by the agency of the Survey Officers, without any appeal to the regularly constituted tribunals of the country, is a measure to be much deprecated. That the people have not, except by appeal to Government, hitherto resisted these proceedings; and sufficient ground for the Legislature to legalize them. The effects of suppressed dissatisfaction may not be immediately perceptible.'

"This paragraph is written ad captandum vulgus. Boundaries must be settled on the spot by some one, and according to some procedure. What the writer calls the regularly constituted tribunals of the country, cannot attend the Revenue Survey operations in the field or in a district. If the writer of the petition, or those who have signed it, can show more fair and more feasible Rules of procedure for the guidance of Revenue Survey Officers than those which have been laid down after the test of years of experience and
of practical benefit to all affected by them, let them do so; and in the meanwhile they may see, if they will study the Bill, that there is not in it a single provision which deprives any one of any legal remedy for wrong, now belonging to him.

"The eleventh paragraph runs thus:—

'11. That these officers, though versed in their professional duties of surveying, are, as a rule, unacquainted with the principles of the law; that they have no rules of procedure; that they are generally guided in their work by the petty Surveyors on low salaries, which lays them open to great temptation; that those low-paid subordinates are already inflicting great and wide-spread injury and oppression on the people in different ways is a matter of notoriety, and the increase of their authority is calculated to inflict a thousand times greater loss on the people than the apparent advantage which it may be thought to be securing to Government.'

"This paragraph is utterly unfounded and incorrect in its assertions, as anyone may satisfy himself if he will only study the Rules for the guidance of native establishments of the Revenue Survey Department and the official correspondence on the system of Revenue Survey and Assessment already referred to.

"The twelfth paragraph is as follows:—

'12. That the Courts of these officers are entirely faulty in their constitution, irregular in their management, open to no checks from the bar, and subject to no appeal to the Civil Courts of the country. Secluded by their very distance from publicity and the safeguards which it gives rise to, these tribunals would be the means of inflicting grievous and lasting injury on the best interests of the inhabitants.'

"This is written ad captandum vulgus as regards the opinions put forward, and is, to use the mildest term, utterly incorrect as regards the assertion of facts.

"The thirteenth paragraph is as follows:—

'13. That the proposed Act deprives the people of the remedies left open to them by the Regulations of the Elphinstone Code.'

"This statement is substantially untrue. The only part of the Elphinstone Code affected by the Bill is Regulation X. of 1827, which has, for all practical purposes, remained a dead-letter because it was found impossible to work it, its provisions being found to be altogether inapplicable to the state of things for which they were proposed as a remedy.
The fourteenth paragraph is as follows:—

14. That the Legislative Council is getting on very precipitately* with the Bill, so that your petitioners and their fellow-countrymen have not had sufficient time to study its provisions minutely, and respectfully to submit such suggestions and emendations as their welfare, upon which depends the proper government of this empire, may in their humble opinion call for.'

The Mover has admitted the importance of the Bill, and has acknowledged the desirability of thorough consideration and discussion of its provisions.

The fifteenth paragraph is as follows:—

15. That your petitioners are ready and willing at all times to pay and advise their fellow-countrymen to pay such taxes and cesses as the necessities of the State may render it necessary to impose; but they beg respectfully to deprecate the undue haste with which the above measure is being hurried through, feeling assured that it is calculated to inflict deep injury, directly and indirectly, upon landed property in the country. And your petitioners therefore beg that your Excellency's Government will press the following points upon the consideration of the Legislative Council:—

1st.—That property of all kinds connected with land be respected, and nobody's interest sacrificed, except on proved public necessity, and without due compensation.

2nd.—That the proprietors of villages and fields be left unfettered in the management of their estates.

3rd.—That the ownership of trees on private land be not interfered with.

4th.—That owners of Inam, permanently sold, and permanently assessed lands, be left free to survey as well as to assess their own estates without any interference by the Survey Department.

5th.—That the operations of the Survey be strictly confined to the survey and assessment of lands (so that Government may have a faithful registry of them and their assessable values), but that they should not in any way interfere with the proprietary titles of the holders or occupants.

6th.—That the settlement of boundary disputes be left to the regular Courts of law as now; and
7th.—That the right of appeal to the Civil Courts, now enjoyed, may not be disturbed.

"Every member of this Council will no doubt cordially support every one of the principles urged upon their consideration in this paragraph, with a slight modification of the 6th point so far as it affects the settlement of boundaries necessary for the conduct of the Survey. The writer and signers of this petition will learn with satisfaction that the Survey Bill does not in any way interfere with any one of the points which they press upon the consideration of the Legislative Council. (1) Property of all kinds connected with land is respected, and nobody's interest is sacrificed by this Bill. (2) Proprietors of villages and fields are left unfettered in the management of their estates by this Bill. (3) The ownership of trees on private lands is not interfered with by this Bill. (4) Owners of inam lands are left free to survey and assess their own estates. (5) The operations of the survey are strictly confined to the survey and assessment of lands, and do not in any way interfere with proprietary titles. (6) The Bill in no way interferes with the jurisdiction of the regular courts of law in suits for land or other property; and (7) in no way interferes with the right of appeal to Civil Courts which petitioners desire may not be disturbed. Not interfering with any of the points thus urged upon our consideration, the Bill effectually renders the title of the occupant or cultivator secure; it exempts him from the interference of Government officials; it holds out to him inducements to lay out capital in the improvement of his land; it gives him the utmost freedom to contract or extend his cultivation from year to year as circumstances may require; it gives him a proprietary interest in the soil, and is to the ryot a very charter of his rights, in the full enjoyment of which he is now being raised to a condition of comfort and independence. The survey and assessment of the country, devised and carried out in a liberal spirit, has been before the public for a quarter of a century. It has fulfilled every expectation, and it is the intention of the present Bill to confirm the benefits so conferred upon the agricultural interests. I do not think that I incur the risk of any imputation of precipitancy or undue haste if I now proceed with this Bill. On the other hand, we incur by delay the danger of leaving our ryots open to the disturbing influences of exaggerated and alarming statements, and to the machinations of those who have objects of their own to gain.

"I shall defer consideration of the Bill in detail until the next meeting of the Council, in order that Messrs. Cursetjee Nussawanjee Cama, Vishwanath Narayan Mandlik, and other objectors may, if they feel so inclined, appear before the Select Committee in this Council Room at 11 o'clock on the forenoon of Wednesday next, and state their objections to any of the sections of the Bill."
Meaningless as the petition of these objectors is, probably the Council will agree with me that an opportunity of gaining enlightenment should be afforded to those who have written and signed them. Apologizing for having detained the Council with these remarks, I propose now to advance the Bill a stage by moving that it be read a second time.

The Honourable Mr. Madhowrow Vittul Vinchurkar presented the following written observations on the Bill, which were read by the Secretary:

"My opinion regarding the Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same, is as follows:

It is stated in Section 11 of the said Bill that it shall be lawful for any Survey Officer to enter for the purposes of measurement, fixing boundaries, classing soils, or for any other purpose connected with the Survey, any lands, whether belonging to Government or to private individuals, and whether partially or wholly exempt from assessment: but I beg to state that if the word 'lands' in the section includes alienated villages, a provision to the following effect should be added, viz., 'provided that the Survey Officer shall not, in the absence of any lawful reasons, classify and assess lands in an alienated village without the consent of the holder thereof.' There was a similar provision in the former 16th section of the Summary Settlement Bill for the Southern Division, but it was, after much consideration, omitted from it.

In case where the holder of alienated lands will not consent to his lands being surveyed and classified, the Survey Officer may simply survey the lands without classifying the soils, but shall not assess the charges incurred thereby on the owner or occupant of the lands. A provision to the above effect should be added to the above section.

In Section 21 it is provided that it shall be lawful to require the attendance of any person whose presence or evidence may be necessary for the settlement of a village boundary or for the investigation of a boundary dispute, by serving a written notice on him; but in my opinion a provision similar to the one in Section 22 of the Code of Civil Procedure should be added, viz., that the Survey Officer shall not require the personal attendance, by a written notice, of persons who are exempted by Government from attendance.
"Section 29 runs as follows:—* It shall be lawful for the Governor in Council to impose any cess for the use of water available in consequence of the construction, improvement, or repair of any irrigational work, or for purposes of local improvement, such as schools, roads, &c.; but I think this section should be divided into two parts, and that some alterations should be made therein. I have accordingly drafted two sections, one regarding the cess to be levied for the use of water, and the other regarding the cess to be levied for public improvements; but before I submit them, I beg to make a few observations on the advantages and disadvantages arising from the cess. As the limit of the cess which is to be levied in accordance with the above section has not been fixed, one cannot estimate the amount which the cultivators may be liable to pay at any time. They will always suffer from anxiety as to how much they may have to pay at any time on account of the cess. The people may also think that the rate of this cess is unlimited. If, therefore, the limit of the cess be fixed, the apprehension of those liable to pay it will be removed, and the public will also not say that it is unlimited. I have, therefore, drafted rules for the limitation of the cess, and if they be adopted the cess will be beneficial to those liable to pay it, and they will also find it easy to pay it.

"Jirayat (dry crop) lands will no doubt be much improved by the use of water rendered available at the expense of Government, or of any Company authorized by Government. It will be a great convenience, and also a source of profit to the public, and particularly to the cultivators, if dry-crop lands are converted into garden lands. If water be rendered available by incurring an expense, and if the people are benefited by it, it is proper to impose a water cess upon them, and they will willingly pay it. Government does at present levy a higher assessment upon garden lands according to the rate fixed for such lands.

"The other cess to be levied for public improvement is calculated to benefit the people paying the imperial land revenue, and they will not, I believe, object to pay it, for to establish schools and dispensaries, to construct roads, &c., are praiseworthy acts. I have lately personally witnessed the condition of the cultivating classes throughout this presidency, excepting four zillahs. They have become very rich, and are now in good condition, and there does not appear any objection to levy such a cess from them. As there is no possibility of Government paying for such works of public improvements, it is, I think, just and proper to levy the under-described cess from the cultivating classes. Moreover, in some parts of the Khandesh Zillah the people have willingly agreed to pay such a cess."
The following are the sections which I propose may be substituted for Section 29 of the Bill:

29. The guarantee given in the preceding sections in regard to the Imperial land revenue shall not be applicable to the water cess, which under this section it shall be lawful for the Governor in Council to levy for the use of water rendered available in consequence of the construction, improvement, or repair of any irrigational work by or at the expense of Government, or of any Company legally authorized by Government; provided that such water assessment shall not exceed the authorized rate of assessment of the district for irrigated lands, and that such garden land assessment, when once fixed, shall be the Imperial land revenue.

Clause 2nd.—Provided also that the above-described garden land assessment fixed on account of the use of water shall be subject to revision with other assessment at the expiration of the period of Survey settlement.

30. It shall also be lawful for the Governor in Council to impose, in addition to the Imperial Land Revenue assessed under the preceding two sections, a cess, not exceeding one anna for each rupee, leviable on account of the said land revenue, the proceeds of which cess shall be applied exclusively to objects of public improvement, such as schools, dhurmshallas, dispensaries, water-supply and the like, and shall be spent, as far as possible, in the taluka, and under no circumstances beyond the district within which the said cess is levied.

"This is my opinion."

The Honourable Mr. Jugonnath Sunkersett presented a memorandum on some of the provisions of the Bill, which he had received from Mr. Gowreeshunker Oodeyshunker, Prime Minister to the Chief of Bhaunagar.

His Excellency the President said that he had received a further petition from Messrs. Cursetjee Nusserwanji Cama and Vishwanath Narayan Mandlik, which he would request the Secretary to read.

The following petition was then read:

"To His Excellency the Hon'ble Sir H. Bartle Frere, K.C.B., Governor and President in Council, Bombay.

The humble Petition of the undersigned landholders and others residing in the Presidency of Bombay.

RESPECTFULLY SHOWNETH,

"That your petitioners, along with several others, have submitted a representation, dated 9th instant, to your Excellency in
Council, regarding 'A Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.'

2. That your petitioners have therein brought to the notice of your Excellency in Council the haste with which such an important measure affecting the best interests of a large number of landed proprietors in this presidency is being carried.

3. That your petitioners are now more impressed with the injustice certain to be inflicted upon a large number of Her Majesty's subjects, whom the Legislative Council is giving no opportunity to submit their observations on and objections to the Bill.

4. That the translations of the Bill were only published in Bombay on the 20th ultimo, and the people in the mofussil have hardly been able to get them; [in fact one of your petitioners could hardly get a dozen copies to send;] so that it cannot be expected that they should be able to come before your Excellency, unless some reasonable time is allowed them.

5. That your petitioners are firmly persuaded that there are grave objections both to the principle of the Bill and the procedure it prescribes; but they submit that, at least, three months' time should be allowed them and their fellow-subjects within which to come before your Excellency with detailed objections to the Bill and suggestions such as may occur for its improvement.

6. That the interest of thousands of Her Majesty's subjects committed to the care of your Excellency's government are involved in the fate of this Bill, and it is highly desirable that light should be allowed to come in from all sides before the Council proceeds to legislate on a question which will affect lakhs of rupees' worth of property, and the hereditary holdings held by thousands of people for generations.

7. Under these circumstances your petitioners humbly but earnestly solicit your Excellency in Council to grant them at least three months' time to frame their respectful representations about this Bill in detail.

And your petitioners, as in duty bound, shall ever pray,

CURSETJEE NUSSERWANJI CAMA,
VISHWANATH NARAYEN MANDLIK.

Bombay, 15th September 1864.
His Excellency Sir William Mansfield said that Government had lately received a letter from the Commissioner in Sind, which contained some very remarkable statements, showing the benefits which the country had derived from the operations of the Revenue Surveys. Considering the facts disclosed in this letter, he had no hesitation in saying that the allegations made in the memorials which they had heard read were utterly without foundation. He would not read the whole letter, but trusted that the Council would order it to be printed for general information, as it threw so much light on the subject of the Bill they were now discussing. He would only quote some of the figures contained in the statements he referred to. It appeared that in the year 1850-51 there were 12,691,111 acres under cultivation in the thirteen collectorates of this presidency. In the year 1860-61 there was a cultivated area of 17,992,757 acres. In eleven years, therefore, the cultivation had increased by upwards of five million acres, that is to say, upwards of 40 per cent—a result which he (Sir W. Mansfield) doubted could be paralleled in any other part of India. This increase of cultivation indicated an increase in the welfare of the agricultural classes. This increase was altogether due to the working of the revenue survey and assessment in force in this presidency. With these results before him he could not but consider the statements contained in the petitions they had heard (to say the least of them) as very incorrect, and these results quite justified the very strong rebukes passed by Mr. Inverarity on the tone of these petitions. It appeared also from the statements he had received that in eleven years the percentage of waste to cultivated lands was decreased by two-thirds; and, moreover, that although cultivation was increased, litigation in connection with land was diminished in a marked degree. These results, when considered in connection with the fact that Government revenue had steadily increased with cultivation, show in a strong light the advantages of the system which it was the object of this Bill to perpetuate.

The Honourable Mr. Premabhai Hemabhai trusted that the Council would not proceed to the third reading of the Bill until they had had time to consider the objections raised in the several petitions which had been presented.

His Excellency the President said that, after what had been stated in the petitions laid before the Council that day, he was unwilling to let the Bill be read a second time without bearing his personal testimony to its being a most valuable and necessary measure, and one, as far as he could judge, singularly free from all the objections which had been stated against it. Nearly thirty years had passed since he was personally connected with the operations which led to the commencement of the Survey in this presidency,
and was himself employed in the districts in which the Survey was first introduced. It was impossible to give any one who had not seen the country at the time he was speaking of, an idea of how this India, which is always said to be so immutable, had changed for the better, and how much of that change was due to one good measure of administration, steadily and consistently carried out.

The principle of the Bill was twofold—1st, It stereotyped the change to which he had adverted by confirming the past proceedings of the Survey Department; and, 2ndly, It made provision for the future prosecution of the same beneficial process hereafter. To give some idea of the state of this part of the country before the changes in this Revenue system to which he alluded had been introduced, he would briefly describe the condition of the people of the Deccan as he saw them in the year 1835, when, shortly after his arrival in this country, he was employed as an Assistant of Mr. H. E. Goldsmid, whose name could never be mentioned without regret at the early loss of one of the most valuable and devoted servants this Government had ever possessed. Mr. Goldsmid was sent to inquire into certain charges of mismanagement, in some of the districts of the Poona Collectorate. The whole of the Deccan had been more or less exhausted by the errors and mismanagement of former Governments. The removal of the Native Court and Army had destroyed the local market for produce; no foreign trade adequate to supply its place had grown up; the prices of agricultural produce and of labour had for years been steadily falling, and the Government revenue was as steadily decreasing. But what most attracted the attention of Mr. Williamson Ramsay, so well known as the sole and most able Revenue Commissioner of that time, was the extreme difficulty with which even an inadequate amount of revenue was extorted from the cultivators; and he deputed Mr. Goldsmid and Lieutenant (now Colonel) Shortrede to inquire into the truth of the charges of oppression which had been made against the Revenue officers of the district he referred to. The situation was shortly this: Rarely more than two-thirds of the culturable land in any district were under cultivation. Frequently as much as two-thirds of the land were waste. Villages almost deserted were frequently to be met with; some were "bechiragh," without a light in them, utterly uninhabited. The people were sunk in the lowest depths of poverty; they had few recognized rights in the land; the boundaries of the different villages and different estates were often unsettled; and gave rise to disputes which there were not the means of finally deciding. The revenue to be derived from the land was practically dependent on the discretion of the local officers. There were, it was true, fixed customary rates which nominally regulated the assessment to be paid;
but they were so much higher than could possibly be paid at the then existing prices of produce, that it was necessary to grant remissions of the necessity for an extent of which the local officers were the sole judges, and it was thus practically left to a very ill-paid class of inferior officials to decide what should be taken from the people.

The results of such a system might be easily guessed. In good seasons the people were forced to pay to the uttermost farthing, without having the certainty that what they paid really went to the Government treasury. In bad seasons, if they were unable to obtain remissions, they had no resource but to leave the country and seek subsistence elsewhere.

"He" (the President) "had seen many of the victims of this most wretched system. People had been brought before Mr. Goldsmid who deposed to having been tortured in the most cruel manner in consequence of their inability to meet the demand of the Native Collectors. They had been exposed to the heat of the sun, and were forced to stand with large stones on their heads, or to lie down with heavy weights laid on their chests. This state of things was reported by Mr. Williamson Ramsay, the Revenue Commissioner, to the Government. He showed that the fault lay less with the under-paid officials than with the Government itself, who required from their servants an impossibility, vis., to realise the assessments of the most prosperous day of the Mahratta empire, when prices had fallen far below their former amount. He urged the injustice of entrusting such powers to ill-trained officials at a distance from all effective control, without taking the proper precautions of giving them such a salary as would place them above the influence of temptation. He pointed out a truth which is now generally recognized and acted on—that the true secret of a good land revenue system is moderation in demand; that if the demands were moderate, cultivation would certainly increase; that the cultivators would be sure to prosper; and that in their prosperity the State would share. It so happened that these suggestions fell on kindly ground. Sir Robert Grant was then Governor of Bombay, than whom a more able statesman or larger-hearted philanthropist has never been at the head of the government of any presidency. On receiving the Revenue Commissioner's reports he cordially sympathized with his views, and charged him to see that the great principles to which he had given expression were effectively carried out. In execution of these orders Lieutenant Wingate was associated with Mr. Goldsmid with a view to devise a complete plan for a general survey, and an equitable assessment of all Government land. These gentlemen were ably seconded by several officers chiefly drawn from the army. And he (the President)
might remark that this was only one of the many occasions on which the Government of India had been indebted to the army for officers who had rendered the most effective aid in the general administration of the country. He should only weary the Council if he were to describe the different parts taken by these officers in the operations of the Survey. He could not, however, refrain from mentioning the names of some of the gentlemen to whom at the outset the supervision of this duty was entrusted, and to whose zeal and ability in laying the foundation the excellence of the superstructure is mainly due.

"Lieutenant Nash, of the Bombay Engineers, one of the first and ablest of their number, was now no more. Lieutenant (now Colonel) Gaisford and Lieutenant (now Major) Davidson had long since retired from the service, and were both, he believed, still living a life of active benevolence in their native country. Two of the original officers, however, of that time—Majors Francis and Anderson—had been throughout in active charge of Survey operations, and were, he was glad to say, now at the head of the Survey Department. They had never ceased to preserve with religious fidelity the great principle which had been laid down by Messrs. Wingate and Goldsmid. It was but a small part of the praise to which these officers were richly entitled, to say that the success of the Revenue Survey in the Bombay Presidency depended in a great measure upon their high qualifications and tried character.

"The results of the Survey have been summarized in that most striking statement from which extracts had that day been quoted by His Excellency Sir William Mansfield. It might be said that it was sometimes difficult to judge of practical results from mere statistical statements, but he (the President) was convinced from personal observation that this was not the case in the present instance. If any one were now to visit the places of which he had spoken, he would find that the statements which had been laid before them that day failed to give any adequate idea of the whole truth. In fact, bare figures could not describe the progress that had taken place in any district where the Survey rates of assessment had been long in operation. Cultivation had increased to a truly remarkable extent, so much so that he (the President) believed it would be a difficult matter now to find anywhere in the Deccan even a thousand acres of unoccupied cultivable land available to any one wishing to take up land for cultivation. Land was not only occupied, but valued, as the Honourable Mr. Premabhai had described it, 'as their lives' by those to whom it belonged; whereas it formerly often happened that the ill-governed territories of the Nizam and other native princes gave a refuge to those
who had been forced by over-assessment to abandon their ancestral lands in our own territory.

"The increase in the public revenue was, perhaps, still more striking than the increase in cultivation. But he (the President) would always, in estimating the benefits of the Survey, give but a secondary place to the increase of Government revenue; for it had been clearly laid down by the Government which originated the Survey that financial considerations were to be held of minor importance, and that they would look rather to the indirect results of fixity of tenure and moderation of assessment, and to the consequent improvement in the condition of the ryots, than to the direct increase of land revenue. It had always been felt that, if these objects were kept in view, revenue would also be indirectly improved; and in attaining these objects the Government had always had the hearty co-operation of the Survey Officers themselves. In judging of these results it was impossible to overestimate the obligations of the Government and the country to the Survey Officers, who year after year had devoted themselves to the very important but most monotonous and trying duties of their department with a perseverance and zeal which are beyond all praise.

"If he (the President) wished to show a foreigner how the English keep India, he would show him men of this stamp, who, living habitually far remote from our presidency towns and large stations, by their free association with the people of the country, and by the expression of a sincere sympathy with their wants, promoted their welfare, and attracted the affection and respect of the agricultural classes to the British Government.

"But it was not only in the regulation of the land revenue that the labours of the Survey Officers had been conspicuously useful. They had had a large share in some of the most useful measures for the general improvement of the country, and conspicuously so in all matters relating to the improvement of roads and means of transit. He remembered coming, nearly thirty years ago, from Bombay to Poona via Panwel by a post cart—the only wheeled postal conveyance then existing in India. During the whole journey he did not recollect seeing a dozen carts. The only means of transporting merchandise was by Brinjari bullocks. Of these the traveller from Panwel to Poona in those days met tens of thousands, carrying down cotton and grain to Panwel, and taking back salt, cloth, and other imported goods to the interior. Beyond Poona carts were then very rarely seen. In five months he remembered seeing only three carts in the districts between Poona and Solapur, and these were brought from some Madras station. The only indigenous cart-wheels were at that time mere discs of stone; the carts were large, lumbering contrivances, and
remained as heir-looms in families for generations. They were so heavy that it took eight or ten bullocks to draw them when loaded. They were not used for the carriage of ordinary produce, but only for carting manure to the fields. Now the first step towards improving the physical condition of an agricultural people in a low state of civilization is to give them increased facilities of communication. Lieutenants Wingate and Gaisford early apprehended this fact, and applied themselves to increase the facilities of transit in the Deccan. They had at first very small means at their disposal for the attainment of this object. The Government at first gave Lieutenant Wingate small sums, often as low as Rs. 5 per mile, for the improvement of roads. Little could, of course, be done for such an amount beyond removing the most serious impediments to wheeled traffic along existing tracks; but even this was a great boon to the country. Lieutenant Gaisford then applied himself to improve the country cart. The ordinary Deccan cart in its present form was the result of his labours; and it would be difficult to convey to anyone who had not witnessed it an adequate notion of the amount of time, trouble, thought, and contrivance which were applied to invent a cart which should meet all the conditions required. It was to be as light and cheap as possible, and yet strong enough to be used in a stony country where roads were almost unknown, and where artificers capable of repairing the most simple-wheeled vehicle were often not to be found within fifty miles.

"Lieutenant Gaisford set up a manufactory for these carts at Temburni, in the Sholapur Districts, and there he not only made carts, but trained artificers from the villages around to repair them. At first it was difficult to find any one who would buy the carts, even at cost price, except as a favour; now they have entirely replaced not only the old carts with stone wheels, but the Brinjari bullocks, which formerly did the whole carrying work of the country. And the carts have in their turn helped the improvement of old roads and the opening of new lines of communication. If the Survey had conferred no other benefits on the country than by contributing, as they had done, towards the formation of good roads and a good description of wheeled carriage, it would have more than repaid all the expense that had been incurred on account of it.

"Other equally important improvements in the general administration of the country had been greatly aided by the officers of the Survey, whose advice and assistance had always been found to be most valuable by the fiscal and magisterial officers of Government—by none more than by the present Revenue Commissioners and the honourable member in charge of the Bill."
"One main object of the Survey has been to ascertain and confirm the rights of the occupants of the land. There could be no doubt as to the existence of proprietary rights in land in the Deccan in former ages, but they had been so impaired by years of misgovernment and over-assessment, that their very existence was made the subject of formal inquiry during the early years after our conquest of the country, as will be seen by a reference to Mr. Mountstuart Elphinstone's first report on the Deccan provinces. It was always a fundamental principle in the survey operations not to attempt to force on the country any particular theory as to the ownership of land, or the rights and liabilities of occupants and proprietors. Their object was simply to ascertain and record facts as they existed. But as regarded the rights of occupants as against Government, this Bill made a most important concession by affirming the right of all occupants to continued possession after the expiration of the period of settlement; and the Council will be glad to hear that, since this Bill was drafted, the Secretary of State had given his sanction to the view held by this Government on this subject. The Honourable Mr. Jugonnath Sunkersett would bear him out in the statement that the result of the policy adopted by this Government had been to raise the value of land in the Deccan to an extent which it would have been vain to hope for ten years ago.

"In one of the petitions which had been read to them it was insinuated, rather than broadly stated, that there was great risk of the agricultural classes being oppressed by the ill-paid officials of the Survey Department. He (the President) could only say that, since his return to this presidency after an absence of some years, he had not heard of a single complaint of any subordinate in that department making an improper use of his powers as a Survey officer. It might, perhaps, be thought that this assertion proved too much, and that in such large establishments there must be occasional cases of malversation; but he might state that, as a rule, these establishments are well looked after. Deserving members are quickly promoted, and a good Survey officer will find his way into the general administration of the country. The promotion of trustworthy men, and the emulation thus excited, would no doubt partly account for the remarkable absence of complaint against the department; but the system has also been very carefully arranged so as to minimize the possibility of a subordinate officer making illicit gains. The work had been so divided that any one member of the establishment has but a small idea of the effect his own work will have on the general result of the settlement. Little temptation, therefore, is left to persons affected by the settlement to bribe subordinate officers.

"Looking to all these facts to which he had very briefly alluded, he (the President) thought the Survey system might fairly be de-
scribed as the great Charter of the rights of the agricultural population. That the Khoti petitioners failed to see this, was only natural. They, like the Zemindars in Bengal, occupied the position of middlemen between the ryot and the Government. Every measure calculated to promote the interests of the ryots must to some extent trench on the profits and powers of a middleman, and where any doubt existed as to the precise operation of a measure like this, some alarm and mistrust would naturally be excited. The tone of some of the petitions need, therefore, cause no surprise. Indeed, if no objections had been raised by these petitioners, there would have been some reason to doubt how far the Bill was likely to benefit the occupants and actual owners of the land. The petitions came, he believed, exclusively from the Southern Konkan khots, in whose villages the Survey had not yet been introduced, and he (the President) had no doubt that when the operations of the Survey were extended to that district, the khots would find, as all connected with the land had found everywhere else, that the Survey would confer on them very great and substantial benefits.

"The Council had been charged with precipitancy in pressing on this Bill, but this assertion had been very fully met by the remarks of Mr. Inverarity. Some twenty years ago the necessity for a Survey Bill had been recognized; but whenever a Bill was drafted, it was always found that before six months had elapsed it required to be amended. The circumstances of the country has altered so rapidly that a measure that was suitable one year became no longer applicable to the wants of the country in another. The Survey system was, however, so popular that no law was formerly required for its enforcement. In time, however, the people naturally forgot the old days of oppression. They began to calculate the cost of providing flag-men and other expenses for surveys, and as in their improved circumstances time became valuable to them, they grudged to give the assistance which the Survey Rules required. Rights acquired under the Survey Rules have also become so valuable as to become the subject of litigation in our courts. These rights, however, are not as yet recognized by law, and it had become necessary, therefore, to give them legal sanction. Every provision of this Bill has been before the mofussil public for at least ten years. There is not a village patel in any surveyed district who is not practically acquainted with them. He (the President) was quite certain that if any solitary provision of the procedure now proposed to be legalized, had been found to be onerous, the Government would have heard of it long ago.

"He entirely agreed with the amendments proposed by the Honourable Mr. Madhurrow Vittal Vinchurkar. His proposals fell in entirely with the general scheme of Survey, and
original suggestions of Major Wingate on this very subject, but this was not the proper time to discuss them. For the present he would only thank the honourable member for the suggestions.

"He was sorry to detain the Council so long; but he thought it only just to the petitioners and to the Survey Department to state his views at some length. Mr. Inverarity, he knew, would give ample time for the consideration of all reasonable objections that might be raised, but he trusted that no unnecessary delay would be allowed in passing this most valuable measure into law."

The Honourable Mr. Robertson said that, with the view of affording further evidence of the great benefits which had been conferred on this presidency by the settlements that had been effected by the Revenue Survey to which His Excellency the President had alluded, he would wish to note the immense value land had acquired. When the Revenue Survey was instituted, land was worth nothing, whereas the right of occupancy under the Survey settlements was now valuable property. He had made inquiries about two years ago, with the view of ascertaining the value of the right of occupancy. From returns he had received he found that at auction sales by the Civil Courts land that was sold in execution of decrees realized on an average seven years' purchase of the annual assessment. In private sales, however, it realized a much higher price, probably on an average twenty times the Government annual assessment. But that he might not be supposed to exaggerate, and to be within the actual amount, he would assume the right of occupancy to be worth on an average only ten times the annual Government assessment. Now the effect of this was to create property in land worth ten times the land revenue of this presidency, and by these very settlements they had thus increased the wealth of the country by nearly 35 millions sterling; but the benefits of the Survey did not extend to those holding leases under it on whom capital to the above extent had been conferred, but the property of all holders of rent-free lands and of all the landholders of the presidency had increased as the value of the lands held from Government increased, and it was not too much to say that this one measure alone had made the people richer by 50 millions sterling at the very least.

The Honourable Mr. Cassels thought Mr. Robertson had decidedly understated the rise in the value of the land. Land was now commonly sold at thirty-years' purchase, and he had known it to fetch much more than even that. He had intended at first to give a silent vote in favour of the second reading of the Bill, as he was naturally uninformed in regard to a measure of the present character, and in such a case a silent vote would be better than a weak support. But as he had the means of supporting Mr. Robertson's
argument, he gladly took the opportunity of saying how cordially he approved of the present Bill. There could be no two opinions as to the advantages of the measure, and he trusted no time would be lost in passing it.

The Honourable Mr. Hart said that one of the good results of the Survey Settlement was the diminution in the amount of outstanding balances of revenue. Formerly these balances of uncollected revenue were of large amount, but now they are almost unknown. From a statement which had been furnished to him by the Collectors in the Southern Division it appeared that in all the collectorates in that division the total Government demand in the year 1859-60 exceeded by more than 7 lakhs of rupees the average annual demand for the seven preceding years on account of land revenue on lands which had been Khalsat from a period antecedent to the introduction of the Revenue Survey, and which were brought under the Survey Settlement. But though there was so great an increase in the Government demand on these lands, the amount remaining uncollected at the end of the year 1859-60 was only Rs. 422-8-9 for all the collectorates, whereas the average annual outstanding balance of the seven preceding years was very nearly 1½ lakhs of rupees. This was a most satisfactory result, and conclusive as to the benefits of the settlement. It showed how lightly the settlement presses upon the people, and is at the same time most advantageous to Government. The revenue is certain, and collected quickly and without difficulty.

On the motion of the Honourable Mr. Inverarity the Bill was read a second time.

The Honourable Mr. Inverarity proposed that the consideration of the Bill in detail be postponed till the next meeting. He wished to give the petitioners an opportunity to state their objections to the Bill, and, if the Council should so direct, the Committee would meet on Wednesday next, at 11 o'clock, to hear objections.

The consideration of the Bill in detail was postponed till the next meeting, and the Secretary was directed to inform Mr. Cursetji Nusservanj Cama, Mr. Vishwanath Narayan Mandlik, and Mr. Vinayek N. Bhagwat that the Select Committee would meet at the Council Chamber on Wednesday, the 21st instant, at 11 A.M., in order to hear, consider, and report to the Council on any objections which they might wish to offer to the provisions of the Bill.

The Council met at Poona on Saturday, the 24th of September, 1864, at 11 A.M.

The Council then proceeded to the Order of the day.

The Honourable Mr. Inverarity, in moving that the Bombay
Survey and Settlement Bill be considered in detail, said that, as directed by the Council at the last meeting, the Select Committee on the Bill had met on the 21st instant for the purpose of hearing objections from the petitioners. No objections, however, were made. The petitioners appeared by Counsel, who requested time to enable him, as he expressed it, "to hunt up" witnesses to give evidence on the provisions of the Bill. He trusted the Council would not accede to the request for more time. Surveys had been going on in the presidency for the last twenty-eight years; ample time had, therefore, been given for the statement of all objections to the proposed Bill, which merely legalized existing settlements. If there was a new provision in the Bill, it was the concession of rights to landholders, and of this the petitioners had no reason to complain.

On the motion of the Honourable Mr. Inverarity, the further Report on the Bill was read. It was as follows:

"The Select Committee appointed to consider the Bombay Survey and Settlement Bill have the honour of reporting that, in accordance with the instructions of the Council, they met on Wednesday, the 21st instant, to hear objections to the provisions of the Bill.

"Mr. C. P. Cooper, Advocate, and Mr. Venayek Narayan Brahwat, Inamdar, appeared before the Committee.

"The following letter from Mr. Cooper was read:

"To H. Birwood, Esq.,
Under-Secretary to Government.

"Dear Sir,—It is the desire of the petitioners opposing the passing of the Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupiers of the same, that they may appear before the Select Committee of the Council appointed to report on the Bill by Counsel, who will be prepared to call evidence, and state and prove the objections of the said petitioners to the Bill. Before Select Committees of the Houses of Lords and Commons at home, Counsel or Agents are always heard on behalf of parties opposing the passing of a Bill interfering in the slightest manner with the vested rights of a large body of Her Majesty's subjects. I beg to refer you to 'May's Parliamentary Practice' and to the Lords' debate on the Australian Colonies Bill (the 10th of June 1856). I believe the question a most important one as regards the liberty of Her Majesty's subjects in this presidency. Whether they have a right to appear by Coun-
asl before Committees of the Legislative Council, and be heard in reference to opposing a Bill referred to such Committee, has not yet been mooted. I am retained on behalf of the aforesaid petitioners, and am entrusted to present to the Select Committee to-day a petition praying for further time for them to instruct Counsel, and to provide evidence to support and prove their objections. Could you please inform me the course or practice I should pursue to obtain my recognition as Counsel appearing on behalf of the petitioners by the Select Committee.

I am, &c.,

Poona, 21st September 1864. C. P. Cooper.'

"The propriety of petitioners appearing before a Select Committee by Counsel having been recognized by Her Majesty's Secretary of State in his despatch to the Government of Fort St. George, No. 4, dated the 31st July 1863, the Committee heard Mr. Cooper on behalf of the petitioners whom he represented.

"Mr. Cooper remarked that he had only received instructions from his clients (Messrs. Cursetji Nussarwanji Cama and Vishwanath Narayan Mandlik) the day before, and that he had not had time to read the Bill, and he was not therefore in a position urge specific objections to the several provisions of the Bill. He objected, however, to the undue haste with which this Bill been hurried through its earliest stages. The first notice that public had had of the measure was its publication in the Government Gazette on the 11th ultimo. The Marathi and Gujarathi translations of the Bill, as amended by the Select Committee, appear in the Gazette till the 9th instant, and another till the 14th instant. There could be no doubt that the provisions of the Bill were of an inquisitorial character, would certainly interfere with the vested rights of many of the landholders in this presidency. The persons affected by the Bill had, in common justice, a right to be heard in opposition to it. But no proper opportunity had been given the public of expressing their views on the measure. The petitioners, on whose behalf he appeared, had presented two separate memorials to the Council, of which had been read on Saturday last, and it was only on Sunday evening that the petitioners received a letter from the Under-Secretary, informing them that the Select Committee would meet on Wednesday to hear, consider, and report to the Council on any objections which they might have to offer to the Bill. In this short time it was quite impossible for his clients to 'hunt up' witnesses
to examine in support of the statements put forth in their memorials. He was confident that, after taking evidence, the Committee would modify the objectionable parts of the Bill, and he trusted, therefore, that the Committee would postpone the consideration of the Bill for three months, in order to give the memorialists time to procure the attendance of their witnesses.

"Mr. Cooper then read the following petition:—

'To His Excellency the Honourable
Sir H. B. E. Frere, K.C.B.,
Governor and President in Council, Bombay.

The humble petition of the undersigned landholders and others residing in the Presidency of Bombay.

RESPECTFULLY SHOWETH,

' That your petitioners, by two petitions dated, respectively, the 9th and 15th instant, have addressed your Excellency on the subject of their objections to a Bill recently introduced into your Excellency's Council to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.'

'2. That in answer to their said petitions your petitioners received a letter, dated 17th September 1864, from Mr. H. wood, Under-Secretary to Government, informing them that Select Committee of the Council appointed to report on the Bill meet at the Council House at Poona on Wednesday, the 12th instant, at 11 o'clock A.M., when they will be prepared to hear the petitioners consider and report to the Council on any objections which they may have to state to the Bill.

'3. That in the short time which will elapse between the receipt of that letter and the meeting of the Select Committee it is utterly impossible for your petitioners to prepare their case for the consideration of the Select Committee, or to obtain the evidence which will be necessary to substantiate their objections.

'4. Your petitioners most respectfully submit that, in view of the important interests affected by this Bill, the landholders in the remoter districts of this presidency, whom the translations of this Bill have not yet reached, should have an opportunity of considering the measure, and of being heard, if they are so minded, with your petitioners, against it.
'5. Your petitioners, therefore, respectfully submit to your Excellency that as they are undoubtedly entitled as British subjects to be heard against a Bill so materially affecting their proprietary and pecuniary interests, they should be allowed a sufficient time, as requested in their former petitions, wherein to bring their objections in proper form before your Excellency's Council, and your petitioners humbly pray that the further consideration of the said Bill may be postponed for the purpose.

'And your petitioners, as in duty bound, shall ever pray,

CURSETJI NUSHERWANJI CAMA,
VISHWANATH NARAYEN MANDLIK.

Bombay, 20th September 1864.'

"The Chairman of the Committee informed Mr. Cooper that his remarks would be submitted, with the petition he had just read, to the Council on the 24th instant.

"The Committee then adjourned sine die.

J. D. INVERARITY.
W. E. FEREZ.
A. D. ROBERTSON.
MADHOWROW VITUL VINCHURKAR.
JUGONNATH SUNKERSETT.
W. HART.

22nd September 1864."

The Honourable Mr. Jugonnath Sunkersett said that Mr. Cursetji NusHERwanji Cama had been unable from illness in his family to appear before the Select Committee. Mr. Vishwanath Narayan Mundlik was now in Poona, and had given him a memorandum of observations on the several provisions of the Bill, which he had made over to Mr. Ellis.

His Excellency Sir William Mansfield had reason to believe that the opposition to this Bill was not altogether disinterested. He made no accusations against any one, but he thought it right to state to the Council that he had heard that there was an agitation going on in the country with the view of exciting the feelings of the ryots against this Bill, the object of which was to render their rights indefeasible. It was said that persons were agitating whose object was to take advantage of their ignorance and groundless alarm to obtain possession for themselves of the ryots' land,
knowing well how the value of occupancy would increase if the present Bill were to become law. The Council were aware how mischievous the effect of such an agitation in this country might be. The best way of checking it, would be to lose no time in passing the proposed Bill into law. No one would have any cause for complaining that such legislation would be hasty, for the survey operations which it was proposed to legalize, had been in existence for a number of years. If the law were passed, it would at once settle the minds of the people.

The Honourable Mr. Cassels said that under ordinary circumstances he would have given a silent vote on a motion of the present character; but as petitions had been made against the Bill, he thought that the independent members of that Council ought to give expression to such testimony as they could afford as to the effects of the Survey. He could certainly say that the effects of the Survey had been most beneficial to the ryots of this country, and it was for the Council to protect the interests of the ryots. Against the Bill there was one petition which scarcely contains a correct statement, and which makes up by strong language for its want of argument. The Council ought not to delay in passing a most useful measure simply because a few men, whether from ignorance or interested motives, asked for delay without showing any reason for it.

The Honourable Mr. Ellis said that though His Excellency and Mr. Cassels spoke of general objectors to the Bill, he believed that all the objections they had heard came from one class of people—the khots of the Southern Konkan. Although no settlement had been made in khoti villages twenty or twenty-five years ago as in some other districts of the presidency, yet a khoti settlement had been made in one district four years ago (in 1860-61), and had been followed by settlements in other districts in 1861-62 and 1862-63. As far as khots were affected there was nothing new in this Bill, which proposed not to interfere with the khoti settlements already made, but on the contrary to confirm them (just as settlements made in other districts were confirmed by the Bill), and to extend the same mode of settlement as the Survey operations proceeded. There being no mention of khots in the Bill, it was not unnatural that the khots should feel some alarm lest they were to be entirely ignored, especially as on a former occasion an attempt had been made to carry out a settlement on principles very different from those now adopted in the Survey under Major Francis. If the khots were expressly recognized in the Bill now before Council, he thought they would have no reason to be alarmed. With the view, therefore, of recognizing the rights which they certainly possessed, he proposed at the proper time to add two additional clauses to the Bill.
The Honourable Mr. Scott was of opinion that the Bill should be proceeded with. He entirely concurred in what Mr. Cassels had said.

His Excellency the President remarked that the application for more time to consider the provisions of the Bill did not, when carefully examined, seem to him to rest on any reasonable foundation. Some opposition was naturally to be expected from superior holders, for their rights were to a certain extent similar to those of Government. The Bill proposed to restrict by legal enactment the action of Government officers in regard to the demands from occupants, and to this extent superior holders were also affected. But as the petitioners had had ample time to state specific objections, and had urged none, he saw no reason for delay. The petitioners had, he thought, had quite sufficient time to criticize the measure. The Council had received a very fair criticism on several matters of detail from a gentleman living in Kattywar. If Mr. Gowreeshunker Ocdeyshunker, the able Dewan of the Thakore of Bhanagar, could find time for considering the details of the Bill, surely it was scarcely fair for men living in Bombay to complain of the haste with which the Bill was being hurried through its stages. If the petitioners had any really valid objections to make to the Bill, he (the President) felt sure that they would have put these objections in a tangible and specific shape. They were both of them men of note and education. Mr. Cama was a gentleman who was well known to all classes of the community, and Mr. Vishwanath Narayan Mandlik was most favourably known to the public as a gentleman of the highest education, as well able to write or plead in English as any gentleman at that table, and one of the ablest Vakeels of the High Court. Mr. Cama could not say how his interests were specifically affected by the Bill. Mr. Mandlik is himself, by family connection, a khot. Apparently he cannot make up his mind as to what provisions he objects to. Instead of appearing himself, as he was every way qualified to appear, and when he would have been sure of a most attentive hearing from the Select Committee, he appears by a Counsel who sets out by saying he is not acquainted with the details of the measure, and requires time to study it and get up a case against it. If there were a shadow of ground for delaying the consideration of the Bill, he (the President) would gladly have acceded to the request of the petitioners. As it was, he did not think they would be justified in agreeing to an indefinite postponement of so useful a measure on such a vague statement of objections to it.

On the motion of the Honourable Mr. Inverarity, the Council decided on proceeding to consider the Bill in detail.
On the question that Section 2 stand part of the Bill, the Honourable Mr. Inverarity moved that the words "under Government" be inserted between the words "right" and "recognized" in line 48.—Carried.

On the question that Section 3 stand part of the Bill, the Honourable Mr. Ellis said that this would be the best place to consider the objections which had been raised on the part of the khots of the Southern Konkan. He had in his hand the Memorandum on the Bill referred to by Mr. Jugonnath Sunkersett. It was drawn up by one of the objectors to the Bill, Mr. Vishwanath Narayen Mandlik, and though it could not be said whether this Memorandum contained all the objections that had to be made, yet at least it included all that the objectors had thought fit to put forward. The Memorandum was as follows:

"Section 3 of this Bill confirms all existing settlements of land revenue made under the authority of the Governor in Council. But nothing has been laid before the Council to enable it to understand the nature and duration of the settlements, and to see how far the present Bill may affect them. These are specially necessary for the Council to know, inasmuch as there appears to be, in some particulars, considerable difference regarding the nature of these settlements, as contemplated by the existing law on the subject (Regulation XVII. of 1827) and that now before the Council. While the former authorizes settlements to be made with the person holding the highest recognized right by the custom of the country, the joint rules only recognize those in whose names the land is entered in the survey record, and the survey record recognizes only those who actually cultivate the land, leaving aside the various kinds of middlemen spread over a considerable part of the Southern Konkan and a small portion of the Northern Konkan. The rights of these superior landlords are thus thrown into confusion and background. But as the value of these holdings is very great indeed, the Council cannot thus allow them to be thrown overboard without a sufficient cause, which has not yet been laid before the public, as far as can be perceived, and the Council ought not to proceed without clearing this point, and laying before the public the principles on which it is thus proceeding. Such a procedure, while it will clear the understanding of the law, will also secure the approval of those superior holders who now seem to be under an impression that their property is either being lost or materially deteriorated."
It seemed to him (Mr. Ellis) that the only objection made against this section was a want of information. Though he could hardly suppose that Mr. Mandlik was ignorant of the details of a settlement which had been in progress in the Konkan for the last four years, yet he was fully prepared to satisfy any reasonable demand for information, and he could easily do so, as there were ample records available. He had before stated that it was not proposed to deviate from the present mode of settlement, the details of which he would now lay before them, and he hoped to satisfy the khots that their rights under this settlement will in no way be interfered with by the proposed law. The khots most certainly had rights. These rights had been questioned by some Revenue Officers; but, however they might be questioned, it seemed to him (Mr. Ellis) to be beyond doubt that the khot has an interest (though not an unqualified one) in the lands of his village, and that this interest is a transferable and heritable property. It was very necessary to recognize this right in so many words. Its recognition by no means implied that the rights of the khot's tenants (where these have any proprietary or occupancy rights) would be ignored. The clauses which he would propose at the proper time would, he trusted, be sufficient to define the right of the khot and of his tenants, and, thus, by defining what is now undefined, place their relations on an equitable and satisfactory footing. For the present, however, he would only describe the exact position of the khots as recognized by Government. The information on the records of Government on this point was not sufficiently known; but if it were better known, much of the apprehension that had been felt would be allayed. He would not describe from his personal knowledge what he knew to be the exact status of the khots, but he would quote from a Resolution of Government in which the whole subject was fully discussed. This Resolution was not, like most Resolutions, the decision of one Government only, but it had met with the approval of two successive Governors. It was passed by the late Lord Elphinstone just before he resigned the reins of Government; but it was not then issued, for it was felt that the subject was one of such importance that Lord Elphinstone's successor should not be committed to the views enunciated in the Resolution without having an opportunity of forming an opinion in the matter. The Resolution was accordingly reserved for the consideration of Sir George Clerk. In the constitution of Sir George Clerk's government the public had an ample guarantee that the interests of neither party affected by the Resolution would be overlooked. The Honourable Mr. Reeves was a warm advocate of the rights of the ryot. Sir George Clerk, on the other hand, by his early training and associations, was personally predisposed in favour of the claims.
of superior holders. The Resolution to which he alluded had the approval of both Sir George Clerk and Mr. Reeves, and he would, now, with the permission of the Council, read some extracts from it, which he knew would tend to clear away many of the difficulties that had been felt by Mr. Vishwanath Narayan Mandlik and others as to the possible result of the enactment of the provisions contained in Section 3. If the view of the khot's rights as described in this Resolution were distinctly recognized in the Bill, the Council might reasonably hope for the completion of a settlement satisfactorily begun, and the result would be an avoidance of that chronic state of ill-feeling between superior holder and tenant of which they had heard so much in other parts of India. The Resolution he had referred to was Resolution No. 1832, dated the 18th May 1860, and was passed in a Memorandum by the Revenue Commissioner, N. D., relative to a plan of settlement for khoti villages in the Sub-Collectorate of Colaba. He would read the following extracts from it:

"The settlement for which sanction is now requested, is of more than ordinary importance, inasmuch as the villages to which it relates are all held on the khoti tenure, and any settlement which may now be sanctioned must in a manner regulate future proceedings in regard both to the remaining talukas of the Sub-Collectorate and the greater part of the Collectorate of Ratnagiri.

"2. It is unnecessary here to enter on a discussion as to the origin of the khots and their former position. These points have been amply treated of in previous reports, and the accurate determination of historical questions involved in uncertainty would be of little use as a guide to the practical settlement of present difficulties.

"3. The actual position of the khots must be taken as the basis of future treatment; and in endeavouring to reform the present system it is the desire of Government to maintain all existing rights so far as may be compatible with justice and with a sound scheme of revenue management, and to adopt rather than overthrow institutions which, whatever their origin, have become so firmly rooted in these districts that their sudden eradication, supposing it to be possible, would amount to a social revolution.

"4. Some uncertainty prevails in regard to the present system, the relations between the superior holder and his sub-tenants being the point on which there is the greatest difference of opinion. It seems, however, to be established beyond question—"
1st.—That Government has a right, on occasion of a general survey, to revise and alter the revenue payable by the khot.

2ndly.—That the khot has the right of settling with Government in the gross, and of deriving a profit by sub-letting the land to others.

3rdly.—That the ryot has a right to protection from over-exaction on the part of the khot.

"5. Government, therefore, is entitled to fix the khots' annual payment at whatever sum may, on a consideration of the qualities of soil and other circumstances, appear equitable. This the Survey under Captain Francis has already accomplished.

"6. The khot's privilege of settling with Government in the gross will be confirmed to him. His right of sub-letting the land is neither more nor less than the right of receiving the balance of rent which remains after satisfying the Government dues. This also will be confirmed; but as this right is undoubtedly derived from the State, it will remain with Government to prescribe how far, with due regard to the general interests of the community, it should be exercised without control.

"7. The discussion of the question involves a decision on the 3rd point above noted—the right of the ryot to protection from over-exaction. The difficulty is to determine the degree or extent to which protection should be afforded.

"8. The basis of the settlement lately attempted in Ratnagiri was the recognition of a right of occupancy on the part of the ryot, and his title to deal with Government direct for the assessment of his land, the khot being regarded as an agent only. To this settlement, inasmuch as it involved a surrender of some privileges highly prized by them, it is scarcely possible to obtain the consent of the khots.

"9. The opposite opinion on this much-debated topic would admit the khot to the unlimited proprietorship of the village for the revenue of which he engages (a position he never yet enjoyed), and would abandon to his mercy, as mere tenants-at-will, all ryots, whatever their claims to consideration from long and unquestioned occupancy.

"10. The adoption of these views would place the ryot—Act X. of 1852, in a far worse position than he now holds, and there can be no hesitation in rejecting such a basis of settlement. Even under the Zemindari system of Bengal, legislation has recently provided for the protection of the ryot, and restricted the power of the Zemindar to eject him.
11. The settlement now proposed appears to His Excellency in Council to avoid both extremes. Of course, it may be presumed that the khoti would have been better pleased had their hitherto undefined claims been formally confirmed without any concession on their part; while the ryot, on the other hand, would doubtless have preferred a settlement giving them greater independence and larger profits. But the proposals before Government are based upon the principle of maintaining the relations now existing between the superior holder and the sub-tenant, and modify the present system only so far as change is obviously and urgently called for. This settlement ought, therefore, to be acceptable to both parties, though not precisely what either would have chosen.

12. According to this settlement, khoti villages will be given to the khot at the Survey rates on a lease for thirty years, and the khot will in turn give leases for the same period to the permanent occupants of khoti lands, a maximum assessment being fixed beyond which the khot will not be permitted to tax the sub-tenant.

13. As these leases will constitute the ryot's charter, it will be necessary to frame them with great care. Captain Francis has judiciously proposed to leave the precise terms to the time of settlement, when the details can be fixed on the spot in presence of both khot and ryot. The engagement for the whole village should not be entered into until the individual sub-tenants' leases have been formally completed, and the registry of these will form an important part of the record of the new settlement.

14. His Excellency in Council is of opinion that the sub-tenants' leases should contain the following particulars:—

Survey number according to map and assessment,
Term of lease,
Amount payable annually,
Time of payment,

and should be signed by all the khots whose names are entered in the Government engagement, or by one of their number duly authorized on their behalf.

15. The lease should further secure the right of heirs of the lessee, and should provide for the resignation of the land, if the lessee desire to give it up. The deed of resignation should be in the name of the khot, but it should be valid only after registry in the Māmlatdār's office; and the District Officer will satisfy himself, before registering it, that the lands are resigned by the lessee of his own free will.
It would be observed that the lands were to be resigned to the khot and not to Government; the interference of Government officials being only so much as was required to secure the ryot's free agency in making the transfer. The Resolution having disposed of the question of resigning lands, thus dealt with the debated point of the right of transfer—

"17. Another question will arise with regard to the ryot's right of transfer. To give him the right unrestrictedly in all cases, would probably be to confer a new privilege, and to lessen unduly the rights of the khot."

For this reason provision has been made in the leases given by the khots to the ryots, reserving to the former the right of veto upon any transfer. The Resolution ran as follows in respect to the terms to be settled between the khot and ryot:—

"22. The khot and ryot will be left to make their own arrangements, subject to the proviso that the rent do not exceed half as much again as the survey assessment. His Excellency in Council would have desired to give the ryot the full benefit of cash rates in lieu of the grain rental hitherto paid to the khot, but such a change would have been unpalatable to the khots, and it is doubtful whether the ryots would have found sufficient means to avail themselves of the full privilege, even if it had been allowed to them.

"23. Under these circumstances the plan described in Captain Francis' 6th paragraph is approved. For every rupee of survey assessment, one maund of rice may be levied. If more than this be taken, the payment must be in cash, and may not exceed 8 annas for every rupee of survey assessment."

He (Mr. Ellis) would here mention that in practice this clause had been modified. It was found that in some districts both parties preferred a cash settlement, and the Superintendent of Survey was authorized, therefore, to register leases binding the ryots to pay wholly in cash. It should also be stated that, owing to the rise in prices, the settlement is far more favourable to the khots than was anticipated, for 1 maund of rice; then valued as equivalent to 1 rupee, is now worth more than 2 rupees, and the khot, therefore, would obtain from the ryot fully double what he pays to Government.

"24. This payment will include all levies, such as phaski and penda and other extra cesses. If the khot desire to receive straw in part payment of his rental, he can do so, remitting an equivalent amount of grain. But it must be distinctly understood that the payments fixed in the lease are
in liquidation of all demands, and that further levies will be
punished as undue exactions.

"25. It will be the duty of the officers making the settle-
ment to see the prescribed limit is not exceeded in any of the
agreements which the khots may bring for registry and con-
firmation at the Jamabandi."

With regard to this clause he thought that when an agree-
ment of long standing was produced, it should be admitted on
special grounds being shown for its admission, and to this extent
the Settlement Officer should be empowered to relax the rule. A
similar provision followed in the Resolution in respect to agree-
ments below the sanctioned limit.

"26. When the parties are satisfied, the existing terms
should be adhered to, as far as possible. Care should be taken
that the khots do not raise existing rentals when they do not
reach the maximum allowed; for if they do, a provision in-
terested for the benefit of the ryot will be perverted to his
injury. When the present rental, however, is below the
Survey rate, the khot should of course be permitted to raise
it to the survey assessment."

After discussing some questions with which it was not neces-
sary to detain the Council, the Resolution proceeded as follows:—

"29. With respect to the khot's management, reform
is chiefly needed in villages held by several sharers. It is
absolutely necessary, not only for the convenience of Gover-
ment, but for the protection of the ryot, that the management
should be in the hands of a single individual.

"30. In all cases one person, and one only, should be
directly responsible to Government for the year's revenue.
When the village lands have been divided, and their revenue
apportioned among sharers, each may be permitted to manage
his own share, subordinate to the chief manager of the village;
but where this is not the case, it is indispensable for the
security of the ryot that he should know to whom his revenue
is payable, and that his liability should be confined to a single
individual.

"31. It is, therefore, necessary that in lieu of the existing
practice of entering a number of names in a single agreement
without any definition of the responsibility attaching to each
sharer, the general agreement should hereafter contain a dis-
tinct declaration, dividing the thirty-years' lease into con-
venient periods among the sharers in the khotship. The
manager for the year will be held responsible, as suggested
in paragraph 13 of Captain Francis's Report, and those who may succeed by heirship, sale, or decree of Court, will take the turn of management belonging to the sharer from whom their title may have been derived.

"32. His Excellency in Council approves of the arrangement suggested by Captain Francis in the event of a sharer declining to officiate in rotation."

"34. But with regard to security, it may be remarked that if the sharers in the khotship offer themselves collectively and individually as sureties for the due performance of the conditions of the lease, by the manager for the year, no other security should be demanded. This relaxation will be a boon to the khots; while, on the other hand, if every sharer possessing an interest in the village bind himself to the full extent of his property, it is evident that there can be little or no risk to Government.

"35. A definite penalty should be inserted in the lease, providing for the breach of any one of its provisions; otherwise, pending a legislative enactment, it will be difficult to enforce a compliance with the terms agreed upon."

The next section which he would read was of importance, for the khots were under an impression that the proposed law would deprive them of a right. They claim a number of petty exactions which they now levy under various denominations. It will be seen that under an old law Government had full power to stop such levy, and the Bill before the Council will confer no new power whatever in this respect.

"37. A revision of assessment having now been sanctioned, a notification under Act XX., 1839, will be issued, prohibiting, in the Sanki Taluka, the future levy of atwet, karsaee, and other items of revenue long since abolished by Government, but the levy of which by khots has not hitherto been declared penal pending a revision of assessment. A similar notice should be issued in the several villages in accordance with the 3rd section of the Act above quoted."

The only other clauses with which he would trouble the Council were the following:

"42. Care should be taken to record the rights of Government over the patches of land reserved for forest, whether
of teak or other jungle wood. The full right of the khot to all wood on other unoccupied land not so reserved should be conceded, and he should be distinctly informed that the wood which he may find means to preserve beyond the tract reserved by Government, and with reservation of any rights of occupants, will be his sole property.

"43. The existing right of Government to take, without compensation, any waste land that may be required for roads or other public purposes, remains unaffected by the terms of the settlement.

"44. The extra cess of 1 anna per rupee for local improvements should be levied in the khoti as well as in the ryotwar villages of this taluka already settled, on condition of paying this item."

If this Resolution were published with the report of the present proceedings, there would be no ground for saying that sufficient information had not been given to the public in regard to the nature of the settlements in khoti villages which it was proposed to legalize.

His Excellency Sir William Mansfield asked if the Survey Officers had ever had any difficulty in settling differences between the khots and their ryots.

The Honourable Mr. Robertson said that in one or two cases the khots had refused the settlement, but had, ultimately agreed to it. These khots had at first objected to the provisions of the Government Resolution that had been read to them. He (Mr. Robertson) thought the khots had no reason to disapprove of the present Bill. He could not see the force of the remarks made by Mr. Vishwanath Narayan Mandlik. If anything, the Bill conceded too much to the khots whose villages had been settled. The settlement conceded rights to them which they did not really possess. The khots referred to by Mr. Ellis were of two kinds. There were, first, the persons whom the Peishwas had allowed to take up land in the wilder parts of the Konkan, on the condition of their paying an annual rental on it. These men might either have found persons already in occupation of such lands, or they might have employed persons to cultivate waste lands for them. The cultivators would, in the one case, be the occupants of the soil, and in the other they would be the khot's tenants-at-will. In either case the khot would be the medium for conveying the land revenue from the cultivators to the State. The second class of khots were those who held their land by direct sanad. These were the only class of khots who could be said to have a proprie-
tary interest in the soil. In time, however, the circumstances under which the first class of khots was allowed to collect the revenue, were forgotten. Their tenures were not properly looked into, and the right of khotship was assumed by men who were simply farmers of the revenue. Finding matters in this unsettled state, the British Government resolved to circumscribe the claims of these middlemen. They took annual leases from them for the payment of the revenue due on account of their villages. The Government did this in order to retain the power of closing the leases at any time. This was a power which it was very necessary for the Government to possess. At present the existence of a class of middlemen prejudicially affected the interests of Government. The khots take 25 or 50 per cent of the revenue paid by the ryot. If there were no khot, Government would certainly be a gainer. He (Mr. Robertson) would be glad to see some provision introduced in the Bill to restrain the power of the khots over their ryots.

The Honourable Mr. Ellis said that it was his intention to propose two new sections especially to define the relations between the khots and their tenants. When these sections were put, Mr. Robertson would have an opportunity of opposing them.

The Honourable the Advocate-General asked what tenures were proposed to be settled by Section 3. The section appeared to him to be very vague. He should like to know what was, and what was not, confirmed by this Bill.

The Honourable Mr. Inverarity said that the section did not relate to tenures, but to settlements of the land revenue.

His Excellency the President said that while this section affirmed all previous sanctions given by the Governor in Council to Survey Settlements which were still in force in this presidency, it gave a legal sanction to all acts and proceedings of Survey Officers who had carried out the orders of the Government in connection with the survey operations. The Bill would give a fixity to such operations, and would prevent any future Government from modifying, without express legal sanction, the system which was now to be legalized.

On the motion of the Honourable Mr. Frere the word "Survey" was inserted between the words "existing" and "settlements" in line 1 of Section 3.

On the motion of His Excellency Sir William Mansfield, the words "according to the guarantee given in Sections 28 and 29, and " were omitted in lines 6, 7, and 8 of the section.
On the motion of the Honourable the Advocate-General the word "other" was omitted in line 8 of the same section.

On the motion of the Honourable Mr. Frere the last sentence of the section was omitted, on the understanding that the provision contained in it should be adopted after the close of Section 29.

Before Section 3 as amended was put, His Excellency Sir W. Mansfield said that as he was anxious to obtain information in reply to the question he had asked regarding differences between khots and their tenants, he had, while the discussion on Section 3 was going on, put a written query on the subject to Major Francis, which, with his reply, he would read to the Council. His query was "Have the differences between the khots and the ryots been generally settled to the satisfaction of both parties; that is to say, within the provisions of the Government Resolution? I do not refer to such khots as tried to set aside the Resolution, as stated by Mr. Robertson." To this Major Francis replied as follows:

"I do not recollect a case in which a difference between the khots and ryots was not effected at the time of settlement. There were some villages in which the whole body of the ryots refused the terms of the settlement altogether, and they were left to make their own arrangements with the khots in such cases. But the latter must be considered as exceptional cases, in the same way as with villages in which the khots refused the settlement. In all villages, however, in which the settlement was carried out, any differences between khots and ryots were disposed of by the provisions of the Government Resolution."

He (Sir William Mansfield) begged that this reply, as furnishing information regarding the working of the Resolution, be recorded with the Minutes of their proceedings.

Section 3, as amended, was then agreed to.

On the question that Section 9 stand part of the Bill, the word "respective" was inserted, on the motion of His Excellency Sir William Mansfield, between the words "their" and "immediate" in line 4.

On the question that Section 11 stand part of the Bill, the Honourable Mr. Madhowrow Vittul Vinchurkar remarked that in Jaghir or Inam villages, Survey Officers ought not to have the power of entering upon lands for any of the purposes referred to in that section without the permission of the Jaghirdar or Inamdar.
The Honourable Mr. Ellis agreed so far with the honourable member that Survey Officers should not interfere for the purpose of assessment without leave, but it was necessary that they should be absolutely empowered to measure village boundaries.

The Honourable Mr. Madhowrow Vittul said that his object would be sufficiently met if the following proviso were added to the section:—

"Provided that it shall not be competent to the said officer to fix any assessment in alienated villages without the assent of the alienee."

On being assured by the Honourable Mr. Inverarity that it was his intention to introduce a clause after Section 48 that would meet the difficulty felt by him, the Honourable Mr. Madhowrow did not press his amendment.

On the motion of the Honourable Mr. Ellis, the words "villages or" were inserted between the words "of" and "fields" in line 6 of Section 12.

On the motion of the Honourable the Advocate-General the words "owners or occupants" were substituted for the word "occupant" in line 16 of Clause 2 of the same section.

On the question that Section 14 stand part of the Bill, the word "may" was, at the suggestion of the Honourable Mr. Inverarity, substituted for the word "shall" in line 4 of Clause 2.

His Excellency Sir William Mansfield suggested that a clause should be added to this section, showing that a ryot had redress by a civil action against the decision of a Superintendent of Survey in regard to any boundary determined by him under the provisions of this section. It was true that if a ryot felt himself aggrieved by an act of a Survey Officer he could under the existing law appeal to the Civil Court. The existing law (Regulation XVII. of 1827) was not affected by the present Bill, but it was not every ryot who would feel confident of this fact, and he thought it as well to disclaim, in so many words, in the measure itself, the finality of the proceedings of the Superintendent of the Survey.

The Honourable Mr. Inverarity explained that the boundaries put up by the Survey Officers in no way affected title to the land. In placing them, the Survey Officers made no inquiries regarding title. The survey marks were simply put up for survey purposes, and there was no reason whatever why the Civil Courts should have anything to say in regard to the placing of these marks.

The Honourable Mr. Ellis thought it would be most inconvenient to allow an appeal to the Civil Court from the decision of the Superintendent of Survey. The Civil Courts had ample power to decree possession of land to its owner. The survey marks, how-
ever, had nothing to do with private property. The boundaries of a survey number might or might not be the boundaries of a private estate. They might comprise one or many estates, but had no necessary connection with the boundaries of such private property. They were simply placed for the purpose of mapping out the country, each area included between certain boundary marks being an assessable item of village land paying revenue to the State.

His Excellency the President thought it should be clearly stated in the Bill that boundary marks did not affect private rights.

The Honourable Mr. Frere concurred with Mr. Ellis. He thought that, in practice, no difficulty would be felt. He was Judge at Dharwar when the Survey was first introduced into that district. Cases constantly arose in which the boundaries settled by the Survey Officers intersected private estates. But occupants of land soon understood that their private rights were in no way affected by the operation of the Survey.

His Excellency Sir William Mansfield thought that the real object of placing boundary marks should be distinctly recognized in the Bill. He would propose the addition of the following provision to Section 14:

"Provided that the determination of any boundary under this section shall not debar any one claiming any right in the land from any legal remedy he would otherwise have for dispossessing."

The section, as thus amended, was agreed to.

On the question that Section 17 stand part of the Bill, the Honourable Mr. Jugonnath Sunkersett suggested that, as proposed by Mr. Gowreeshunker Oodeyshunker, a form of the razonama referred to in this section, should be annexed to the Act.

The Honourable Mr. Ellis said that it would be better not to settle any form of razonama, as different forms would be required in different districts. And if it should ever so happen that in any case the form adopted was not exactly in accordance with the form provided in the Act, some legal difficulty might be raised as to the validity of the razonama.

The Honourable Mr. Jugonnath Sunkersett did not press his suggestion.

On the question that Section 20 stand part of the Bill, the Honourable Mr. Inverarity moved that the words "at his discretion" be omitted in lines 6 and 7 of the section.—Carried.

The Honourable Mr. Ellis moved that the words "when confirmed by the Superintendent of the Survey" be inserted between the words "decision," in line 11, and "shall," in line 12, of the section.—Carried.
The Honourable Mr. Premabhai Hemabhai was of opinion that provision should be made for extending the time referred to at the end of the section.

On the motion of the Honourable Mr. Ellis, the words "unless he see fit to extend the time" were inserted between the words "Officer" and "to" in line 15, and the word "otherwise" between the words "as" and "provided" in line 16.

On the question that Section 21 stand part of the Bill, the Honourable Mr. Madhowrow Vittul Vinchurkar suggested that persons exempted from personal appearance in the Civil Courts should also be exempted from appearing before Survey Officers under this section. He moved that the following words be added to the section:

"Provided that exemptions under Section 22 of the Code of Civil Procedure shall be applicable to requisition for attendance under this section."—Carried.

The Honourable Mr. Jugonnath Sunkersett proposed that the word "sixty" be substituted for the word "thirty" in line 9 of Section 24.—Carried.

On the question that Section 28 stand part of the Bill, the Honourable the Advocate-General proposed that the words "existing settlements and all assessments" be substituted for the words "an assessment" in line 9.

The Honourable Mr. Robertson considered the amendment unnecessary, as Section 3 provided all that was wanted in regard to the confirmation of existing settlements. Section 28 simply aimed at giving authority to the Governor in Council to declare all settlements hereafter to be made fixed for any period not exceeding thirty years.

The Council divided on the Advocate-General's amendment.

Ayes—6.

The Honourable the Advocate-General.
The Honourable Mr. Cassels.
The Honourable Mr. Premabhai Hemabhai.
The Honourable Mr. Frere.
The Honourable Mr. Ellis.
The Honourable Mr. Inveralarity.

Noes—4.

His Excellency Sir W. Mansfield.
The Honourable Mr. Madhowrow Vittul Vinchurkar.
The Honourable Mr. Scott.
The Honourable Mr. Robertson.

The amendment was therefore carried.

On the motion of the Honourable Mr. Frere, the following words were inserted at the end of Section 28:
"The expiration of periods so guaranteed shall from time to time be published by authority of Government in the Government Gazette."

On the question that Section 29 stand part of the Bill, the Honourable Mr. Cassels moved the insertion of the words "virtue of" between the words "in" and "the" in lines 1 and 2 of Clause 1 of the Section.—Carried.

The Honourable Mr. Madhowrow Vittul Vinchurkar proposed the omission of the 7th, 8th, and 9th lines, and the words "Government or" in line 10 of the same section, and said that, in his opinion, it tended to create confusion to make any mention of a special water tax in a clause which referred only to imperial land revenue. If these words were omitted he would propose the following new section:

"It shall be lawful for the Governor in Council to impose, in addition to the assessment imposable under the preceding section, a water rate for the use of water rendered available for irrigation in consequence of the construction, improvement, or repair of any irrigational work, by or at the expense of Government, or of any Company legally authorized by Government. Provided that such water rate, together with the ordinary land assessment, shall not exceed the authorized assessment of the district for irrigated lands, and provided that it be subject to revision with other assessments at the expiration of the period of survey settlement."

He would only press the adoption of this clause if the proposed omission of the words in Section 29 were carried.

The Honourable Mr. Robertson said there might be a difficulty in regard to the working of the section proposed by the honourable member, inasmuch as in many districts there are no irrigational works, and in such districts there would be no basis for fixing the rate of assessment to be imposed. He thought it desirable to fix no restriction. If private companies constructed works of irrigation, it would be for their own interest not to charge rates which would render it unremunerative to the ryot to take the water. In his opinion it ought to be left to the ryot to decide for himself whether it would suit his means or convenience to take water on the terms offered.

The Honourable Mr. Ellis approved of the clause proposed by Mr. Madhowrow. It was impossible to make any mistake as to its meaning, and in no district which had been surveyed and settled could there be any doubt about the rates of assessment for irrigated lands.
His Excellency Sir William Mansfield thought it much better to omit any reference to a water rate. If legislation was required, it should take the form of a separate enactment. The primary object of the clause was simply to state that the guarantee referred to was limited to imperial land revenue. There was no necessity, therefore, to specify the cesses to which it did not apply. He did not, besides, approve of the form of the proposed section. It would be just as reasonable to enact that persons should use a steam-engine as to legislate for the use of water by compulsion. There were many reasons for restricting this Bill to the object for which it was intended. To load it with a reference to water rates, would cause great difficulties. The question of fixing such rates was very difficult, and was exciting attention in various parts of India. He would certainly vote against the amendment proposed by Mr. Madhowro Vittul Vinchurkar.

The Honourable the Advocate-General said that as the Bill related to land revenue, it was going beyond the principle to make any reference.

The Honourable Mr. Inverarity approved of the section as it stood.

The Count to omit lines 7, 8, and 9, and the words "Government or":

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<td>The Hon.ble Mr. Madhowrow Vittul.</td>
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<td>Mr. Vittul Mr. Ellis.</td>
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<td>The Honourable Mr. Cassels.</td>
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The amendment being lost, the Honourable Mr. Vinchurkar did not move the adoption of the clause he had proposed.

The Honourable Mr. Frere said that it was very desirable that every precaution should be taken to prevent the idea gaining ground that the present Bill interfered with guarantees already given. It was most important that the Government should keep faith in the matter. He proposed the addition of the following words to Clause 1 of Section 29:
"Provide that no guarantee of any existing Survey assessment already given by Government shall be held to be cancelled by this Act."

The Honourable Mr. Frere saw no necessity for the introduction of the proposed words. He presumed that the object of introducing them was to prevent any additional cess being levied on the land for expenditure on local improvements. But if this was the object of the honourable gentlemen, the proviso would prove quite inoperative, for it was clear that the guarantee referred to in the section applied only to imperial revenue. If at any time a law were to be proposed to levy an additional cess on the land for local objects, the guarantee already given would be no bar to such taxation, and he believed that the honourable member himself would support a proposition for such a law.

The Honourable the Advocate-General saw the difficulty felt by Mr. Frere. If an assessment were now settled on the land and if that assessment were guaranteed for a term of years, the and had a right to expect that no additional cess would be placed on the land. It mattered little whether the additional cess was imposed for imperial or local purposes. It would, in either case, be a cess anticipated at the time of the settlement.

His Excellency Sir William Mansfield was of opinion that Mr. Frere’s objection would be met if only the first three and half lines of the section were retained. It would be sufficient to state that the guarantee applied only to land revenue, and if a cess were to arise as to any revenue to which it did not apply, the question of further legislation for local objects, the following would be substituted for the last seven lines of Clause 1 of Section II: "is irrespective of all considerations of local taxation for the purposes." He had no wish, however, to press such an amendment as this. He saw no objection to the section as it stood.

His Excellency the President considered it safer to leave the section as it stood. The necessity for imposing new local taxes might at any time occur. It would be very inexpedient to adopt a proviso which would embarrass Government in the carrying out of any measure for local taxation which might become necessary. It was true the words might be really inoperative; but still, if they were adopted, and if an additional cess for local purposes were hereafter to be levied, the idea would no less be favoured that Government had broken faith with the tax-payer. The purport of such a proviso was far too vague. In Bengal, as they knew, the
Income Tax had been objected to as contrary to Lord Cornwallis' guarantee. If the proposed amendment were carried, similar difficulties might arise in this presidency. The words "land assessment" might be held to include any species of taxation, and if Government were forced, on grounds of public policy, to raise local taxes, a breach of faith would be imputed to them. It was not advisable to hamper Government in any such manner.

The Honourable Mr. Frere said, in reply, that if, as stated by Mr. Ellis, the adoption of the proviso would be no bar to local taxation, there could be no possible harm in adding it to the clause. He was quite conscious that the guarantee applied only to Imperial Revenue, and that there was an obvious distinction between local and imperial taxation. But nevertheless equity and good faith both demanded the adoption of some such proviso as proposed by him.

The Council then divided on the Honourable Mr. Frere's amendment.

**Ayes—3.**
- The Honourable Mr. Frere.
- The Honourable the Advocate-General.
- The Honourable Mr. Premabhai Hemabhai.

**Noes—7.**
- The Honourable Mr. Ellis.
- The Honourable Mr. Scott.
- The Honourable Mr. Robertson.
- The Honourable Mr. Inverarity.
- His Excellency Sir William Mansfield.
- The Honourable Mr. Cassels.
- The Honourable Mr. Madhowrow Vittul Vinchurkar.

The amendment was therefore lost.

On the question that Section 32 stand part of the Bill, the Honourable Mr. Inverarity moved that the words "in unalienated villages" be inserted between the words "lands" and "for" in line 3, and that the words "otherwise appropriated or assigned" be substituted for the word "cultivated" in line 9 of the section.—Carried.

The Honourable Mr. Cassels objected to the wording of Section 36. In the second sentence of this section the right of occupancy was declared to be transferable and heritable property, and in the first sentence it was declared that the occupant shall not be deprived of this right. Surely such an enactment was quite superfluous. They might as well enact that a man shall not have his pockets picked. He would suggest the following as a more logical section than the present:—

"So long as any person lawfully and authorizedly in occupation of any field or share of a field shall continue to pay
the assessment due thereon in virtue of any existing settlement lease, or the rate which may be assessed on his land at a revision of assessment, the right of occupancy of a survey field or recognized share of a field or number is hereby declared to be a transferable and heritable property."

The Honourable Mr. Inverarity preferred the section as it stood.

His Excellency Sir William Mansfield said that the difficulty felt by Mr. Cassels would be removed if the first sentence and a part of the second were transposed. This would render the omission of the word "conditional" in the second sentence necessary. The section would then run as follows:

"The right of occupancy is declared to be a transferable and heritable property, and the occupant of a survey field or recognized share of a field or number shall not be deprived of his right of occupancy in the said field or recognized share of a field by any Revenue Officer so long as he continues to pay the assessment due thereon; and any person lawfully and authorizedly in occupation of any land at the expiration of settlement lease who shall consent to the rate which may be assessed on his land at a revision of assessment shall be continued in his occupancy without question."

He (Sir William Mansfield) had no wish, however, to press the suggestion. He saw no objection to the section as it stood.

The Council divided on Mr. Cassels' amendment.

Ayes—2.

The Honourable Mr. Cassels.
The Honourable the Advocate-General.

Noes—8.

His Excellency Sir W. Mansfield.
The Honourable Mr. Frere.
The Honourable Mr. Inverarity.
The Honourable Mr. Robertson.
The Honourable Mr. Madhowrow Vittul Vinchurkar.
The Honourable Mr. Premabhai Hemabhai.
The Honourable Mr. Scott.
The Honourable Mr. Ellis.

The amendment was therefore lost.

The Honourable Mr. Ellis said that he would now propose the two sections of which he had previously spoken. They were as follows:

"Section 37.—Wherever in the Ratnagiri Collectorate and in the Raygarh, Rajpuri, and Sanksi talukas of the Tanna Collectorate, the survey settlement is introduced into
villages or estates held by khots, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the Governor in Council, to grant the khot a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held; and, further, the provisions of Section 36 in respect to the right of permanent occupancy at the expiration of survey settlements shall hold good in regard to these villages or estates.

"Section 38.—It shall also be competent to such officer, with the sanction of the Governor in Council, to fix the demands of the khot on the tenant at the time of the general survey of a district; and the terms thus fixed, shall hold good for the period for which the settlement may be sanctioned. But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage, or otherwise, where such did not exist before, and shall not affect the right of the khot to the reversion of all lands resigned by tenants during the currency of the general lease."

The reason why it was necessary to specify the talukas to which the provisions of these sections were to be made applicable, was that there were other khots besides those in the Southern Konkan. In the Salsette Taluka there was a class of landholders, called khots, who had nothing but the name in common with the khots of the Southern Konkan: They held their villages at a permanently fixed rental, and usually under specific grants; and the nature of the tenure in each case depended on the terms of the deed. The proposed sections, therefore, had reference only to the khots of the Southern Konkan—a class of superior holders whose rights were of a very long standing. The settlement of the revenue had been made with them, just as in ryotwar villages the settlement is made with the cultivator. For many years past annual agreements had been entered into with the khots for the land revenue due from their villages. But when the survey settlement was introduced into khoti villages, it was only fair that the khots should have the same advantages in regard to permanency of tenure as is guaranteed in other surveyed districts. There was no reason why the guarantee should not be extended to them as to other occupants. The first section proposed by him would effectually secure this object, and by recognizing the rights of this class of superior holders to the villages in their possession, would remove their apprehensions, and induce them to accept the benefits of the Survey with the same satisfaction that had been evinced by the ryots everywhere. The second of the clauses proposed would confirm that portion of the khot's settlement which prevented the
khot from exacting more than was fair from the inferior holder. At first sight such a provision might appear to interfere with the rights of the khot, but the actual cultivators of the soil had also rights recognized by the custom of the country which the khot could not invade. These rights might justly form the subject of legislation, and indeed, in a Bill like the present, could not be safely ignored.

The Honourable Mr. Cassels objected, so far as he was at present informed, to the clauses proposed by Mr. Ellis. The Bill confirmed all existing settlements. It confirmed therefore—but he spoke under correction—any settlements made in khot villages. There was no necessity, therefore, for introducing a special clause in regard to these villages when no such special clause was proposed for other villages.

His Excellency the President explained that the clause proposed by Mr. Ellis would provide that security for the khots of the Konkan which the Survey Rules provided for the ryots of the Deccan.

The Honourable Mr. Robertson thought that the introduction of these clauses was opposed to the principle of the Bill, as they recognized by name one particular tenure, whereas in all the rest of the Bill no other tenures were spoken of. The Bill had nothing to do with tenures as such. It simply regarded all persons in possession of land as liable, more or less, to the payment of land revenue. Mr. Ellis had stated that doubts had been raised as to the applicability of the Bill to the khots, but in his opinion there could be no doubt that the Bill was applicable to them. If they once accepted the survey, their rights as occupants were settled, and there was no necessity for saying this in the Bill. So far as Government was concerned, it was immaterial whether the settlements were made with the khot or with the ryot. If the khot's right to enter into an agreement for the revenue were acknowledged to the exclusion of the right of the ryot, much injustice would be done to the latter. If the khot's supposed rights were ignored in the Bill, no evil results need be apprehended. They need fear no such results here as had been experienced in the indigo districts. The second clause proposed by Mr. Ellis appeared to him to be objectionable in so far as it restricted the power of the cultivator, who was the real occupant of the soil, from dealing with his land in the way of transfer or sale as he pleased. The demands of the khot upon the cultivator might also be very exorbitant for all that the proposed clause provided to the contrary.

The Honourable the Advocate-General saw no reason why distinction should be made in favour of khots more than other landholders. He agreed with Mr. Robertson that the proposed clauses involved a departure from the principle of the Bill.
His Excellency the President said that nothing that had been urged against the clauses met the great argument that there was in favour of them. There could be no doubt that the tenures in this presidency might be broadly divided into two classes:—

(1) the Ryotwari, in which the actual cultivator of the land paid the revenue direct to Government; and (2) the Khoti, in which a superior holder, who did not necessarily cultivate land, was answerable for the Government demands, and possessed the right of taking rent from the cultivators who held under him. The Bill, as introduced, did not recognize this distinction of tenures. It apparently ignored the rights of khots, and recognized the cultivators as the only persons possessing rights of occupancy. It was not to be wondered at, therefore, that the khots took alarm. If Mr. Ellis's clauses were adopted, the khots would get all that they could reasonably ask for, if not all that they wanted. It would prevent future strife to pass these clauses. It would place the respective rights of Government, the khot, and the tenant on a satisfactory and intelligible footing, and would certainly be the means of avoiding a great amount of discontent.

His Excellency Sir William Mansfield approved of the clauses. From what they had heard in opposition to them it was clear that there was much danger of the rights of the khots being ignored unless made the subject of express enactment, and that the petitioners were therefore justified in the apprehensions they had expressed.

The Honourable Mr. Ellis remarked on the confusion of thought shown in Mr. Robertson's observations on the khots. At one time he called them occupants, and at another ignored them altogether and called the tenants the occupants. If Mr. Robertson was not certain who was the occupant according to the Bill as first proposed, then it was clear that there was some necessity for a recognition of the exact status of the khot. That the khot had an interest of a very high order in the soil, was a fact, to ignore which was to commit a manifest injustice. On the other hand, he had no intention whatever of asking the Council to ignore the rights of the actual cultivators. It was a peculiarity of the khot tenure that the khot and the tenant had each an interest with the State in the soil; and the rights of parties ought to be recognized. As the first clause had been proposed in the interest of the khot, so the second clause was framed to protect the tenants. It restricted the power of the khot in regard to his claim against his tenant, and as the clause expressly guarded the right of the ryot to transfer his land when such right before existed, the proposed clause did not prejudice the tenant's rights, as supposed by Mr. Robertson.
The Council divided on the first section proposed by Mr. Ellis.

**Ayes—8.**

- The Honourable Mr. Ellis.
- The Honourable Mr. Scott.
- The Honourable Mr. Inverarity.
- The Honourable the Advocate-General.
- His Excellency Sir William Mansfield.
- The Honourable Mr. Cassels.
- The Honourable Mr. Premabhai Hemabhai.
- The Honourable Mr. Madhowrow Vittul Vincburlkar.

**Nees—2.**

- The Honourable Mr. Robertson.
- The Honourable Mr. Frere.

The motion was therefore carried.

The Council divided on the second section proposed by Mr. Ellis.

**Ayes—9.**

- The Honourable Mr. Ellis.
- The Honourable Mr. Scott.
- The Honourable Mr. Inverarity.
- The Honourable the Advocate-General.
- His Excellency Sir William Mansfield.
- The Honourable Mr. Cassels.
- The Honourable Mr. Premabhai Hemabhai.
- The Honourable Mr. Madhowrow Vittul Vinchurkar.
- The Honourable Mr. Frere.

**No—1.**

- The Honourable Mr. Robertson.

The motion was therefore carried.

On the question that Section 38 (or amended Section 40) stand part of the Bill, the Honourable Mr. Ellis moved that the words "in all future settlements" be inserted between the words "shall" and "include" in line 3 of the section.—Carried.

On the question that Section 40 (or amended Section 42) stand part of the Bill, the Honourable Mr. Ellis moved that a second clause be added to the section to the following effect:—

"Provided that in villages held on the nurwa, bhagdari, or other similar tenure, the above clause shall not relieve any shareholder from his liability for the assessment of all lands for which he may be, according to the custom of the village, responsible jointly with the other sharers."
In framing this clause he had had the advantage of being assisted by Mr. Pedder, Settlement Officer in Guzerat, who had first pointed out to him the necessity for this proviso.

The proposed clause was agreed to.

On the question that Section 42 (or amended Section 44) stand part of the Bill, the Honourable Mr. Ellis moved that the last four lines be omitted.—Carried.

On the question that Section 43 (or amended Section 45) stand part of the Bill, the Honourable Mr. Ellis proposed the addition of the following clause to the section:

"Provided that nothing in this section shall affect the provisions of (Bombay) Act V. of 1862."—Carried.

On the question that Section 46 (or amended Section 48) stand part of the Bill, the Honourable Mr. Inverarity said that, with a view to meet the wishes of the landholders in Salsette and other places, who might wish to have the benefits of the proposed Act extended to their estates, he would move that the following new section be adopted:

"The provisions of this Act shall not, except for the purpose of defining village boundaries, be applied to villages held exempt from payment of Land Revenue, or under Act II. or Act VII. of 1863 of the Council of the Governor of Bombay, or under a grant or lease fixing the Government demand in perpetuity. Provided that it shall be competent to the Governor in Council to apply all or any of the provisions of this Act to Government lands in alienated villages, and further to extend, by notification in the Government Gazette, such of its provisions as he may deem applicable to every such village, on application to be made, in writing, by the holder thereof."

This section was agreed to.

On the motion of the Honourable Mr. Ellis, the word "administration" was substituted in the title for the words "subsequent management."

The third reading of the Bill was deferred to the next meeting of the Council.

Poona, 24th September 1864.

n 401—x
The Council met at Poona on Saturday, the 1st October 1864, at 11 A.M.

Present.

His Excellency Sir H. B. E. Frere, K.C.B., Governor of Bombay, presiding.

His Excellency Sir W. R. Mansfield, K.C.B.

The Honourable W. E. Frere.

The Honourable J. D. Inverarity.

The Honourable the Advocate-General.

The Honourable M. H. Scott.

The Honourable B. H. Ellis.

The following papers were presented to the Council:—

1. Petition of Messrs. Bhawoo Daji, Munguldass Nathoo-bayee, and 68 others, relative to the Bombay Survey and Settlement Bill.

   The terms of this petition were the same as those of the petition from Messrs. Cursetji Nusserwanjee Cama, Vishwanath Narayan Mandlik, and Venayek Narayan Bhagwat, presented to the Council on the 17th ultimo.

2. The following petition relative to the Bombay Survey and Settlement Bill:—

   To His Excellency the Honourable
   Sir H. B. E. Frere, K.C.B.,
   Governor and President in Council, Bombay.

   The Memorial from the undersigned landholders residing and holding lands in the Presidency of Bombay.

RESPECTFULLY SHOWETH,

1. That your Excellency's Government has recently introduced into the Legislative Council of Bombay "a Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same."

2. That the draft of this Bill was not published until the 10th of August in this year, on which day it was read a first time and referred to a Select Committee.

3. That this Bill has since been passed through its various stages with undue haste.

4. That the character of this Bill is inquisitorial, and its operation certain to be confiscational in by far the greater number
of instances in which it is designed to apply it to the investigation of the rights of khots and other landholders not specially exempted from its provisions.

5. That this Bill is meant to and will affect vested interests of vast magnitude, among others and to a great extent those of many of your memorialists.

6. That this Bill is not only retrospective in its action, but in future will partly found its operations upon rules not yet framed, and as to the scope and bearing of which your memorialists are necessarily in the dark. That such rules may, and probably will, greatly affect the vested interests of your memorialists and other landholders.

7. That your memorialists cannot view without apprehension and alarm the passing of a Bill bearing with it powers so prejudicial to proprietary and other rights. That your memorialists and others have, at different times and at the various stages of this Bill, protested against its progress being advanced without reference to or inquiry into their rights, but that your memorialists, while only urging their proper constitutional rights to be heard in opposition to the progress of a Bill through your Excellency's Council, have been referred to as "discontented persons," seeking to "hunt up" evidence against a measure notoriously beneficial in its general scope and purport.

8. That your memorialists, while expressing no opinion upon the alleged beneficial nature of this measure, respectfully submit that it is irreconcileable with that "unwritten constitution" and the provisions of those "Acts of Parliament" which your memorialists are advised that your Excellency's Council are bound to observe, to sacrifice vested interests of vast magnitude to the alleged public benefit without ample previous notification, the fullest information, and the most deliberate progress.

9. That your memorialists appeared and were heard by Counsel before a Select Committee appointed to consider and report upon this Bill, who presented a written protest signed by your petitioners against the progress of this Bill, praying that its further consideration might be postponed for the purpose of allowing your memorialists sufficient time to produce evidence necessary to substantiate their objections thereto; yet your memorialists' reasonable protest has been disregarded, nor have they been afforded sufficient time or opportunity to produce evidence in stay of the progress of this Bill. That your memorialists having consulted with Counsel learned in the law, have been advised that more than one course will be open to them, even after the Bill is passed, for defeating its operations in their regard; but your memorialists, in
their reluctance to place themselves in opposition to constituted authorities, would ask your Excellency to give them an opportunity of stating their objections to the Bill before its passing, in the hope of being able to prevent that result. That your memorialists, so far from being, as they have been represented to be, " discontented persons," seeking to " hunt up" evidence in opposition to this Bill for factious and improper purposes, are loyal subjects of the British Government, having solid and substantial interests at stake, who are prepared with great numbers of witnesses to the character and nature of those interests. Your memorialists, therefore, in the exercise of their undoubted constitutional right, and in accordance with the practice of Imperial Parliament in cases of a like nature, ask your Excellency's permission to appear and be heard by T. C. Anstey, Esq., and T. C. Hayllar, Esq., Barristers-at-Law, at the third reading of this Bill on Saturday, the first day of October next.

CURSETJI NUSSEWANJI CAMA.
VISHWANATH NARAYEN MANDLIK.
KRISHNAJI BULLAL, Khote of Rabatagur.
KRISHNAJI VENAYAK, Khote.

Bombay, 28th September 1864.

This petition was read.

His Excellency the President said that the question raised by the petitioners, viz., their right to appear before the Council by Counsel, was one that had engaged the attention of Her Majesty's Secretary of State, who had recorded an opinion, which was based on a Minute by the Honourable Mr. Maine, to the effect that the right to appear by Counsel should be restricted to appearance before a Select Committee. He would request the Secretary to read the Despatch from Her Majesty's Secretary of State, containing the opinion he referred to.

The following paper was read:—

Despatch from the Right Honourable Sir C. Wood, Bart., Secretary of State for India, to His Excellency the Honourable the Governor in Council, Fort Saint George, dated India Office, London, 31st July 1863, No. 4.

"1. With reference to my Despatch No. 2, dated 25th May last, I herewith transmit copy of No. XVII. of the Rules for the conduct of business at Meetings of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations, also of Mr. Maine's Note thereon, dated the 17th March last."
"2. In the observations contained in that note I entirely concur, and am of opinion that it would be advisable to restrict the power of appearing by Counsel, if regulated by rule at all, to appearance before Select Committees, and that Advocates should be placed under the control of the Chairman."

Copy of No. XVII. of the Rules for the conduct of business at Meetings of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations; also copy of Mr. Maine's Note thereon, dated 17th March 1863.

"Rule XVII.

"If a Bill be pending peculiarly affecting private interests, and any person whose interests are so affected apply by petition to be heard by himself or his Counsel upon the subject of the Bill, an order may be made upon the motion of a member, allowing the petitioner to be so heard either before the Select Committee on the Bill or before the whole Council, provided the petition be received by the Secretary before the report of the Select Committee on the Bill is sent to him. In no other case or manner shall any stranger be heard by himself or by his Counsel."

Copy of Mr. Maine's Note.

"The alterations seem to me to be unimportant with two exceptions, and unobjectionable with one.

"In Rule XV., Section 5, words have been introduced making the report of a Select Committee the report of the majority, and the rule, no doubt, gains in precision by the change.

"The new rule which now stands as Rule XVII. appears to me to introduce a very formidable novelty. I have obtained some Bengal papers which show that it was not recommended by the Select Committee, but added afterwards at a meeting of the full Council. Some discussion on the proposal, which came from one of the Native members, is said to have taken place, but none is reported. The Lieutenant-Governor, Mr. Eden, and the Advocate-General voted against it, but no one else.

"I cannot help suspecting it was entered by surprise, and without due reflection. It does not seem to have struck the Council that, while these rules furnish ample security against irregularity or disorder on their own part, there is nothing to be found in the rules which can be used to check the license of the Counsel who may be addressing them. The hearing may be one in full Council with reporters present, and I do not see what is to prevent
any conceivable subject from being dragged in, on the score of private interests being somehow implicated with it. The House of Commons has, it is true, no special rules for controlling Counsel, but the House of Commons has always in reserve the power of sending an offender to Newgate.

"The Bengal Council could, I imagine, refuse to hear any longer an Advocate who misconducted himself; but if the topic were exciting, this would probably not be done, if it were done, without a protest from a minority, and would result, at all events, in much public scandal.

"I do not see why the power of appearing by Counsel should not, at least, be confined to appearance before a Select Committee (which, except on extraordinary occasions, is the practice at Home), and there should be, I think, a rule placing Advocates under the control of the Chairman.

"It may, however, be worthy of consideration whether, in a country in which discussion on paper is the ordinary rule, persons whose private interests may be concerned might not be left to state their case in petition. Advocates are only employed at Home in deference to ancient usage, or perhaps because petitions have dwindled to a form."

His Excellency the President considered it would be expedient to follow the course indicated by Her Majesty's Secretary of State. The Council had given every opportunity to the petitioners to state their objections before the Select Committee. The petitioners could not now reasonably expect that the Council would further postpone the consideration of the Bill in order to enable them to appear by Counsel. He would propose that the Secretary be instructed to write an answer to the memorialists pointing out that an opportunity was afforded them of stating by Counsel before the Select Committee any objections they might have to allege against the Bill, either in principle or detail; that they failed to take advantage of the opportunity thus afforded them, and that the time at which such objections can be heard by Counsel before a Select Committee is now past; that if the memorialists have anything specific to urge against the Bill as it now stands, the Council are ready to consider any such objections which may be stated in writing before the Bill is read a third time and passed; but that, unless such objections are so laid before the Council in writing on or before Wednesday, the 5th instant, they cannot now be considered.

This proposal was agreed to.

The Honourable Mr. Inverarity said that before proceeding to
the third reading of the Survey and Settlement Bill, which was the business for the day, it would, perhaps, be advisable to make some verbal alterations in the Bill as amended at the last meeting of the Council.

The following alterations were agreed to:

In Section 3, line 6, the word "the" was substituted for the word "all," and in line 7 the word "of" was substituted for the words "contained in".

In Section 4, line 5, the words "of a survey" were inserted between the words "extension" and "to"; in line 6 the words "of a survey" were omitted, and in line 7 the word "to" was inserted between the words "and" and "the".

In Section 6, line 7, the words "in like manner" were inserted between the words "and" and "upon"; and in line 8 the words "or other officers appointed under Section 5 of this Act" were substituted for the words "in like manner".

In Section 11, line 2, the words "or may be" were inserted between the words "been" and "ordered".

In Section 38, line 16, the word "his" was inserted between the words "by" and "tenants".

The Honourable Mr. Frere moved, in accordance with a notice given by him, that the words "Provided, however, that such assistance shall not exceed the levy of the survey assessment, and such excess as may be sanctioned by Government for superior holders," be added at the close of Section 44. The section as it originally stood provided that occupants of land in surveyed villages should be entitled to the assistance provided for superior holders in Regulation XVII. of 1827, in regard to the recovery of dues from tenants, provided that such assistance did not exceed the levy of the survey assessment and such excess as might be sanctioned by Government. The proviso to the section was struck out at the last meeting without any discussion. He was strongly opposed to the omission; but as the proposal to omit the words was made late in the day, after he had been occupied either in the Council or on Committee for nearly eight hours, and was so far worn out that he felt quite unable to grapple with what appeared to him a most important question, he therefore determined to reserve the remarks he wished to make till the Bill should come on for consideration at another meeting. He accordingly sent a notice of the amendment he had now proposed to the Secretary immediately after the last meeting, and he only regretted that the present meeting was so
thinly attended. He could have wished that Mr. Robertson and Mr. Cassels could have been present, as they would have supported the amendment which he had proposed. But being aware that neither of these gentlemen could attend, he had asked them their opinion on the subject, and they both entirely approved of the proposed amendment. He had, therefore, the less hesitation in bringing it forward. Under the existing law, as contained in Chapters VI. and VII. of Regulation XVII. of 1827, the superior holder has not the unlimited power which Section 44 of the present Bill would, as it stands, confer on occupants. The superior holder cannot in any year increase the assessment paid the preceding year. If he considers himself entitled to a larger amount, he can make application in writing to the Collector, whose decision must be obeyed and acted on until superseded by a decree of a Civil Court in a suit instituted against him under Section 9, Clause 2. For the purpose of enforcing the payment of his claims, the superior holder may, under the authority of the Māmlatdar, employ Mohussuls, or have recourse to the arrest, detention, or imprisonment of defaulters, or to the attachment and sale of their property. The superior holder may also apply to the Collector to enforce the payment of revenue by any of the compulsory modes which the Collector is authorized to employ, and which are described in Chapters II. and III. of Regulation XVII. of 1827. The powers given to superior holders by Regulation XVII. are continued to all occupants by the present Bill. But if the Bill were passed as it now stands, a difficulty would be felt in declaring what were the dues which the occupant is authorized to levy by summary process from his tenants. Section 44, as it now stands, is opposed to the whole principle of the Bill. The object of a Survey Settlement is to fix for a term of years the payments to be made by occupants. This object would be violated if occupants were to be supported by Government officers in any attempts they might make to increase from year to year the payments to be made to them by their tenants. And yet Section 44 would force Collectors to assist occupants in recovering any amount of rent from their tenants, if the proviso he had proposed were not added to it. The omission of this proviso would nullify, for instance, the provision in Section 28 to the effect that the Superintendent of Survey shall fix the demands of a khot on his tenant at the time of the general survey of a district. Suppose the Government revenue, assessed on an acre of land in a khoti village, were Rs. 1, and suppose that the khot's demand on his tenant were fixed at Rs. 1-8-0, and suppose that the khot wished to take a rent of Rs. 2 from the tenant. If Section 44 were allowed to stand as it is, there would be nothing to prevent the khot from calling the Collector to be judge between him and his tenant, and the Collector would be bound to put in force all the summary process sanctioned by the
law for enforcing payment from the tenant of the full amount demanded by the khot. It was with the view of guarding the rights of the tenant that he (Mr. Frere) proposed the amendment of which he had given notice.

The Honourable Mr. Ellis said that as it was on his motion that the proviso originally attached to Section 44 was omitted, he would state why he had made the motion. But he would first notice that it was not at all remarkable that Mr. Robertson should give a certificate of his approval of Mr. Frere’s amendment, as Mr. Robertson had from the first shown a desire to ignore the rights of superior holders. However, to recur to the proviso that originally formed part of the present Section 44: in proposing its omission he had no especial reference to the case of khots, who under the clause as it originally stood would have no difficulty in obtaining the aid of Revenue officers to help them to recover their dues from their tenants, but he referred mainly to Nurwardars and others who are shareholders of villages and settle for the revenue of their villages in the gross. These Nurwardars, under the summary settlement, pay revenue on waste land as well as on that which is cultivated, and according to the recognized custom of the village they make a settlement with their tenants, so that their profits on the cultivated land compensate them for any portion of the assessed land that may be lying waste. If the tenant objects to pay the rent which by the custom of the village he is bound to pay, the Collector applies all the remedies for the enforcement of payment that the law allows for villages under direct Government management. It must always be remembered that the Collector’s order is not final. The Civil Courts are open to the tenant. But it is a remarkable fact that these Courts are very seldom resorted to, and the Collector’s orders are hardly ever reversed; and the reason is clear: the Collector exercises some caution in deciding such cases, and as a further step is open to the superior holder who may resort to a regular suit, the Collector would be disposed not to assist whenever the dispute involves a long and intricate inquiry. If the superior holder failed to make out a good prima facie case, he would probably be referred to the Civil Court. He (Mr. Ellis) saw no objection to leaving Section 44 as it now stood. It was necessary to assist the khots and other superior holders, and if Nurwardars and Bhagdars were not to get assistance from the Revenue authorities, they would be placed at a disadvantage, and Government would suffer. If the words proposed by Mr. Frere, which originally formed part of Section 44, were inserted and formed part of the proposed law, the greatest inconvenience would be occasioned to all superior holders everywhere. Without these words the rights of tenants would be fully protected; for, according to the Regulations already
in force, the tenant could always assert his right in the Civil Courts. He (Mr. Ellis) was sure that if the Native members of the Council had been present, they would have supported his view of the case.

The Honourable Mr. Inverarity agreed with Mr. Ellis. He thought the words proposed by Mr. Frere should not be re-inserted in Section 44.

The Honourable the Advocate-General wished to know the state of the present law on the point involved in Mr. Frere's amendment.

The Honourable Mr. Ellis explained that occupancy under the Survey Settlement was not a tenure recognized by any existing law. The Bill, however, proposed to give survey occupants the advantage in regard to the recovery of dues from tenants that are possessed by superior holders under Regulation XVII. of 1827. A superior holder could always, on showing sufficient cause, obtain assistance from the Collector in recovering rent in excess of the Government assessment on his land so long as the amount demanded did not exceed the customary rental according to the established rates of village. Assistance would also be given in cases in which the tenant had agreed beforehand to pay a certain sum in excess of the assessment. If there were no custom to guide the Collector, and if no specific agreement had been entered into, the Collector would only give assistance in recovering to the extent of the assessment of the previous year.

His Excellency Sir W. Mansfield did not consider that the difficulty stated by Mr. Frere had been removed by Mr. Ellis. After stating the object of the Bill, he put the case of a khot placing a rack-rent on the soil. Suppose the assessment sanctioned by the Government was one rupee, and the khot, taking advantage of the unwillingness of a tenant to give up the land, was to demand Rs. 10, would the Collector assist him in recovering this sum? In short, was Government to be the collector of rents beyond the assessment, as recognized by the Survey, on account of superior holders.

The Honourable Mr. Ellis said that such a case could never occur under the Survey Settlement in khoti villages, for the Government fixes the limit of the rates to be paid by sub-tenants.

The Honourable Mr. Frere wished to know which section of the Bill provided that a limit should be placed on the demands of the khot on the tenant.

The Honourable Mr. Ellis explained that Section 88 provided all the protection that was required by tenants who had a permanent interest in the soil. But there were many grades and classes
of tenants, beginning with the Dharekari or tenant from whom only the survey assessment could be demanded, and reaching down to those who occupied a position hardly better than that of hire labourers. It was easy to decide by local inquiry at the time of settlement which of the sub-tenants were of this class, and which of them of the class possessing a higher interest in the soil than that of tenants-at-will.

His Excellency Sir W. Mansfield could not consider this as any answer to the question he had put. He wished to be informed what security there was in such a case as he had described against Government being compelled by law to recover the collection of oppressive rents which were not sanctioned by the Survey. There was nothing in Section 38 to prevent this so far as he could see and he hoped no provision would be agreed to which might put the Collector in a position in which he would become the means of enforcing an agrarian tyranny. For his own part he did not see why Government should be called on at all to collect rents for superior holders. If a Collector were made a judge between the occupant and his tenant, there would be no security for uniformity of practice in different districts. At one place a Collector with strong feelings in favour of the rights of superior holders would be inclined to press hardly on the actual cultivator. On the other hand, an officer impressed with the virtue of ryotwari might be inclined to treat the superior holder unfairly. Surely some provision was required in the Bill to prevent an arbitrary exercise of such powers as those here ascribed to the Collector. The Bill as it stood might be partial in its operation whichever way it was taken. It seemed very desirable to give some definite rule for the guidance of officers. By doing so, the rights of all parties would be guarded.

The Honourable Mr. Ellis explained that in practice little inconvenience would be occasioned by the fact that different officers entertain different views of the nature of the tenures of a district. After a settlement was once introduced into any village, no officer, whatever his tendencies, could depart from the rates fixed by Government and the ascertained custom of the country as formally recorded in the Survey papers. These would be a sufficient guide to Revenue officers to enable them to deal justly by all parties.

His Excellency the President said that it might be impracticable to attempt what His Excellency Sir William Mansfield wished. Unless an Act was passed for every village in the country, it would be impossible to fix exactly what should be done in each case. In practice there would be found to be no objection to investing the Collector with unlimited power to assist the superior holder in re-
covering his dues. The nature of the Collector's decision in cases of this character had been ably commented on by the Honourable Mr. Premabhai Hemabhai at a late discussion on another Bill. The Collector's was not a court of final jurisdiction. But the Collector's decision had this advantage, that it was speedily given, and was based on evidence the value of which the trying authority had peculiar opportunity of appreciating. The Collector was familiar with the subject-matter of the dispute, and his decision, though only of an *ad-interim* character, and liable to be reversed by a decree of a Civil Court, did in practice prevent much litigation, for the parties were generally satisfied with a decision passed under the conditions he had described.

The Honourable Mr. Frere said that if a tenant were aggrieved by a Collector's decision he could, it was true, seek redress from the Civil Court. But why should the defendant be forced to court? The superior holder should rather be made to apply himself to the Civil Court for his rents, if the Collector does not award him all that he demands when his demand is more than is equitable. It was with this object that he had proposed an amendment of Section 44.

The Honourable Mr. Inverarity said that if Mr. Frere would modify the amendment in the following manner he would not oppose it. He would propose that the addition to Section 44 be as follows:—

"Provided, however, that such assistance shall not exceed the levy of the survey assessment, and such additional amount as may be leviable by the custom of the villages, or under settlement sanctioned by Government."

The amendment as proposed to be modified by Mr. Inverarity was put and agreed to.

On the motion of the Honourable Mr. Inverarity the wording of Section 49 was amended as follows:—

"The provisions of this Act shall not, except for the purpose of defining village boundaries, be applied to villages held exempt from payment of land revenue, or under Act II. or Act VII. of 1863 of the Council of the Governor of Bombay, or under a grant or lease fixing the Government demand in perpetuity: Provided that it shall be competent to the Governor in Council to extend, by notification in the *Government Gazette*, all or any of the provisions of this Act to every such village, on application made, in writing, by the holder thereof, and further to apply the provisions of this Act to all Government lands situated in alienated villages."
On the motion of the Honourable Mr. Inverarity it was decided that the Bill, as amended, should be reprinted and published in the Government Gazette on the 3rd instant.

The Council met at Poona on Saturday the 8th October 1864, at 11 a.m.

Present:

His Excellency Sir H. B. E. Frere, K.C.B., Governor of Bombay, presiding.
His Excellency Sir W. R. Mansfield, K.C.B.
The Honourable W. E. Frere.
The Honourable J. D. Inverarity.
The Honourable the Advocate-General.
The Honourable Rustomjee Jamsetjee Jejeebhoy.

The following papers were presented to the Council:

(1) The following petition from Messrs. Cursetjee Nusserwanjee Cama, Vishwanath Narayan Mandlik, and others, relative to the "Bill to provide for the survey, demarcation assessment, and administration of lands held under Government, in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same."

To His Excellency the
Honourable Sir H. Bartle Frere, K.C.B.,
Governor and President in Council, Bombay,
The Memorial of the undersigned landholders, residing and holding lands in the Presidency of Bombay.

Respectfully Showeth,

That some of your now memorialists, by a previous memorial bearing date the 28th day of September, petitioned your Excellency to be allowed to appear, and be heard by T. C. Anstey, Esq., and T. C. Hayllar, Esq., Barristers-at-Law, before the Legislative Council of Bombay, against the third reading of a Bill introduced by your Excellency's Government to the Legislative Council, entitled "A Bill to provide for the survey, demarcation, assessment, and subsequent management of lands held under Government in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same."
2. That in reply thereto an official communication was received on Sunday morning, the 2nd instant, from H. Birdwood, Esq., Under-Secretary to your Excellency's Government in the Legislative Department, in the words following, that is to say:—

No. 178 of 1864.

LEGISLATIVE DEPARTMENT.

To

CUSEFTJEE NUSSEWANJEE CAMA, Esq.
VISHWANATH NARAYEN MANDLIK, Esq.
KRISHNAJEE BULLAL, Esq.
KRISHNAJEE VENAYE, Esq.

GENTLEMEN,

I am directed to acknowledge the receipt of your memorial dated the 28th ultimo, in which you request to appear by Counsel at the third reading of the Revenue Survey and Settlement Bill, for the purpose of stating your objections to the measure, and in reply I am directed to point out that an opportunity was afforded you, on the 21st ultimo, of stating by Counsel, before the Select Committee of the Council of the Governor of Bombay, any objections you might have to allege against the Bill either in principle or detail; that you failed to take advantage of the opportunity thus afforded you, and that the time at which such objections can be heard by Counsel before a Select Committee is now past.

2. I am further directed to state that if you have anything specific to urge against the Bill, as amended by the Council this day (a copy of the amended Bill is hereto annexed), the Council are ready to consider any such objections which may be stated in writing before the Bill is read a third time and passed. Unless, however, such objections are so laid before the Council in writing on or before Wednesday, the 5th instant, they cannot now be considered.

I have the honour to be,

Gentlemen,

Your most obedient Servant,

(Signed) H. Birdwood,

Under-Secretary to Government.

Poona, 1st October 1864.
3. That your memorialists, while they respectfully express themselves unable to concur in the reasons advanced in the above letter for your Excellency's refusal to permit them to appear and be heard by Counsel, are still willing to avail themselves of your Excellency's permission to urge their objections in writing against the Bill, so far as the brief time granted them will allow of their so doing: but that at the same time your memorialists consider that the various and important changes effected in the Bill since its second reading, which have certainly taken your memorialists by surprise, and the generally difficult and complicated nature of the measure itself, should have disposed your Excellency to grant your memorialists longer time to prepare and bring in their statement, which cannot possibly under existing circumstances be framed so as to embrace the numerous objections to which this Bill is open.

4. That some of your memorialists already suggested, in their former memorial hereinbefore alluded to, some of the grounds on which this Bill is obviously dangerous to their common interests and welfare. That your memorialists are now prepared to substantiate their objections and others which they now produced, by reason and by reference to an analysis of the Bill itself.

5. That the objections which your memorialists wish to urge against the passing of this Bill, as it now stands, into law, are, chiefly, that it is—

1st.—Inquisitorial.

2nd.—That it legislates in the dark.

3rd.—That it does and will oust the jurisdiction of the properly constituted Courts of law.

4th.—That it does and will place the decision of important questions of law in the hands of irregularly constituted tribunals.

5th.—That it interferes with valuable vested interests without making due provisions for their protection.

6th.—That it is in its general scope opposed to the principles of law under which this country is professedly governed.

7th.—That it is obscure in its details, and embarrassing in its general provisions.

6. That your memorialists, before proceeding to analyse seriatim the various sections of this Bill, will, for the sake of convenience and lucidity, set forth broadly to your Excellency the reasons on which the aforesaid seven objections are based.
7. That this Bill is (1) inquisitorial, because it invests your Excellency in Council with the power to send an unlimited number of Surveyors, with their servants and underlings, to enter upon lands belonging to "private individuals" (Section 11); because it confers upon certain officers connected with the Revenue Survey the extraordinary and arbitrary power of calling on landholders to produce for inspection their title-deeds and other documents relating to their lands (Section 14); because it empowers officers, in all probability totally unqualified to judge of such necessity, to require the attendance of any person whose presence or evidence may be necessary for certain purposes, under criminal penalties for disobedience (Section 21); because it opens a wide door for oppression, corruption, and fraud among the lower subordinates of the Survey Department, to whom the carrying out many of the measures of the Bill must necessarily be entrusted.

8. That (2) this Bill legislates in the dark, in that it legalizes and confirms existing settlements of Land Revenue Survey (Section 3), evidence of which has not been laid before your Excellency's Legislative Council; and because it deals with rights, interests, and properties, as hereafter will more particularly appear, without any reliable evidence as to their nature, extent, value, or importance.

9. That this Bill (3) does and will oust the jurisdiction of the properly constituted Courts of law, and (4) place the decision of important questions of law in the hands of irregularly constituted tribunals, is obvious from Section 8, which gives Revenue Survey Officers of all grades cognizance of all matters connected with survey, and from Section 9, which, so far as it is comprehensible, may be taken to place as the supreme appellate tribunal, from the proceedings and orders of his subordinates, in the hands of the Superintendent of Survey only, subject to certain limitations, at the hands of the Commissioner of Survey, under the general control of the Governor in Council.

10. That your memorialists most urgently beseech your Excellency to reconsider these two sections before they pass into law, inasmuch as when read in connection with the remainder of this Bill, especially Section 27, they place in the hands of inexperienced Judges—provided with no proper machinery for administering justice, and in the general majority of cases unilluminated with any knowledge of the rules of the law of evidence—the power of deciding upon the most important questions affecting landed and other interests to an incalculable extent, as may be more particularly seen from a reference to Sections 37 and 38, added since to the second reading of the Bill.
11. That (5) it does, and will, interfere with and sacrifice valuable landed interests. That your memorialists consider that, for confirmation of this objection, it is not necessary to look beyond the newly-added sections, numbers 37 and 38 with proviso appended to the latter clause, which, while professing to protect the rights and privileges of the khots, practically destroy them.

12. That the clause above mentioned prejudicially affects property worth millions of rupees, belonging to persons living over a wide extent of country. That your Excellency's Legislative Council has not, as has been already urged, before it one tittle of evidence with regard to the nature of value of those interests, and that, in spite of repeated petitions in that regard, no opportunity has been afforded your memorialists of laying before your Excellency's Council, by the mouths of trustworthy witnesses, any account relating to them.

13. That your memorialists claim for the khoti tenure an origin of, in many instances, remote in all respectable antiquity. And your memorialists further beg to represent to your Excellency that in the Southern Konkan, and the greater part of the Kolaba Sub-Collectorate, the khots first settled the country, reclaimed it from the jungles and the sea, and peopled it. That from time immemorial they have been allowed hereditarily to possess and enjoy, undisturbed, the land, the fruits of their labour and expenditure. That sanads and other documents of ancient date are in the possession of the khots, copies of some of which, there being no time for translation, are hereto annexed marked (A), which confirm to the ancestors of their present possessors absolute titles in the nature of English fee simple in lands and villages now held upon khoti tenure. That in many instances the origin of the tenure is naturally wrapped in doubt, being only referable to immemorial custom. That various opinions have been propounded to account for these tenures by the different officers of Government entrusted with the duty of investigating them; but that it is to be remarked that, however differing on points, important and unimportant, all have agreed that the khots have rights of a tangible nature which should and ought to be respected.

14. That your memorialists fail to see any respect paid to these rights in this Bill, which places the nice questions regarding them, hereinbefore indicated, at the mercy of the Survey Department, without the privilege of a reference to the constituted law courts of the country. Your memorialists therefore respectfully but urgently protest on this ground against the sanction of your Excellency's Legislative Council being given to this Bill without...
further investigation of the tenure of the khots. That your memorialists, in support of this objection, beg also to refer your Excellency to Sections 32 and 35, which prejudicially affect districts already surveyed and assessed.

15. That this Bill is opposed to the settled principles of law under which this country is professedly governed, inasmuch as (1) it will operate retrospectively, in support whereof your memorialists refer to Section 3, which enforces existing settlements of Land Revenue Survey, and thereby, for ever, deprives parties, already having grievances to complain of under those settlements, of their right of referring them to the decision of the properly constituted law courts, and sets up instead, as the tribunal for the trial of such past grievances, the irregular courts of the Survey Department.

16. That your memorialists cannot fail to regard this as a most serious and vital injury to their constitutional rights and privileges, the more so as the Rules under which the greater part of these existing settlements have been made are open to the objection of illegality, as may be seen upon reference to Clause 3 of Section 4 of Regulation XVII. of 1827, which requires that such rules should be instituted by Regulation alone.

17. That this Bill is (2) further opposed to the principles of the law of this country, because it will be confiscational in its operation—(vide Sections 32, 35, 37, and 38).

18. That this Bill is generally obscure in its definitions, and confused and embarrassing in its provisions.

19. That the short time granted to your memorialists to prepare their statement, will not permit them to substantiate their objection to this Bill, contained in paragraph 18, as fully as they could otherwise do (as, indeed, is the case with all the foregoing objections); that the following objections are not, therefore, exhaustive.

20. That the preamble of this Bill refers to persons and classes owning and occupying land; that in the body of the Bill no definition is given of ownership; that, having regard to the intricate and difficult nature of the tenures to be dealt with, this is a most important omission, and leaves too wide a field for the exercise of the ingenuity of the Executive Department.

21. That the term "occupant" is most unsatisfactorily defined in Section 2; that Clause (i) of Section 2 which defines this word when read in connection with Section 3 of Regulation XVII. of 1837, and Clause number 5 of the Survey Rules, which
rules having been framed to carry out Regulation XVII. of 1827 are now apparently to be further enforced by this Bill, becomes entirely incomprehensible. That to prevent this and the like confusion your memorialists respectfully recommend that the Survey Rules should be embodied in the Bill.

22. That Section 2 of the Survey Rules guarantees the permanency of the assessment made thereunder. That by Section 3 of this Bill "existing settlements" have been enforced; that this assessment includes cesses on roads, schools, &c.; that yet in Section 29 of this Bill your memorialists find that the guarantee of permanency is strictly limited to "Imperial Land Revenue;" that this provision applies to the whole Presidency where Surveys have already been introduced under the sanction of the survey Rules; and that, therefore, this limitation is a breach of faith as regards the guarantee contained in Section 2 of the above-mentioned Rules. That furthermore your memorialists beg leave particularly to object to the vagueness and uncertainty introduced into Clause 1 of Section 29 by the term '. &c.,' which, read with the context, embraces every object which the Executive Department may choose to think necessary for purposes of local improvement, whatever may be its nature or extent.

23. That Section 8 of this Bill, which invests the persons therein mentioned "with the cognizance of all matters connected with Survey and Assessments," places far too wide and extensive a discretion in the hands of the executive. That this Bill should define with greater accuracy what those "matters" are.

24. That to Section 9 your memorialists respectfully recommend should be added a proviso to the effect that this section should not debar parties, aggrieved by the measures of this Bill, from seeking their remedies in the properly, constituted Courts of law.

25. That your memorialists suggest that in line 7 of Section 10 after the words "occupants of lands" should be added the words "in person or by recognized agent"—(vide Section 27 of the Civil Procedure Code).

26. That to Section 22 after the words "such decision, when confirmed by the Superintendent of Survey, shall be final" should be inserted words to the effect that such decision should be final unless it has left undetermined the points to be decided, or has decided points not referred to it; or the decision is indefinite or illegal on the face of it"—(vide Sections 312 to 325 of the Civil Procedure Code).
27. That Section 20 should provide for examining sick or infirm persons, or persons residing at a distance, by commission; and further should provide for the return of the documents which the survey officer is empowered to call for.

28. That the rules mentioned in Section 25 should be incorporated in this Act, and should provide for the preservation of all civil remedies.

29. That your memorialists consider Section 27 as open to the most serious objections. That it will lead to the most harassing inquiries. That it leaves it uncertain how far the "record" to be prepared by the Survey Officer is binding upon the landholders. That words should be added to it to the effect that "this record should be no bar to the proprietary rights or legal remedies of any person."

30. That Section 32 should give some definition of the term "alienated villages."

31. That your memorialists having now indicated such of the leading objections to this Bill as time would allow, respectfully suggest to your Excellency that they have made out a case against it sufficiently strong to induce your Excellency to consider the propriety and expediency of postponing the passing of this Bill, and of taking evidence with regard to the tenures, especially those of khots, affected by it, either before your Excellency's Legislative Council, or a Select Committee thereof re-appointed for the purpose.

(Signed) Cursetjee Nusseewanjee Cama.
" Vishwanath Narayan Mandlik.
" Gopal Shewram Khoie.
" Krishnaji Abaji Kurnikur.
" Bhaskur Bapujir.
" Venayak Narayan Bhagwat.

Bombay, 4th October 1864.
Translations of the Documents referred to in paragraph 13 of the Petition.

No. 163.

Translation of a Kowl from John Alexander Forbes, Collector of the Southern Konkan, on behalf of the Government of the English Company Barre; or, to Shaikh Wulee Mahomed, son of Shaikh Noor Mahomed, Soobedar Major, Commanding the Konkan Rangers, inhabitant of Ratnagiri.

On the 21st June 1832 you submitted a petition respecting that the khoti watan of Moujeo Ooplen, Turf Lurchures, Taluka Ratnagiri, might be granted to you: whereupon an order No. 210, dated the 10th October 1832, was issued to Azum Bajee Bullal Lotleekur, the Mamlatdar. On the 11th November 1832 he submitted a report of the result of his inquiries, No. 317, and sent with it the late Watandars of the said village, and two acquittances executed by them and two depositions. On personal inquiry into the matter it appeared that the Watandars having made over the village to Government, its management had been, for the last 30 or 40 years, conducted by Government, and that no other person than Government had a claim to it. On this a report was made to the Honourable the Governor in Council, and an order dated the 12th March 1833 was received from Government, directing the Government half share of the aforesaid village to be granted to you in (khot). Orders, dated respectively the 18th March and 13th June 1833, Nos. 83 and 119, were thereupon issued to the mamlatdar and a draft kowl was obtained. The Government has been pleased to declare you watandar khot of the Government share in the above village, and to grant to you a kowl as follows:—

I. The Chief of Vishalgarh is entitled to half a share of the whole of the aforesaid village. That share is to be set aside, and for the other half share belonging to Government you are to pay
assessment for a period of 15 years, beginning with the current year as follows: Moroo Dinkur Kale, Talati of the aforesaid village, has this year, during his management on behalf of Government, realized as follows:

Receipt into the village treasury as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>Rs. 107 0 7</td>
</tr>
</tbody>
</table>

During the Talati management grain was received this year according to the produce. Out of the grain consisting of three kinds, viz., bhat (rice in husk), naglee (raggy), and wurree (*coix barbata*), a half was set aside, and the value of the other half of the three kinds of grain was fixed as follows. The rates obtained at auction sale during 5 years from Sun tisa Ushreen to Sun Sullas Sullaseen, for the whole quantity of each of the three kinds of grain, were added together, and a fifth of the total was fixed to be the rate according to which (the revenue in kind) was converted into cash as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1/2 candies 4 1/2 maunds 2 1/2 pailies and 1/2 seer of bhat at</td>
<td>Rs. 13 1 20...19 3 7</td>
</tr>
<tr>
<td>2 1/2 candies 1 1/2 maunds 1 1/2 pailies and 1/2 seer of naglee at</td>
<td>16 3 25...46 2 78</td>
</tr>
<tr>
<td>1 candy 3 1/2 maunds 2 1/2 pailies and 1/2 seer of wurree at</td>
<td>12 1 85...14 2 46</td>
</tr>
<tr>
<td>3 1/2 candies 3 1/2 maunds 1 1/2 pailies and 1/2 seer of hurrreek (<em>Paspalum frumentaceum</em>) at</td>
<td>6 1 65... 4 1 52</td>
</tr>
<tr>
<td>2 candy 2 maunds 1 1/2 pailies and 1/2 seer of black sesame at</td>
<td>25 2 79... 7 2 33</td>
</tr>
<tr>
<td>1 maund 1/2 pailie and 1/2 seer of koolseeth (<em>Dolichos biflorus</em>) at</td>
<td>15 0 90... 0 3 24</td>
</tr>
<tr>
<td>1 1/2 pailies of ooreed (<em>Phaseolus radiatus</em>) at</td>
<td>23 0 90... 0 0 68</td>
</tr>
</tbody>
</table>

Inamut as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>To Shree Vishnoo Tarleshwar</td>
<td></td>
</tr>
<tr>
<td>Cash</td>
<td>Rs. 0 1 50</td>
</tr>
<tr>
<td>Out of revenue</td>
<td>2 3 25</td>
</tr>
<tr>
<td>Total</td>
<td>3 0 75</td>
</tr>
</tbody>
</table>
To Shree Gramdeo, out of the revenue in kind............ 1 2 38

Rs. Rs.
--- 4 3 13

To Mahar Fouzdar.......................... 6 0 19

Itlak allowance in cash to Govind Bhut bin Mahadeo Bhut Katre............. 1 0 0

--- 213 0 37

Grain by measure.

Of the 2½ candies 4½ maunds 2½ pailies and ½ seers of bhat, a half, viz. 1½ candy 4½ maunds 2½ pailies and ½ seers, is carried to the cash account, and the remaining received in kind....................... Candles. Maunds. Pailies. Seers

1½ 4½ 2½ 0

Of the 5½ candies 1 maund 1 pailie of naglee, a half, viz. 2½ candies ½ maund and ½ pailie, is carried to the cash account, and the remaining received in kind....................... 1 3½ 2½

2½ ½ 0

Thus the assessment, consisting of Rs. 213-0-37 in cash, and 5½ candies 9½ maunds 2½ pailies and ½ seer in grain, should, from the current year Sun Aria Sullaseen to Sun Summan Arbyne, being a period of fifteen years, be paid from year to year. The amount in cash should be paid by eight instalments, and the grain should be delivered during the year for which it is due, according to such orders as may be issued, and a receipt for the same should be taken. You are to pay every year the hakes and other balutas of the Hakdars according to the practice of the mahal, and also the village expense, in addition to the aforesaid amount due to Government. (? )

You are to pay to the respective parties, according to the orders which Government will issue to you every year, the Itlak allowance Inamut and the amount due to the Mahar Fouzdar, which are included in the aforesaid fixed amount. If the payments are prohibited, the amount should be paid into the Government treasury.
In the course of the aforesaid fifteen years should a free Revenue Settlement of the aforesaid taluka be made, and the amount of the assessment changed, the amount so modified shall not be applicable to your aforesaid village of Ooplen for a period of fifteen years from the current year.

The assessment, as fixed by the revenue settlement, shall from the sixteenth year be recovered from you. But, should a fresh revenue settlement be not made during the period for 15 years, you should continue to pay every year the aforesaid sum of Rs. 213-0-37 in cash, and 5½ candies 3½ maunds 2½ palies and ¾ seer in grain, until a revenue settlement is made. When a fresh settlement is afterwards made, you should, according to the practice of the country, pay from that year the assessment fixed by the settlement.

Having settled the above three clauses, this kowl has been issued to you, and you are to recover the Government assessment, &c., according to the aforesaid conditions; to consider the said Government half share of the village as your wutnee-property: to enjoy from generation to generation, both by male and female descent, the "hak luvazeema," "manpan," "kanoo kayuda," and "fur furmas," according to the practice of the other khots in the aforesaid turf; to cultivate the aforesaid village and recover the revenue encouragingly, and live happy. You shall not be subjected to any extortion. This is the promise. Let this be known to you.—Dated 28th Mohurrum, corresponding with 17th June 1833.

(Signed) J. A. Forbes,
Collector.

An order on the subject, No. 122, dated 17th June 1833, has been received from the Husur, and has been entered in the Soobha book.

(Signed) Sivaram Gopal Baput,
Karkun.

Translation of a Sanad from Dinkar Wisevanath, Subhedar of Taluka Ratnagiri, to Balajee Gungadhur and Sivaram Annut Khandekur, Khots of Movjey Ghativilen, Turf Deolen, Prant Rajdpur, Soorsun Mua Tune wu Uluf.

A sanad from the Sir Soobha, dated the 25th Mohurrum of the current year, has been received at the Soobha. It is stated in
it as follows:—Balajee Gungadhur and Shivaram Anunt Khandekurs, khoti of Moujey Ghativelen, Turf Deolen, Taluka Ratnagiri, represented at the Sir Soobha of Poona that ever since their great-great-grandfather Govind Anunt acquired the khoti watni of the aforesaid village, their family had been enjoying it from generation to generation; that their papers having been destroyed by fire along with their house, they had no old dakhula (evidence) left to them to enable them to enjoy (their khoti watan); that a representation of the matter having been made to the Punt Pratinidhi of the fort of Vishalgarh, he had been pleased to grant to them letters dated the 16th Jumadilakhur of the current year, and that orders should be given to grant them similar letters on the part of the Sirkar. It is further stated in the sanad that, taking into consideration the circumstance that, although the Khandekurs' old papers connected with the watandari have been destroyed by fire along with their house, the family has been enjoying the khoti watan ever since its acquisition by their great-great-grandfather, Govind Anunt, and having inspected the letters granted by the Punt Pratinidhi of Vishalgarh, the khoti watan has been confirmed to the Khandekurs in the manner it has uninterruptedly been held by the family, and having taken from them for the khoti watana nu:mr according to the revenue derived, this sanad has been issued to you by the Sir Soobha. You are, therefore, to continue to the Khandekurs from generation to generation the “manpan” and “kanoo kayuda” on account of the khoti watan of the above village in the manner it has hitherto been enjoyed by them, and to recover the Government assessment according to the usual practice. You are to take a copy of this sanad and to return to them the original, to enable them to enjoy their khoti watan. To the above effect a sanad has been received. As from the time your great-great-grandfather Govind Anunt acquired the khoti watani of the aforesaid village your family has been enjoying the khoti together with the “manpan” connected with it; but as the papers you had in support of your enjoyment have been destroyed by fire along with your house, and as you have no papers remaining with you, the khoti watani is, according to the orders from the Sir Soobha, confirmed to you by the Soobha authorities, and this letter is issued to you. You are therefore to enjoy from generation to generation the khoti watan of the aforesaid village, and the “manpan” connected with it, in the manner you have hitherto enjoyed them; to pay the Government assessment according to the practice of the country; and to live happily.—Dated 2nd Sufur.
Translation of a Letter from Luximon Ram, Subedar of Taluka Ratnad giri, to Wishnath Purbhoo Deshmooch, Turf Hurchurree, Prant Bajapur, Soorsun Tissa Tisyne Mya wu Uluf.

Having come to the Soobha you represented that the "moolepun" and khoti of Kusba Hurchurree is your old watan; that as a "Koonbawa," consisting of some "tikans" and lands out of the two warees of Deopat and Booepat, being a part of Pachowden held by Rungde Prubhoo on account of his half share in the watan, was assigned to the ancestors of Appajee Ram and Chinto Ram Bhoputkurs, Ryot Warra Bhooepat, Kusba Hurchurree, they, the said Bhoputkurs, taking advantage of the circumstance, forged some letters, and claimed Rungde Prubhoo's share of the "moolepun" and khoti, and began to quarrel with you; that the Huzur having disposed of the case in Sun Sumaneen, placed Chinto Ram under restraint, and having taken from Appajee Ram an yejeeputra," dated the 21st Jumadilakhur Sun Ihide Sumaneen, attested by the signature of the Zumeedars (admitting that they had forged papers in regard to the said "moolepun" and khoti; that the claim which they advanced was false, and that neither they nor their kinsmen had any claim to the said watan), gave it to you; that accordingly you uninterruptedly held the "moolepun" and khoti of the aforesaid kusba, including the "koonbawa" of the said two warees, but that two or three years after Chinto Ram had been set free in Sun Summan Sumaneen, he represented to the late karbhari, Purushram Ramchundra, that there was some benefit in the said "koonbawa"; that the karbharee, bearing in mind the benefit, did not address a letter to the village, but sent a kârkun in the year Ihide Tisyne to carry on the management of the "koonbawa," consisting of "tikans" and lands in the said two warees; that as your representation was not listened to on account of the benefit the "koonbawa" was up to this time managed direct by the Soobha authorities; that from the year Issune Tisyne there was a loss in the "koonbawa," and the Government demand remained unrecovered; and that when you, in consequence of being the watandar, were pressed to pay off the balance, you stated that if all the papers connected with the management carried on by the Soobha authorities be made over to you, and the "koonba-

* The writing furnished by the party cast in a suit, and admitting his failure.
wa" restored to you, you would pay off the outstanding balances. That the dispute which the Bhoputkurs, after having forged documents, carried on with you in regard to Rungde Prabhoo's share of the "moolepun" and khoti was disposed of by the Huzur, and Rungde Prabhoo's watan was continued to you, is proved by Government letters and by the Bhoputkur's "yejeetputra." On a consideration of the letters it appears that the Subha authorities, looking to the benefit, irregularly undertook the management of the aforesaid "koonbawa." This is not proper. As there was loss in the management by the Subha authorities of the "koonbawa" in the two wares of Deopat and Boopat, there remained unrecovered a balance of Rs. 203 and annas 3 from the year Sun 1st Tisyn to the current year Tissa. Of this sum Rs. 131 annas 1 and pies 31 was due for the two years Khummus and Seet, and Rs. 72 annas 1 and pies 9 was due for the four years issued Tisyn, Subha, Summa, and Tissa Tisyn. Having recovered from you the whole amount of the loss Rs. 203 and annas 3, and having made over to you the papers connected with the management, the "koonbawa" in the aforesaid two wares has been restored to you, and this letter is issued to you. You are therefore to enjoy from generation to generation your "moolepun" and khoti watan of the aforesaid kueba, including Rungde Prabhoo's share and the aforesaid "koonbawa," situated in the two wares of Deopat and Boopat, which was managed by the Subha authorities, and to pay the "dewan dust" (Government due).—Dated 29th Jilhej.


A kowl is granted to you as follows:—

Under date the 13th September 1832, and previously to it, under date the 12th February 1831, you submitted petitions stating that if Moujey Agawen, Turf Hurchuree, Taluka Ratnagiri,
which was lying unclaimed, and which was managed by the Sirkar, be granted to you as khoti watan, you would use your best exertions to bring it under cultivation. Whereupon a reference was made to Uzum Bajee Bullal Lotleekur, Māmlatdār of Taluka Ratnāgiri. That officer having instituted an inquiry, submitted his report, together with papers connected with the matter. On examining those papers, &c., it appeared that there was no fixed old khoti on the said village; that a dispute having arisen among the parties who had taken the khoti, the village was ruined; that as they were unable to pay the Government due, they executed a deed of acquittance and made over to the Peshwa's Government the village, together with its land, "manpan," &c.; that accordingly the management of the village was uninterruptedly carried on by Government for the last 40 years; that, excepting Government, no other person had any claim to the village on account of watan, &c., and that there was every year a loss in the revenue. Considering that the village would not prosper unless some one had been made a watandar khot thereof, a report was made to the Right Honourable the Governor in Council. On this an order, dated the 2nd April 1833, was received from Government, directing the Government share of the village to be granted to you as Watni Khoti. Therefore the khoti watan of the Government share of the village, exclusive of the share of the Chief of Vishālgharh, has been granted to you. The following are the conditions in regard to the grant and the Government revenue:

1. The Chief of Vishālgharh is entitled to a half share of the whole of the aforesaid village, and according to the collections made in the year Sulas Sullassen the amount of the revenue of the Government share of the village is as follows:

Receipts into the village treasury as follows:

| Cash | Rs. 99 0 8 |

Out of the grain received, consisting of three kinds, viz., bhat (rice in husk), nagles (raggy), and wurree (coix barbata), a half was set aside for (the Punt Pratimidhe), and the value of the remaining half was fixed according to the average of the auction rates obtained during 5 years from Sun Tissa Ushreen to Sun Sulas Sullassen, as follows:

3½ maunds and 1½ pailies of bhat, at Rs. 12, at 0 85

67 per candy ... Rs. 2 0 85
1¼ candies 11½ pailies and 1 seerdee of naglee, at Rs. 13-9-15 per candy ... ... Rs. 27 3 72

½ candy and ½ maunds of wurree, at Rs. 11-1-90 ... 6 1 34

⅝ candy 4⅛ maunds 2½ pailies and 1 seerdee of hurreek, at Rs. 6-0-75 ... ... 6 0 73

3½ maunds and ¾ pailie of black teel, at Rs. 25-2-20 ... ... 4 0 93

1½ pailies and seerdee of Kooleeth, at Rs. 16-0-4 ... ... 0 0 35

—— 46 3 92

—— 146 9 0

Inamut as follows:

To Gramdeo ... ... 2 0 45
To Shree Luxoomee Keshow. ... 5 0 50

—— 7 0 95

To Mahar Fouzdar ... ... 3 3 19

—— 157 0 14

The revenue to be received in kind is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Rs</th>
<th>Rs</th>
<th>Rs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bhat</td>
<td>0 8 0</td>
<td>1 2</td>
<td></td>
</tr>
<tr>
<td>Naglee</td>
<td>1 2 0</td>
<td>1 2</td>
<td></td>
</tr>
<tr>
<td>Wurree</td>
<td>0 1 0</td>
<td>0 3</td>
<td></td>
</tr>
</tbody>
</table>

—— 2 3 0 6
Thus the annual assessment, consisting of Rs. 157-0-14 in cash and 2½ candies 3 seers ½ pailie in grain, has been fixed for the period of 15 years, from Araba Sullaseen to Summan Arbyne: and you are to pay it every year as it becomes due.

2. In the course of the aforesaid 15 years, should a fresh revenue settlement of the aforesaid taluka be made, the amount fixed by the settlement shall not be applicable to this village for 15 years from the current year. From the 16th year the assessment fixed by the settlement will be levied from you for the different kinds of lands described in the kowl No. 152, dated the 7th March 1831, corresponding with the 21st Mohurrum, Ihid Sullaseen Maya-byne wu Uluf, granting to you in watan certain Government lands, and for the other lands according to the usual practice. Should a fresh revenue settlement be not made during the said period of 15 years, the aforesaid Government share of the revenue, viz. Rs. 157-0-14 in cash and 2½ candies ½ pailie and 3 seerdealers in grain, shall be levied from you from year to year.

3. The conditions which have been entered into by Sahib in the kowl alluded to in the preceding Clause 2 shall be observed.

4. You are to pay direct to the respective parties the Inamut and the amount due to the Mahar Fouzdar, which have been included in the amount described in the first clause.

   Should Government prohibit the payment to these parties, you should pay the amount into the Government treasury.

5. You are to pay direct the "hucks" and other "belootos" of the huckdars, according to the practice of the mahal; you are also to pay the village expense.

The Sirkar has settled the above five clauses, and this kowl has been issued to you. You are therefore to * * * to promote cultivation, to consider as your watni property the lands of the village, including the trees and shrubs, water-courses, hay, wood, and stone; to enjoy from generation to generation the "huck luwazima," "manpan," "kanoo kayuda," "fururmas," "veth beegar," &c., connected with the watni khoti according to the practice of the other khots in the said turf, and to live happily. You shall not be subjected to any extortion or molestation. This is the promise. Let this be known to you. Dated 7th Rubeslab-wul, corresponding with Thursday, the 9th Shrawun Shood Shuké 1755, and 25th July 1833.
Translation of an order from John Alexander Forbes, Esq., Collector of the Southern Konkan, on behalf of the Government of the English Company Bahadoor, to the Ryots of Moujey Agawe, Turf Harcharree, Taluka Ratnagiri, Soor Sun Arbes Sullaseen Myna Tyne wa Utuf.

The warandar khots having returned to Government the aforesaid village, its management was hitherto conducted on behalf of Government. Uzum Mahomed Ibrahim, son of Abdool Gufoor Purkar, khot of Moujey Sakhrolee, and mookadum of Moujey Mahapruul, residing at Ratnagiri, having applied for the grant of the village as watan to him, the Government share of the village has been, agreeably to the orders of the Honourable the Governor in Council, granted to him as watan khoti, and a separate kowl has been issued to him. You are, therefore, to give him the "maapan," "kanookayuda," "huck luwasim," "furymruus," "veth beegar," &c., connected with the khoti of the village, to promote cultivation, and to act according to his wishes and orders. Let this be known.—Dated 7th Rubbeelawul, corresponding with Thursday, the 9th Shrawun Shood, Shuke 1755, and 25th July 1833.

(True Translations.)
(Signed) Venateek Wassoodew,
Oriental Translator to Government.

(2) Letter from the Government of India, No. 2922, dated 26th September 1864, relative to the amended Rules for the conduct of business at meetings of the Council of the Governor of Bombay held for the purpose of making Laws and Regulations.

The Honourable Mr. Inverarity, in moving the third reading of the Bombay Survey and Settlement Bill, said—

"Sir, I wish to make a few remarks on the memorial which has been just presented to the Council. The memorialists, after expressing themselves unable to concur in the reasons given by the Council for refusing to permit them to appear and be heard by Counsel, proceeded to state the grounds on which, in their opinion, the Bill is obviously dangerous to their common interests and welfare. Their objections to the Bill, as it now stands, are, that it is—
1st.—Inquisitorial.
2nd.—That it legislates in the dark.
3rd.—That it does and will oust the jurisdiction of the properly constituted Courts of law.
4th.—That it does and will place the decision of important questions of law in the hands of irregularly constituted tribunals.
5th.—That it interferes with valuable vested interests without making due provisions for their protection.
6th.—That it is in its general scope opposed to the principles of law under which this country is professedly governed.
7th.—That it is obscure in its details, and embarrassing in its general provision.

"The reasons on which the above objections are based, are then set forth; they are as follows:—

"In paragraph 7 the petitioners state—

"That this Bill is (1) inquisitorial, because it invests your Excellency in Council with the power to send an unlimited number of Surveyors, with their servants and underlings, to enter upon lands belonging to "private individuals" (Section 11); because it confers upon certain officers connected with the Revenue Survey the extraordinary and arbitrary power of calling on landholders to produce for inspection their title-deeds and other documents relating to their lands (Section 14); because it empowers officers, in all probability totally unqualified to judge of such necessity, to require the attendance of any person whose presence or evidence may be necessary for certain purposes under criminal penalties for disobedience (Section 21); because it opens a wide door for oppression, corruption, and fraud among the lower subordinates of the Survey Department, to whom the carrying out many of the measures of this Bill must necessarily be entrusted.'

"Now with regard to the several objections stated in this paragraph, I have to remark (1) that the power of entering upon land for purposes of survey is one of obvious necessity, and one that is recognized in all civilized countries. There is nothing in the Act inquisitorial in the sense in which the memorialists use the term. (2) It is necessary to call for deeds to enable the Survey Officers to define the boundaries of the lands described in them. The option of producing their deeds for inspection is left to the holders. Surely there is nothing extraordinary or arbitrary in this. (3) The Survey Officer being by universal consent the person best qualified to lay down boundaries, it follows as a matter of course that he must have the power of calling for evidence to enable
him to ascertain the facts of each case as it arises. The assertion that a Survey Officer is "in all probability totally unqualified to judge" of the necessity for the evidence or attendance he may require, cannot, I think, be characterized otherwise than as a gratuitous impertinence on the part of the memorialists, and a most unjust reflection on a body of highly qualified and honourable officers. (4) The statement that a wide door is opened by the Bill for oppression, corruption, and fraud, is a vague assertion, which is met by the simple fact that the whole system of survey and assessment is one of checks, under which not a single ulterior measure is entrusted to a subordinate of the department. The commonest operations of measurement and classification are always tested by superior agency.

"The second objection is, that the Bill legislates in the dark in that it legalizes and confirms existing settlements of land Revenue Survey (Section 3), evidence of which has not been laid before your Excellency's Legislative Council; and because it deals with rights, interests, and properties, as hereafter will more particularly appear, without any reliable evidence as to their nature, extent, value, or importance."

"It is difficult to understand what evidence memorialists would have. The evidence of the Joint Rules and of the official correspondence on the system of Revenue Survey and Assessment has been before the world for years, and the arrangements made in 1860 with regard to khoti villages were detailed at length at a recent meeting of the Council by the honourable member who introduced the 37th and 38th sections of the Bill. The Bill does not deal with any rights, interests, and properties regarding which evidence is necessary.

"In regard to the third and fourth objections, the memorialists write as follows in paragraph 9:—

'That this Bill (3) does and will oust the jurisdiction of the properly constituted Courts of law, and (4) place the decision of important questions of law in the hands of irregularly constituted tribunals, is obvious from Section 8, which gives Revenue Survey Officers of all grades cognizance of all matters connected with Survey; and from Section 9, which, so far as it is comprehensible, may be taken to place as the supreme appellate tribunal, from the proceedings and orders of his subordinates, in the hands of the Superintendent of Survey, only subject to certain limitations at the hands of the Commissioner of Survey, under the general control of the Governor in Council.'
"In reply to this I would say that—(1) This Bill does not, and will not, oust the jurisdiction of the Courts of law, and could not do so if it would. (2) It is only natural that cognizance of all matters connected with survey and assessment should be given to Survey Officers, but it is not thereby implied that cognizance of questions of law is given to such Officers. As already repeatedly explained, the determination of a boundary mark for topographical and fiscal purposes does not in any way affect title or claim to property in land, such claim being now, as always, cognizable by the Courts of law.

"In paragraph 10 the petitioners write—

'That your memorialists most urgently beseech your Excellency to reconsider these two sections before they pass into law, inasmuch as when read in connection with the remainder of this Bill, especially Section 27, they place in the hands of inexperienced Judges—provided with no proper machinery for administering justice, and in the general majority of cases unilluminated with any knowledge of the rules of law of evidence—the power of deciding upon the most important question affecting landed and other interests to an incalculable extent, as may be more particularly seen from a reference to Sections 37 and 38, added since the second reading of the Bill.'

"As Section 27 has thus been referred to, it may be necessary to state, for the information of the memorialists, that the record required by that section does not confer on any one any rights not already in existence. Survey Officers do not decide upon questions affecting landed and other interests. They merely prepare a record of what they find in existence.

"In regard to their fifth objection, the memorialists say that the Bill does, and will, interfere with, and sacrifice valuable landed interests. 'That your memorialists consider that, for confirmation of this objection, it is not necessary to look beyond the newly-added sections, numbers 37 and 38 (with the proviso appended to the latter clause), which, while professing to protect the rights and privileges of the khotis, practically destroy them.' To this it may be replied that Sections 37 and 38 protect the rights and privileges of both khot and ryot. That they do not practically destroy the rights of khotis, is proved by the fact that, under the principles laid down in these sections, settlements are now in force under which khotis continue to flourish.

"Paragraphs 12, 13, and 14 of the memorial are as follows:—

'That the clause above mentioned prejudicially affects property worth millions of rupees belonging to persons living over a wide extent of country.' That your Excellency's Legis-
lative Council has not, as has been already urged, before it one tittle of evidence with regard to the nature or value of those interests, and that, in spite of repeated petitions in that regard, no opportunity has been afforded your memorialists of laying before your Excellency's Council, by the mouths of trustworthy witnesses, any account relating to them.

"That your memorialists claim for the khoti tenure an origin of, in many instances, remote in all respectable antiquity. And your memorialists further beg to represent to your Excellency that in the Southern Konkan, and the greater part of the Kolaba Sub-Collectorate, the khots first settled the country, reclaimed it from the jungles and the sea, and peopled it. That from time immemorial they have been allowed hereditarily to possess and enjoy, undisturbed, the land, the fruits of their labour and expenditure. That sanads and other documents of ancient date are in the possession of the khots, copies of some of which, there being no time for translation, are hereto annexed, marked (A), which confirm to the ancestors of their present possessors absolute titles in the nature of English fee simple in land and villages now held upon khoti tenure. That in many instances the origin of the tenure is naturally wrapped in doubt, being only referable to immemorial custom. That various opinions have been propounded to account for these tenures, by the different officers of Government entrusted with the duty of investigating them; but that it is to be remarked that, however differing on points important and unimportant, all have agreed that the khots have rights of a tangible nature which should and ought to be respected.

"That your memorialists fail to see any respect paid to these rights in this Bill, which places the nice questions regarding them, hereinbefore indicated, at the mercy of the Survey Department, without the privilege of a reference to the constituted law courts of the country. Your memorialists therefore respectfully, but urgently, protest on this ground against the sanction of your Excellency's Legislative Council being given to this Bill without further investigation of the tenure of the khots. That your memorialists, in support of this objection, beg also to refer your Excellency to Sections 32 and 35, which prejudicially affect districts already surveyed and assessed.'

"With regard to these paragraphs, it may be said that this Survey Bill does not touch questions of title or tenure. These are cognisable by the ordinary law courts; but the Survey Bill
confirms settlements which have recognized and maintained khots, and proposes to extend such settlements to the rest of the districts in which khots are found. There being no desire or intention of destroying the khoti system, evidence of its origin and nature is uncalled for in this place, even if these were not already sufficiently well known. It must be again repeated that there are no nice questions regarding khots and their rights left to the mercy of the Survey Department, and I am not aware that our courts of law, by which all questions of tenure are adjudicated, have yet ruled that a khoti watan possesses, as claimed for it in the 13th paragraph of this memorial, 'the nature of English fee simple.' Referring to the closing sentence of the 14th paragraph of the memorial, it may be said that the 32nd and 35th sections of the Bill cannot in any way prejudicially affect districts already surveyed and assessed, because the former section has reference to unoccupied lands only, and the latter merely legalizes existing practice.

"On their sixth objection the petitioners write as follows:—

'That this Bill is opposed to the settled principles of law under which this country is professedly governed, inasmuch as (1) it will operate retrospectively, in support whereof your memorialists refer to Section 3, which enforces existing settlements of Land Revenue by the Survey, and thereby for ever deprives parties, already having grievances to complain of under those settlements, of their right of referring them to the decision of the properly constituted law courts, and sets up instead, as the tribunal for the trial of such past grievances, the irregular courts of the Survey Department,

'That your memorialists cannot fail to regard this as a most serious and vital injury to their constitutional rights and privileges, the more so as the Rules under which the greater part of these existing settlements have been made are themselves open to the objection of illegality, as may be seen upon reference to Clause 3 of Section 4 of Regulation XVII. of 1827, which requires that such rules should be instituted by Regulation alone.'

"The objection here made amounts simply to this, that although it has long been in contemplation to pass a Bill to legalise survey settlements, and although the want of such legislation has long been felt, no such Bill shall now be passed because it was not passed many years ago. The objection carries with it its own answer. The memorialists in these sections continue to suffer from the hallucination that the ordinary courts of law are super•
It can only be repeated that the Bill does not contain a single provision which deprives any one of any legal remedy for wrong, now belonging to him.

"In paragraph 177 the petitioners go on to say—

"That this Bill is (2) further opposed to the principles of the law of this country, because it will be confiscational, in its operation—(vide Sections 32, 35, 37, and 38)."

"To this it may be said that concession and not confiscation appears to be the predominant feature in the sections quoted by the petitioners,

"The seventh objection, that the Bill is obscure in its details and embarrassing in its general provisions, is illustrated in paragraphs 20 to 23 of the memorial.

"Paragraph 20 runs as follows:—

"That the preamble of this Bill refers to persons and classes owning and occupying land; that in the body of the Bill no definition is given of ownership; that having regard to the intricate and difficult nature of the tenures to be dealt with, this is a most important omission, and leaves too wide a field for the exercise of the ingenuity of the executive department.'

"Definition of ownership has been considered to be unnecessary, inasmuch as it is desired that the word should have as wide and unrestricted a meaning as possible, so as to include every kind and class of owner. Questions of ownership are most appropriately left to the decision of our courts of law.

"Paragraph 21 runs as follows:—

"That the term 'occupant' is most unsatisfactorily defined in Section 2; that Clause (i) of Section 2 which defines this word, when read in connection with Section 3 of Regulation XVII. of 1827, and Clause number 5 of the Survey Rules, which Rules having been framed to carry out Regulation XVII. of 1827, are now apparently to be further enforced by this Bill, becomes entirely incomprehensible. That to prevent this and the like confusion, your memorialists respectfully recommend that the Survey Rules should be embodied in the Bill.'

"The definition of occupant is that which has always been accepted and adopted under the survey system, and is well understood by all who hold land under the survey settlement. It is not clear why or in what respect the memorialists find the definition
incomprehensible when taken in connection with the Regulation and the Survey Rules they quote. The Survey Rules are not enforced by the Bill further than to the extent to which they are embodied in it. The most important principles of those Rules have been specifically provided for in the Bill. It would be absurd to give the force of law to minor details which vary with the circumstances of various districts.

"Paragraph 22 runs as follows:—

'That Section 2 of the Survey Rules guarantees the permanency of the assessment made thereunder. That by Section 3 of this Bill 'existing settlements' have been enforced; that this assessment includes cesses on roads, schools, &c.; that yet in Section 29 of this Bill your memorialists find that the guarantee of permanency is strictly limited to 'Imperial Land Revenue'; that this provision applies to the whole Presidency where surveys have already been introduced under the sanction of the Survey Rules, and that, therefore, this limitation is a breach of faith as regards the guarantee contained in Section 2 of the abovementioned Rules. That furthermore your memorialists beg leave particularly to object to the vagueness and uncertainty introduced into Clause 1 of Section 29 by the term ' &c.', which, read with the context, embraces every object which the executive department may choose to think necessary for purposes of local improvement, whatever may be its nature or extent.'

"The guarantee of Section 2 of the Survey Rules is continued in Section 18 of this Bill; but such guarantee did not, as supposed by memorialists, include local cesses for roads or schools, the cesses referred to in that guarantee being those which under various denominations were levied and credited to the State as part of the Imperial Revenue. The ' &c.' so particularly objected to is, I believe, harmless. It does not, as stated by memorialists, embrace every object which the 'executive department may choose to think necessary' for purposes of local improvement, but such only as it shall be lawful for the Governor in Council to impose for schools, roads, and such like objects; but as ' &c.' is objected to, it might, with the words 'such as schools, roads,' be omitted altogether, if the Council approve.

"Paragraph 23 is as follows:—

'That Section 8 of this Bill, which invests the persons therein mentioned 'with the cognizance of all matters connected with survey and assessments,' places far too wide and
extensive a discretion in the hands of the Executive. That this Bill should define with greater accuracy what those matters are.

"For information as to matters connected with survey and assessments the memorialists might consult the printed official correspondence, and the printed compilation of Rules for the guidance of the native establishments of survey. Full particulars on all subjects connected with survey and assessment will there be found.

"The memorialists then proceed to propose some amendments to the Bill as it at present stands.

"In paragraph 24 they recommend that a proviso be added to Section 9, to the effect 'that this section should not debar parties, aggrieved by the measures of this Bill, from seeking their remedies in the properly constituted courts of law.' It is mere surplusage to say that a person who has a legal remedy shall continue to enjoy it. It is obvious the legal remedy must remain.

"I see no objection to the adoption of the suggestions made in paragraphs 25 and 26, to the effect that the words 'in person or by recognized agent' be added after the words 'occupants of land' in Section 10, and that the words 'unless it has left undetermined the points to be decided, or has decided points not referred to it: or the decision is indefinite or illegal on the face of it,' be added after the word 'final' in Section 20. Should any member wish to move the insertion of these words in Sections 10 and 20; I shall offer no opposition. The provisions of the Civil Procedure Code are not barred by any provision of this Bill.

"The memorialists suggest that Section 20 should provide for examining sick or infirm persons residing at a distance by commission. I do not see the necessity of such a provision. They suggest also that provision be made for the return of the documents which the Survey Officer is empowered to call for. It is needless to adopt the suggestion. A Survey Officer is empowered to call for documents for inspection only—(vide Section 14). If he detains such documents he lays himself open to an action at law, or to a criminal prosecution.

"The memorialists recommend further that the rules mentioned in Section 15 should be incorporated in the Act, and should provide for the preservation of all civil remedies. It is impossible to embody in an enactment rules which cannot be of universal application, but which must change according to circumstances, and which contain a body of minute details varying according to the
circumstances of different districts. The powers of Survey Officers are subjected to ample check, and, as already so often stated, there is nowhere a bar to civil remedies.

"In paragraph 29 the memorialists write as follows:

' That your memorialists consider Section 27 as open to the most serious objections. That it will lead to the most harassing inquiries. That it leaves it uncertain how far the 'record' to be prepared by the Survey Officer is binding upon the landholders. That words should be added to it to the effect that 'this record should be no bar to the proprietary rights or legal remedies of any person.'"

"Memorialists express alarm unnecessarily. The 27th section of the Bill merely gives the power to collect, collate, and record a mass of valuable statistical information which it has hitherto been the custom to obtain and arrange. No proprietary rights are interfered with, but the record will be most valuable to proprietors as showing the state of things at the time of survey.

"The petitioners suggest, in conclusion, that a definition be given of the term 'alienated villages.' A definition seems unnecessary. Unalienated villages are obviously those the revenue and management of which have not been alienated from the State, and alienated villages are those the revenue and management of which have been alienated from the State.

"And now, Sir, having considered all the points raised in this memorial, I have no hesitation in expressing my opinion that the memorialists have failed in making out a case against this Bill such as to induce its further postponement. Their difficulties originate in their inability to distinguish between survey duties and judicial administration. This Bill professes to deal with the former; the ordinary courts of law can take care of the latter. Evidence regarding tenures, which memorialists pray may be taken, is not required when the subject of tenures is not before this Council. As neither substantial error nor defect has been shown from any quarter to exist in this Bill, I think we may now safely proceed with it through its remaining stage, and I shall accordingly to-day move that it be read a third time and passed."

The Honourable Mr. Ellis thought that some of the suggestions made by the petitioners might be profitably adopted by the Council. In accordance with one of these suggestions he would move that in line 6 of Section 14 the words "in person or by legally constituted agent" be inserted between the words "land" and "and."
The Honourable Mr. Frere had no objection to this proposal, provided the words "duly instructed and able to answer all material questions" were added after the word "agent".

The Honourable Mr. Ellis's amendment, as proposed to be modified by the Honourable Mr. Frere, was agreed to.

The following alterations were also agreed to:

1. The first 12½ lines of Section 20 were made the first clause of the section, and the remainder of the section the 3rd clause, the following words being adopted as Clause 2:—
   
   "Provided that the Superintendent of the Survey shall have power to remit the award or any of the matters referred to arbitration to the reconsideration of the same Committee, for any of the causes set forth in Section 323 of the Code of Civil Procedure."

2. In line 11 of Section 29 the words "village and district roads, wells, accommodation for travellers, and the like," were substituted for the words "roads, &c."

3. In line 17 of Section 37 the words "a settlement lease" were substituted for the words "Survey Settlement".

The Honourable the Advocate-General wished to have some further information as to the manner in which the records referred to in Section 27 were prepared. Mr. Inverarity had alluded to the subject in answering one of the objections made by the memorialists. But for his own satisfaction he should wish to know more fully how information was obtained for these records as respected landed tenures. How were the rights and interests of the various classes of the community determined? It had repeatedly been said that the Bill had nothing whatever to do with tenures. The language of the section would, however, lead persons who were uninformed like himself, in regard to the manner of conducting business in the offices of the village accountants or other subordinate revenue officers who might be charged in the first instance with the preparation of village records, to suppose that some judicial inquiry was made regarding tenures, and that the result of such inquiries would be an interference in some way or other with rights in the soil. It was obviously very desirable to prevent the possibility of any such impression arising, and perhaps the framers of the Bill might consider it right to alter the language of the section with this object.

The Honourable Mr. Ellis said that the record referred to in Section 27 was most useful to all persons having an interest in land as well as to Government. The inquiry which the section
authorized Survey Officers to make in order to enable them to prepare the records was not of a judicial character, and would affect no private rights.

His Excellency the President explained the nature of the record referred to. In every survey made throughout India information was always recorded regarding the statistics of each village. It was usual to frame a table containing returns regarding the population, buildings, live-stock, agricultural implements, and the extent and nature of cultivation. The information so procured was most valuable evidence in regard to rights existing at the time when the tables were prepared, but conferred no rights nor interfered with existing rights. For instance, if in any village register a certain field is entered as "inám", such an entry will always be good evidence against Government, as showing that the Government officers considered such land to be inám when they prepared the register. On the other hand, if a certain field were entered as assessed to the land revenue, this would prove nothing against the occupant. The entry would simply be of the nature of a private memorandum recording the opinion of the Government officers of the time, but in no way conclusive as to the nature of the tenure on which the land was held. Similarly, census returns had a corresponding value as evidence. If a person enters his age at a certain figure in a census return, it may safely be presumed, till the contrary is proved, that his age has been correctly given. The return would be good evidence in regard to age. So also the village records were good evidence so far as they went, but they were not conclusive evidence, and might always be rebutted by evidence of higher value.

His Excellency Sir William Mansfield said that the important point mentioned by His Excellency the President had been often alluded to, yet it had not been so clearly put before. Much misapprehension might have been avoided if it had been clearly stated that the Revenue Survey record did not in any manner carry with it the character of a judicial decision, but on the other hand was primâ facie the best of evidence in a Court of law in its results. It was not too late now to attempt to remove all doubt on the point, and he (Sir William Mansfield) appealed to his honourable friends Mr. Inverarity and Mr. Ellis to give, as they well could, full information in regard to the nature of the records referred to in Section 27, and the effect of the inquiry that Survey Officers would be authorized to make under that section.

The Honourable Mr. Inverarity said that it was scarcely necessary for him to discuss the value of the survey records as evidence in
Courts of law, as there were, he believed, in existence cases which showed that these records were good evidence of possession at the time of survey.

The Honourable Mr. Ellis concurred with Mr. Inverarity, and would repeat that the Survey record, though it affected no rights, was still good evidence of actual possession, and, in default of better evidence, entries in Survey registers were often of value to establish rights.

The Honourable Mr. Frere observed that the record could only be good evidence against Government. Against tax-payers it was not conclusive evidence. The information supplied by the records would, of course, have a value in Courts of law, but only a value similar to that of tradition. Perhaps it would be as well to insert the words "fiscal and statistical" before the word "record" in line 4 of Section 27.

The Honourable the Advocate-General expressed himself quite satisfied with the information that had been afforded by His Excellency the President. He had no wish to propose any alteration of the section as it stood.

His Excellency the President observed that there was another point connected with the objections which had been raised to the Bill that it would be as well to notice. It had been urged that some of the provisions of the Bill were inquisitorial, and would authorize harassing conduct on the part of the subordinate Survey Officers. To show how groundless these fears are he would refer now to the state of things which had become obsolete since the Survey was commenced. Mr. Frere, Mr. Inverarity, and Mr. Ellis would recollect that before regular surveys were introduced it was the practice of Revenue Officers to call for rough returns of village statistics. These returns included information regarding the village office, and gave minute details as to the population, live-stock of the village, the number of houses, extent of land, the number of bighas that were under cultivation, or waste, or taken up for roads, tanks, or hill country. Land was also characterized as either rent-free, or, if paying land tax, as miras, or gutkooloo, or eksalee, and the details of cultivation were also given, the yield of each kind of produce being shown. Sometimes the returns of one year were copied from those of the previous year, and were seldom very accurate. But their regular preparation was a part of the annual duty of every village accountant. The villagers were by custom bound to give him all this information every year. Still the practice of preparing these returns was never held to be a grievance, much less ought a complaint to be made against the preparation of the Survey records which
would only be taken in hand once in thirty years, and which had, moreover, this advantage—that they embodied a really careful census of the country. But to recur to the rough returns of which he had spoken: when the people of any village had prepared these, they gave them to the Revenue Officer of Government, and received in return a paper showing the amount of revenue due from their village and the instalments by which it was to be paid. This rough system of settling the revenue has been immemorially in force in this part of India. In the Gaikwar's, Nizâm's, Holkar's, and Scindia's territories it is still in force. The practice of making inquiries in the manner he had described had lapsed in British territory, but it had never been held to be inquisitorial, and he did not think that any such objection could be fairly taken against the improved system of the Revenue Survey which had superseded it.

The Honourable the Advocate-General thought that the publication of the statements now made would help to disabuse the public mind of the idea that the Bill interfered with any proprietary rights. It was a misconception on this matter that really underlay all the objections made to the Bill.

His Excellency Sir William Mansfield wished to know if it was not practicable to meet the wishes of the memorialists by giving a definition of the term "alienated village."

The Honourable Mr. Inverarity thought no definition necessary. There could be no doubt as to the meaning of the term. As he had already said, "alienated villages" are those the revenues and management of which have been alienated from the State.

The Honourable the Advocate-General saw no objection to this being stated in the Bill.

The Honourable Mr. Frere said that there was nothing technical in the words "alienated" and "unalienated." No definition seemed to him to be required.

The Honourable Mr. Ellis remarked that alienated villages were sufficiently described in Section 49. The only villages that are alienated are those held exempt from the payment of land revenue, or under Bombay Act II. or Act VII. of 1863, or under a grant or lease fixing the Government demand in perpetuity.

His Excellency the President said that if the words "held and managed" were substituted for the word "held" in the description given in that section, that description would sufficiently define alienated villages.
The following definition was then agreed to, and was inserted as definition (c) in Section 2:

"An alienated village is a village held and managed by private individuals, exempt from payment of land revenue, or under Act II. or Act VII. of 1863 of the Council of the Governor of Bombay, or under a grant or lease fixing the Government demand in perpetuity."

The Honourable Mr. Ellison then moved that the word "alienated" be inserted between the word "to" in line 4 and the word "villages" in line 5 of Section 24, and that the words from "held" in line 5, to "perpetuity" in line 9, be omitted.—Carried.

On the motion of the Honourable the Advocate-General, the words "to ascertain and settle the obligations and to record the rights" were substituted for the words "and to ascertain, settle and record the obligations, rights," in lines 6, 7 and 8 of the Preamble.

On the motion of the Honourable Mr. Inverarity the Bill was read a third time and passed.
BOMBAY ACT No. 1. OF 1865.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor on the 18th October 1864, and of the Governor General on the 6th January 1865, and published by the Governor of Bombay on the 21st January 1865.]

An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government, in the districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.

Whereas a moderate assessment of land revenue is equally conducive to the interests of Government and the well-being of its subjects; and whereas it has been and is the desire of Government to equalize assessments, to ascertain and settle the obligations, and to record the rights, interests, and privileges of persons and classes owning and occupying land; and whereas it is proper to maintain by law, during their currency, all existing settlements which have been made under the authority of Government; and whereas it is necessary to continue and introduce Revenue Surveys wherever they may be required in the Presidency of Bombay; It is enacted as follows:—

I. This Act shall be called the "Bombay Survey and Settlement Act," and shall take effect from the date on which the assent of the Governor General of India thereto shall be published in the Government Gazette of Bombay.

II. The following words or expressions used in this Act are declared to bear the definitions or meanings hereby attached to them, unless there be something in the subject or context repugnant to such construction:—

(a) Words importing the singular number include the plural, and words importing the plural number include the singular.

(b) Words importing the masculine gender include the feminine.
(c) "Survey Officer" means the Superintendent of Survey, or the officer in charge of a Survey for the time being, or any person acting under the orders of either.

"Village." * (d) "Village" includes all lands belonging to any village or township.

(e) An "alienated village" is a village held and managed by private individuals exempt from payment of land revenue, or under Acts II. or VII. of 1868 of the Council of the Governor of Bombay, or under a grant of lease fixing the Government demand in perpetuity.

(f) "Estate" means any land, or interest in land, wherever situated, vested in any person or body of persons, and separately recognized in the public accounts.

(g) "Field" or "number" means a revenue survey division of the village lands of a specified area upon which a distinct assessment is or may be recorded under a number in the Survey Register, and in the public accounts of the village.

(h) "Holding" means the aggregate of the fields or numbers in any village entered in the public accounts in the name of one person or body of persons.

(i) "Recognized share of a field" means the portion of a field entered in the name of any one in the survey papers or other public accounts.

(j) "Occupant" is the person whose name is entered authorizedly in the survey papers, or other public accounts, as responsible to Government for payment of the assessment due upon any field, or recognized share of a field.

(k) "Superior holder" is the person having the highest right under Government recognized by the custom of the country, or resting on specific grant, to hold land or engage with Government for the land revenue due on account of any village or estate.

* By Section 21 of Act IV. of 1868 it is enacted that whenever the Act (I. of 1865) is applied to towns and cities, the word "village" shall be held to include towns and cities.
(i) "Tenant" is the person holding under an occupant or superior holder, by a right derived from him, and otherwise than by ownership or inheritance.

III. Existing

Maintenance of existing settlements of land revenue.

IV. It shall be lawful for the Governor in Council, whenever such a measure may appear to him expedient, to direct the extension of a revenue survey to any part of the Presidency, to the settlement of the land revenue, and to the record and preservation of proprietary and other rights connected with the soil, and such survey shall be called a revenue survey.

V. The control of a revenue survey and settlement in any part of the Presidency shall vest in and be exercised by the Governor in Council, who may from time to time, subject to the general control of the Governor General of India in Council, appoint, for the purpose of carrying out such survey and settlement, public servants, under the designation of Commissioner of Survey and Settlement, Superintendent of Survey and Settlement, Settlement Officer, and Assistant, or under such other designation as may seem requisite.

VI. The Governor in Council may confer upon Commissioners and Superintendents of Survey and Settlement, or Settlement Officers, any of the powers of a Collector, within any specified charge, and in like manner upon Assistant Superintendents or other officers, appointed under Section V. of this Act, any of the powers of an Assistant Collector.

VII. The appointment of all subordinate members of the establishment for survey and settlement shall, under such rules as the Governor in Council may from time to time sanction, rest with the Commissioners, Superintendents of Survey and Settlement, and Settlement Officers, who may at any time, after inquiry recorded in writing, fine, dismiss, suspend, or reduce any members of their respective establishments so appointed who shall be

* Act I. of 1865 is declared applicable to towns and cities by Act IV. of 1868.
remiss or negligent in the discharge of duty, or unfit from any cause for the discharge of the same.

VIII. Subject to the orders of the Governor in Council and to the powers reserved by law to the Revenue Commissioners and Collectors, the Commissioners, Superintendents of Survey, and Settlement Officers are vested with the cognizance of all matters connected with survey and assessment, and with the adjustment of boundary disputes.

IX. All the proceedings and orders of subordinate Survey Officers are appealable to their respective immediate superiors, and all the proceedings and orders of Assistants, or other superior Survey Officers, are appealable to the Superintendent of Survey, whose proceedings and orders are subject to the direction and decision of the Commissioner of Survey, or other officer specially authorized on that behalf, under the general control of the Governor in Council.

X. It shall be lawful for the Superintendent or officer authorized by him to require by general notice, or by summons, the attendance of owners or occupiers of land, in person or by duly constituted agent, duly instructed and able to answer all material questions, and the presence of taluk and village officers who in their several stations and capacities are legally or by usage bound to perform service in virtue of their respective offices, and to require from them such assistance in the operations of the survey, and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

XI. In any district in which a revenue survey has been or may be ordered by the Governor in Council, it shall be lawful for any duly authorized Survey Officer to enter, for the purposes of measurement, fixing boundaries, classing soils, or for any other purpose connected with the survey and settlement, any lands, whether belonging to Government or to private individuals, and whether assessed to the public revenue or partially or wholly exempt from assessment.
XII. Clause 1st.—It shall be lawful for any Survey Officer authorised by a Superintendent of Survey, or Settlement Officer, to cause to be erected or repaired boundary marks of villages or fields, whether cultivated or uncultivated, and to assess all charges incurred thereby on the owners, occupants, or others having an interest therein.

Clause 2nd.—Nothing in the preceding clause shall prevent such officer from requiring owners or occupants of land to erect or repair their boundary marks, and in that case it shall be competent for him to issue a notification which shall be posted in the chaudi or other public place in the village, directing the owners or occupants of fields to erect or repair, within a specified time, the boundary marks of their respective fields; and, on their failure to comply with the requisition so made, the Survey Officer shall then erect or repair them, as provided in the clause last preceding; and may recover from the owners or occupants the expenditure made in so doing.

Clause 3rd.—A general notification, issued in the manner prescribed in the last clause, shall be held to be good and sufficient notice to each and every person having any interest in any field within the limits of the village in which such notification is published.

Clause 4th.—The size, material, and description of boundary marks shall be such as may be deemed necessary by the Superintendent of Survey, according to the requirements of soil and climate.

XIII. It shall be the duty of every owner or occupant of land, whether subject to the payment of land revenue or not, to point out to the Survey Officer, at the time of measurement and of classification, the boundaries of his holding. If the owner or occupant, or his duly constituted agent, fail to do so, it shall be competent to the Survey Officer, in the absence of the said owner, occupant, or agent, to fix the boundary on such other evidence as may be available.

*XIV. Clause 1st.—In conducting an inquiry respecting boundaries as aforesaid, it shall be lawful to a Superintendent of Survey, or other officer authorized by him, to call on any owner, occupant, or agent of the owner or occupant, to produce for inspection all sanads, kauls, and

*Amended by Section 14 of Act IV. of 1868.
leases, and all other title-deeds and documents whatever, relating to his land, and if, within a reasonable period to be fixed in writing by the said Survey Officer, the said owner, occupant, or agent fail to produce such documents, the boundaries of the land may forthwith be determined on such evidence as may be available.

Clause 2nd.—If the boundary of a field be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out, and, if disputed, it shall be fixed by the Survey Officer according to the village records, or, failing these, according to occupation as ascertained from the village officers, the cultivators of adjoining lands, or other evidence.

Clause 3rd.—No appeal against the determination of a boundary laid down according to the preceding clauses shall be admitted, unless formally preferred within six months of the date of the boundary marks being erected.

Clause 4th.—But it shall be competent to a Superintendent of Survey, on due cause shown, to alter any boundaries within one year after the introduction of the revised survey rates.

Provided that the determination of any boundary under this section shall not debar any one, claiming any right in the land, from any legal remedy he would otherwise have for dispossession.

XV. It shall be lawful for the Survey Officer to call upon all owners and occupants of land to assist in the measurement and classification of the lands of their villages by furnishing flag-holders; and in the event of a necessity for employing hired labour for this, or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses, on the owners and occupants of the lands of the village, for collection as a revenue demand.

XVI. The boundaries of villages shall be fixed, and all disputes relating thereto shall be determined, by Survey Officers, who shall be guided by the rules and procedure prescribed in the following sections.
XVII. When the patels and other village officers of any two or more adjoining villages, and, in cases in which the revenues of either village do not belong to Government, the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the Survey Officer shall require the said parties to execute an agreement (rajináma) to that effect, and shall then mark off the boundary fixed in the manner agreed upon. And any village boundary fixed in this manner shall be held to be formally and finally settled, unless it shall appear on inquiry that the agreement has been obtained by fraud, intimidation, or any illegal means.

XVIII. If the patels and other village officers, and, in cases where the revenues of either village do not belong to Government, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages in the manner prescribed in the preceding section, or if there be any pending dispute, then the Survey Officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall inquire into the claims of the said parties, and thereafter make an award in the case, and such award shall be final unless reversed or modified on appeal as hereinafter provided. If, however, the revenue of either of the villages concerned be wholly or partially alienated, an award made by a Survey Officer shall not be final unless made or confirmed by the Superintendent of Survey.

XIX. When there is a boundary dispute between a village belonging to the British Government and a village belonging to a Foreign or Native State, the dispute shall be settled in such manner as may be agreed upon by the two Governments, and any settlement so made shall be final.

XX. Clause 1st.—If the several parties concerned in a boundary dispute agree to submit the settlement thereof to a pancháyat or arbitration committee, and make application to that effect in writing, the Survey Officer shall require the said parties to nominate a committee of not less than three persons, within a specified time, and, if within a period to be fixed by the Survey Officer the committee so nominated arrive at a decision, such decision, when confirmed by the Superintendent of the Survey, shall be final.
Clause 2nd.—Provided that the Superintendent of the Survey shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee for any of the causes set forth in Section 323 of the Code of Civil Procedure.

Clause 3rd.—If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the Survey Officer, unless he see fit to extend the time, to settle the same as otherwise provided in this Act.

XXI. It shall be lawful for the Survey Officer to require the attendance of any person whose presence or evidence may be necessary for the settlement of a village boundary or for the investigation of a boundary dispute, and any person refusing to attend in compliance with the terms of the notice (which shall be in writing) issued by a Survey Officer, shall be liable to the punishment provided by law for contempt of the lawful authority of public servants: Provided that exemptions under Section 22 of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section.

The Survey Officer may require the attendance of persons whose presence or evidence may be necessary. Exemptions from personal attendance.

XXII. It shall be lawful for a Survey Officer charged with the inquiring into boundary disputes to take evidence on oath or solemn affirmation.

Proceedings to be recorded in the vernacular of the district, a summary of the evidence, etc., being also recorded in English.

XXIII. Proceedings connected with the settlement of boundary disputes shall be recorded in the vernacular of the district: Provided that the Survey Officer making the investigation shall record in English a summary of the evidence, the reasons for his decision, and the final settlement of the case.

XXIV. Clause 1st.—All decisions or awards fixing village boundaries, or settling village boundary disputes, if made by a Survey Officer below the rank of Superintendent, shall be subject to appeal to the Superintendent of Survey, provided the appeal be made within sixty days of the laying down of the permanent boundary marks.
Appeals against decisions of Superintendents of Survey to be made to Commissioner of Survey within sixty days.

Clause 2nd.—Decisions or awards in such cases by a Superintendent of Survey shall be appealable only to the Commissioner of Survey, who shall not admit any appeal unless made within sixty days after delivery of the order appealed against.

XXV. It shall be lawful for an officer in charge of a Survey to assess the land revenue, under such general and local rules as may be in force in the Survey under his charge, all lands cultivated or uncultivated, and whether hitherto assessed or not, provided that such assessment shall not be levied for more than one year until the sanction of the Governor in Council shall have been obtained thereto, and provided that it shall not be leviable from any land held and entered in the Land Registers as wholly or partially exempt from payment of land revenue, except to such amount as is in accordance with previous practice, or any law which has been, or may hereafter be, enacted relating to lands so held.

XXVI. The power to assess under the preceding section shall include power to assess whether directly on the land, or in the form of a rate or cess upon the means of irrigation, or in any other manner whatsoever.

XXVII. It shall be the duty of the Survey Officer, on the occasion of making or revising settlements of land revenue, to prepare a record showing the area and assessment of each field, and containing all necessary information in regard to landed tenures and the obligations, rights, interests, and circumstances of the various classes of the community. In the execution of this duty the Survey Officer shall be authorized to summon and examine such witnesses as he may require to enable him to prepare the record, and all persons so summoned shall be legally bound to give the Survey Officer the information necessary to the preparation of such record.

XXVIII. It shall be lawful for the Governor in Council, from time to time, to lay down rules for the administration of survey settlements, and may fix settlements and assessments for periods not exceeding thirty years.
XXIX. Clause 1st.—The guarantee given in virtue of the
preceding section is strictly limited to Imperial
Land Revenue, and shall not apply to
any cess which it shall be lawful for the Gov­
er in Council to impose for the use of
water, available in consequence of the construction, improvement, or
repair of any irrigational work by or at the instance of Government,
or for purposes of local improvement, such as schools, village and
district roads, wells, accommodation for travellers, and the like.

Clause 2nd.—The power of Government to assess surveyed
lands and levy assessments thereon shall extend
to any resumed rent-free land, alluvial accre­
tions, reclamations, waste or other lands, which
may not have been assessed at the general
settlement.

XXX. It shall be lawful for the Governor in Council to direct
at any time a fresh survey or classification of
soils or revision of assessment, or all or any of
these combined, but the assessment so revised
should not take effect till the expiration of the period of previous
assurance given as provided in Section XXVIII. Such revised
assessment shall be fixed, not with reference to improvements made
by the owners or occupants from private capital and resources during
the currency of any settlement under this Act, but with reference to
general considerations of the value of land, whether as to soil or
situation, prices of produce, or facilities of communication.

XXXI. Clause 1st.—The assessment under a revenue settle­
ment, whether it be fixed directly on the land
or indirectly as a cess for water privileges, or
in whatsoever manner, or for whatsoever pur­
pose it may be imposed, shall be leviable at
such dates and according to such instalments as may from time to
time be determined under the orders of the Governor in Council.

Clause 2nd.—If any instalment of the assessment be not fully
paid on the date fixed, it shall be lawful for a
Collector to levy, in addition to the assessment
due, such charges on account of interest and
fees for the serving of notices and other pro­
cesses, as may be authorized according to a scale to be fixed for each
Collectorate, from time to time, under the orders of the Governor in
Council.
XXXII. A Survey or Settlement Officer may set apart unoccupied lands in unalienated villages for free pastureage for the village cattle, for forest reserves, or for any other public or municipal purpose, and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Revenue Commissioner.

XXXIII. Any person who shall unauthorizedly cultivate or otherwise appropriate any portion of land so assigned shall be liable to pay an assessment not exceeding ten times the ordinary assessment for similar land, and to the forfeiture of any crop he may have raised on the said lands, which crop shall be disposed of as the Collector may direct: Provided, however, that nothing in this clause shall exempt any person guilty of any criminal offence, in addition to the appropriation of land as aforesaid, from the punishment provided by law for such offence.

XXXIV. In the event of any village or estate not belonging to Government coming under the temporary management of Government officers, it shall be lawful for the Collector, under the control of the Revenue Commissioner of the division, to let out the lands thereof at the rates of the survey assessment, or at such other fixed rates as he may deem to be reasonable, and to sell the occupation thereof, if waste, by auction, and otherwise to conduct the revenue management thereof, under the rules for the management of lands belonging to Government, so far as such rules may be applicable, and for so long as the said village or estate shall be under Government management: Provided, however, that any written agreements relating to the land made by the owner thereof shall not be affected by any proceedings under this section.

XXXV. It is hereby declared that an occupant of any Government land is entitled, in virtue of his occupancy, to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land. But if an occupant wishes to appropriate the land in his occupancy to any purpose unconnected with agriculture so as to destroy or injure it for cultivation, he shall first obtain the Collector's permission, which shall be given on payment of a fine fixed according to such rules as may from time to time be prescribed under the orders of the Governor in Council, and on entering into a written
agreement to pay, in addition to such fine, the annual assessment which may have been fixed on such land at the settlement then current, and which shall remain liable to revision at any future settlement of the district.

XXXVI. The occupant of a survey field, or recognized share of a field or number, shall not be deprived of his right of occupancy in the said field or recognized share of a field by any Revenue Officer so long as he continues to pay the assessment due thereon. This right of conditional occupancy is declared to be a transferable and heritable property; and any person, lawfully and authorizedly in occupation of any land at the expiration of a settlement lease, who shall consent to the rate which may be assessed on his land at a revision of assessment, shall be continued in his occupancy without question.

XXXVII. Whenever, in the Ratnagiri Collectorate and in the Râjgad, Râjpur, and Sânkâ talukas of the Thána Collectorate, the survey settlement is introduced into villages or estates held by Kholts, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the Governor in Council, to grant the Khot a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held; and, further, the provisions of Section 36 in respect to the right of permanent occupancy at the expiration of a settlement lease shall hold good in regard to those villages or estates.

XXXVIII. It shall also be competent to such officer, with the sanction of the Governor in Council, to fix the demands of the Khot on the tenant at the time of the general survey of a district, and the terms thus fixed shall hold good for the period for which the settlement may be sanctioned. But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage, or otherwise where such did not exist before, and shall not affect the right of the Khot to the reversion of all lands resigned by his tenant during the currency of the general lease.

Sections 37 & 38 have been repealed by Section 2 of Act I. of 1880, the Khot Settlement Act.
XXXIX. Any person desirous of taking up unoccupied assessed land must, previously to entering upon occupation, obtain the permission, in writing, of the local Native Revenue Officer (Mamladdar or Mahulkari); and in the event of his cultivating or otherwise taking possession of any portion of a number without his application having been formally allowed, it shall be lawful for the Collector to levy from the said person a special assessment, not exceeding five times the assessment ordinarily chargeable on the entire number, and to summarily eject him from the land unauthorizedly occupied.

XL. The permission to occupy land provided for in the preceding section shall in all future settlements include the concession of the right of Government to all trees growing on that land which are not then specially reserved.

XLI. If a wrong entry of an occupant's name have been made in the settlement or village papers at the introduction of the survey, either through fraud, collusion, omission, or otherwise, it shall be competent to a Collector or Superintendent of Survey to remove the name thus entered, and to substitute that of the person found upon inquiry to be the bond fide occupant of the said number or recognized share of a number, provided that the petition for the correction be made within two years after the introduction of the settlement. If any clerical error shall be discovered, it may be corrected by the Collector or Superintendent of Survey at any time.

XLII. Clause 1st.—An occupant may relinquish his occupancy in whole or in part, provided the land so relinquished comprise whole fields, or recognized shares of fields, and provided that he shall, on or before the 91st March of the current year, give a written notice of such relinquishment to the local Native Revenue Officer of the revenue division of the district in which the land of such occupancy is situated. In default he shall be liable for the revenue due therefrom for the following revenue year.

Clause 2nd.—Provided that, in villages held on the narva and bhagdari or other similar tenure, the above clause shall not relieve any shareholder from his liability for the assessment of all lands for which he may be, according to the custom of the village, responsible jointly with the other sharers.

*Amended by Act 1. of 1876.
XLIII. Clause 1st.—A tenant holding under a superior holder or occupant as a yearly tenant shall be obliged to give notice of the termination of his tenancy at least six months before the commencement of the cultivating season next after that for which rent has been accepted, before he can rid himself of his character of tenant.

Clause 2nd.—Every such tenant shall be entitled to receive from his landlord notice of the termination of his tenancy at least six months before the commencement of the next cultivating season.

XLIV. Occupants of land in surveyed villages shall, as regards the assistance to be given to them in the recovery of their dues from their tenants, be regarded as superior holders, and entitled to the assistance provided for that class of holders in Chapters VI. and VII. of Regulation XVII. of 1827: Provided, however, that such assistance shall not exceed the levy of the survey assessment, and such additional amount as may be leviable by the custom of the village or under a settlement sanctioned by Government.

XLV. * In case of a decree of a Civil Court for the division of an estate under Section 225 of Act VIII. of 1859 (the Civil Procedure Code) or by any other process of law, the following rules shall be enforced by the Collector for the partition of such estate:—

Clause 1st.—The estate shall be divided according to survey numbers or recognized shares of numbers, as far as may be possible without subdividing any number or recognized share of number.

Clause 2nd.—When the decree cannot be executed without subdivision of a number or recognized share of a number, the Collector shall so report to the Court issuing the decree, and, according to the orders he may receive from the Court, he shall either transfer the number or recognized share of a number, undivided, to any party named by the Court, or sell the number, or share of the number-undivided, with its rights and liabilities, and pay over the proceeds as the Court may direct.

* Repealed by Section 16 of Act IV. of 1895.
Clause 3rd.—Provided that nothing in this section shall affect the provisions of (Bombay) Act V. of 1862.

XLVI. When the sanction of the Governor in Council has been obtained under Section 25 of this Act, the survey settlement shall be held to have been introduced into a district, and the charge of the boundary marks shall then devolve on the Collector, and it shall be his duty to take measures for their maintenance and repair, in the manner provided for Survey Officers in this Act.

XLVII. Every occupant shall be responsible for the maintenance and good repair of the boundary marks of his field; and it shall be the duty of the village officers and servants to prevent the destruction or alteration of the village boundary marks.

XLVIII. All dues and charges of whatsoever nature, leviable under this Act, shall be collected in the manner prescribed for the recovery of revenue demands according to the rules and regulations which may be in force for the time being.

XLIX. The provisions of this Act shall not, except for the purposes of defining village boundaries, be applied to alienated* villages: Provided that it shall be competent to the Governor in Council to extend by notification in the Government Gazette all or any of the provisions of this Act to every such village, on application made, in writing, by the holder thereof, and, further, to apply the provisions of this Act to all Government lands situated in alienated villages.

L. Regulation X. of 1827, and Sections 2, 3 and 4 of Act III. of 1846 are hereby repealed.

LI.† This Act shall be read and taken as part of Regulation XVII. of 1827.

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* Vide Section 19 of Act IV. of 1868.
† Repealed by Section 20 of Act IV. of 1868.
The following amended Rules and Orders, framed by His Ex-
cellency the Governor in Council under the provisions of the Bom-
bay Survey and Settlement Act, are published for general infor-
mation, in supersession of those published under date the 4th September
1877:—

I.—Rules framed under Section 28 of the Act for the
administration of Survey Settlements,

Notification of Survey Settlement.

1. When a Revenue Survey Settlement shall have received the
sanction of Government under Section 25 of the Act, a notification
shall be published in the district, or portion of a district, to which
the settlement extends, in the annexed form (Appendix A), and the
period for which the assessments have been fixed shall be notified in
the Bombay Government Gazette.

Note.—When the Survey Settlement is introduced into a portion of a taluka already
partially settled, the guarantee will be restricted to the unexpired portion of the
period for which the assessments in the first settled portion of the taluka were fixed.

2. In isolated villages settled before the 9th March 1858, the
settlements are to be understood to have been fixed for a period of 30
years, unless there is a specific evidence that a guarantee for a shorter
period was given at the time.

Trees.

3. The extent to which the right of Government to trees is con-
ceded under Section 40 of the Act will be specified in the notification
issued under Rule 1. The said concession will ordinarily extend to
all trees except the following (namely):—

(1) all road-side trees planted by or under the orders of
Government;

(2) teak, blackwood, and sandalwood;

(3) trees, the produce of which has hitherto been disposed of
by Government;

(4) trees in groves,
   " round temples, " which may be recorded in the settle-
   " other than teak, " ment records as specially excepted
   blackwood, or at the settlement.

sandalwood,

The right to trees of any of the above classes which have already been
specially assigned to the occupant or purchased by him, or to trees
standing in public places will, of course, not be affected by this rule
or by the notification issued under Rule 1.
The exception of blackwood trees from the trees to which the said concession will ordinarily extend, is not to be deemed to apply to the Province of Sind.

4. Nothing in the last rule shall be held to prevent Government from specially reserving their rights to all trees, or to trees of other kinds than those therein enumerated, whenever it may be deemed expedient so to do.

5. Of the trees to which the rights of Government are reserved, such numbers or kinds as Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept of all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department.

All reserved trees not placed at the disposal of the Forest Department shall be in the charge of the Collector, who may dispose of the same, or of the produce thereof, in such manner as he may from time to time deem fit.

Grant of Occupancy Rights.

6. The right of occupancy of all unoccupied land not assigned for special purposes, together with the unreserved rights of Government to the trees, if any, standing thereon, may be granted to such person as the Collector deems fit, or, at his discretion, may be put up to public auction and sold, subject to his confirmation, to the highest bidder. The person to whom the right is so granted, or, in the case of a sale, the purchaser, if the Collector confirms the sale, shall execute a kabuliyat in the form of Appendix B, and shall thereupon become and be recognized as, and be subject to all the liabilities of, the occupant; such kabuliyat must bear a stamp of the value prescribed by law. *

When the final bid at any such auction is for a sum not exceeding Rs. 60, the sale may, if the Collector in his discretion so directs, be confirmed by the Mǎmlatdār, and such confirmation shall have the same effect as if the sale were confirmed by the Collector.

7. If the land has not already been assessed, it shall be assessed by the Collector (after reference to the Survey Department,

* Note.—The proper stamp is at present eight annas under Art. II, Schedule II, Act XVIII of 1869; but when the assessment of the land to which the kabuliyat refers is less than 8 annas, the fees chargeable on such kabuliyat have been reduced to an amount equal to the assessment—vide Government of India Notification, No. 1316, re-published in the Bombay Government Gazette of 4th July 1928, p. 403.
if survey operations are still in progress in the Collectorate), at the rates placed on similar soils in the same or neighbouring villages; and the assessment so fixed shall hold good pending the period for which the current survey settlement of the village in which the land is situated has been guaranteed, and shall be liable thereafter to revision at every general survey settlement of the said village.

8. If it shall appear that the bringing of any such land under cultivation will be attended with large expense, or if for other special reasons it shall seem desirable, it shall be competent to the Collector, with the previous sanction of the Commissioner, to give the land free of assessment, or at a reduced assessment for a certain term, or free of assessment for a certain term, and at a reduced assessment for a further term. Land thus given shall be given subject to a written agreement (kowl or lease) containing such conditions as the outlay or other special reasons aforesaid may seem to warrant. In case of reclamation of tracts of land occasionally overflowed by salt water, special reference should be made to Government, who, at their discretion, may grant such terms as may be considered advisable.

Provided always that on the expiry of the term or terms so agreed upon, the land so given shall be liable to assessment under the survey rules then in force in the district in which the land is situate.

9. When the right of occupancy of any land is granted under any of the last three rules, the general reservation of the right of Government to trees announced in the notification published under Rule 1 at the time of the first survey settlement of the village in which such land is situate, will alone be held applicable to the trees on the said land, unless other special reservations are made at the time of the grant.

10. When the demarcation of forest reserves has been completed in any tālūka in a forest district, the Collector will, in consultation with the Forest Department, prepare a list of all unoccupied numbers in the tālūka which contain jungle or valuable trees which have not been included in any forest reserve, but over which it is thought desirable that the Forest Department should retain a lien.

When there are many such numbers, the Conservator may, with the concurrence of the Collector, arrange for a certain number of them being cleared of wood annually, and reported available for occupation without reference to the Forest Department.

11. If the occupancy of any such number is granted to any person under the foregoing rules at any time before the number has been cleared of all the wood over which the Forest Department has a lien, intimation shall be given by the Collector to that Department. The officers of the Forest Department shall then arrange for the removal
of what wood they wish to cut within six months from the date of the intimation. After the expiry of that period the said Department shall have no further lien on any trees which may remain, or which may afterwards spring up in the number; the right to all such trees, except in so far as the rights of Government thereto may have been reserved under the foregoing rules, shall thenceforward vest in the occupant.

With the concurrence of the Forest Department, the Collector may, if he thinks fit, offer the jungle or trees in any such number to the occupant at a valuation to be made by the Collector. If the occupant agrees to purchase the same, the value shall be recovered from him by the Collector, and credited to the Forest Department. If he refuses, the wood shall be removed by the Forest Department, as above provided, within six months from the date of such refusal.

12. In forest districts in which the demarcation of forest reserves has not been completed, the Conservator of Forests is to be consulted before the occupancy of any land containing jungle or valuable trees is granted; and if the occupancy of any such land is granted to any person, the provisions of the last preceding rule shall apply in respect of the removal or sale of any wood over which it is thought desirable that the Forest Department should retain a lien.

13. Except under the provisions of Rule 8, or in districts or talukas in which special rules for the encouragement of the cultivation of waste lands may have been sanctioned by Government under the provisions of such rules, no survey number on which the assessment has been fixed is to be let for less than the amount of such assessment, in consequence of its having been long waste or for any other reason whatever.

**Rights and Liabilities of Occupants.**

14. If land included at any survey settlement in a survey number as unarable be brought under cultivation, no extra assessment will be levied on that account during the period for which such settlement is guaranteed.

But this rule shall not be held to authorize cultivation on roads, or in the beds of tanks used for irrigation, drinking, or domestic purposes, when the land occupied by such roads or tanks is included in a survey number. Such cultivation is strictly prohibited, except, as regards tanks, when the privilege of cultivating the dry bed of the same has been specially conceded at the survey settlement, or when the tank waters land in the sole occupation of the occupant.
15. The full assessment of an entire survey number will invariably be levied notwithstanding its sub-division into recognized shares. In the event, therefore, of the relinquishment of a recognized share of a survey number, the share so relinquished shall be at the disposal of the remaining sharer or sharers. The sharer paying the largest share of the assessment of the number shall have a prior right to it; but in case neither he nor any other sharer, nor any person nominated by them, shall desire to have his name entered as occupant of the share so relinquished, the assessment due on it will be levied from the occupants of the remaining shares in proportion to their shares of the original assessment.

16. The occupant or any other person lawfully in possession of assessed land may remove earth, stone, kankar, sand, moorum, or other material of the soil of the said land for his own bond fide domestic or agricultural purposes without previous permission and without payment of fee, provided that the land is not thereby destroyed or, in the opinion of the Collector, materially injured for cultivation.

UNOCCUPIED AND WASTE LAND.

17. The produce of trees belonging to Government in any unoccupied number may be sold by auction annually.

18. The grazing or other produce of unoccupied assessed numbers may be sold annually by public auction, number by number, or together if two or more such numbers adjoin each other, at such time as the Collector may determine, but subject to the conditions in respect to the purchaser's rights over the land prescribed in the next following rule.

This rule is not intended to interfere with the practice, which prevails in some districts, of allowing unoccupied assessed land to be used for the free pasturage of village cattle, but such allowance shall be discretion of the Collector, and revocable at his pleasure.

19. The grazing or other produce of all waste land vesting in Government, and of all land especially reserved for grass or for grazing, except land assigned to villages for free pasturage, may be sold by public auction year by year, either number by number or in tracts, and at such time as the Collector shall determine, provided that the purchaser's rights over such land shall entirely cease on the dates respectively fixed for the several districts and provinces in the following table, unless, under special circumstances, the Collector shall deem it necessary to extend the time so fixed for any period not exceeding one month:—
<table>
<thead>
<tr>
<th>Collectorate</th>
<th>Waste assessed Dry-crop Land</th>
<th>Waste assessed Rice Land</th>
<th>Reserved Kuran and unassessed Waste</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kalâagí</td>
<td>31st March</td>
<td>31st March</td>
<td>1st May</td>
</tr>
<tr>
<td>Sátára</td>
<td>Do</td>
<td>Do</td>
<td>Do</td>
</tr>
<tr>
<td>Belgaum</td>
<td>Do</td>
<td>1st December</td>
<td>Do</td>
</tr>
<tr>
<td>Dhrárâdr</td>
<td>Do</td>
<td>Do</td>
<td>Do</td>
</tr>
<tr>
<td>Kânara</td>
<td>Do</td>
<td>1st October</td>
<td>Do</td>
</tr>
<tr>
<td>Other Deccan Collectorates</td>
<td>Do</td>
<td>31st March</td>
<td>31st December for cutting, and up to the monsoon for grazing.</td>
</tr>
<tr>
<td>Konkan Collectorates</td>
<td>Do</td>
<td>Do</td>
<td>1st May</td>
</tr>
<tr>
<td>Gujârdë Collectorates</td>
<td>Do</td>
<td>Do</td>
<td></td>
</tr>
</tbody>
</table>

In Sind, the purchaser’s rights over the land shall cease at such time as the Collector shall, in each case, at the time of the sale determined.

20. The Commissioner may in any case sanction the sale or disposal of the grazing, or other produce, of any of the lands specified in the two last rules, otherwise than by public auction and for a term exceeding one year.

21. The Collector may at his discretion sell by public auction, or otherwise dispose of, the right to remove earth, stone, kankar, sand, moorum or any other material from any unoccupied land, or from the beds of tanks, rivers, or ndlas. Every such sale shall be made, subject to the privileges conceded by Rules 22 and 23, to the inhabitants of the village in which the land, &c., is situate.

22. Any person may, within the limits of the village in which he resides, remove earth, stone, kankar, sand, moorum, or other materials from the beds of rivers and ndlas, or from any unassessed waste land not assigned for special purposes, for his own bond-fide domestic or agricultural purposes, without payment of fee, on obtaining the written permission of the Police Patel.

Potters and brick and tile-makers shall be entitled to the same privilege for the bond-fide purposes of their trade as well as for domestic and agricultural purposes.

If the Police Patel shall refuse permission when the same is applied for under this rule an appeal shall lie to the Mâmlatdâr. But in such cases as he shall think fit, the Collector may prohibit the Mâmlatdâr, or the Police Patel, from giving permission without obtaining his previous sanction.
23. Any person may, with the sanction of the Police Patel, take free of all charge from village tanks as much earth, stone, kankar, sand, morum, or other materials as he requires, provided that no stones shall be removed that may have fallen in from the banks of built tanks, and that no excavation shall be made within ten cubits of the foot of the embankment of any such tank.

24. The Local Funds, Public Works and other Public Departments and Municipalities may, with the permission of the Collector, and subject to his supervision, remove earth, stone, kankar, sand, morum, or other material from the beds of rivers, nálas and public tanks, or from any unassessed land, or any unoccupied assessed land not assigned for special purposes, for works of public utility without payment, whether such works be constructed departmentally or by contract.

25. Any person other than a contractor for any work contemplated by the last rule, or for the supply of material for any such work, who desires to remove earth, stone, kankar, sand, morum or other material from any land for the purposes of his business, or for trade, or sale, or any Railway Company requiring land for excavating ballast, other than that granted to it for the construction of its line, shall apply to the Collector. The Collector may grant permission to excavate or to remove any such material from any land available for the purpose on such terms as he may deem fit, which may be either for payment of one lump sum, or of a rate per mile of the railway line for which ballast is obtained, or per cubic yard of excavation, or otherwise.

This rule does not apply to potters and brick and tile-makers, who may obtain permission to remove earth &c., under Rule 22.

26. The Collector may, on application being made to him for the purpose, grant permission to any person to appropriate any unoccupied land, whether assessed or unassessed, for building or other non-agricultural purposes on such conditions as may be prescribed by Government or by the Commissioner; or, if no conditions are prescribed by Government or by the Commissioner, on such conditions as he deems reasonable, and may in his discretion put up any such land to be sold for any such purpose by public auction.

**Entry of Occupants' Names—Relinquishment and Transfer of Occupancies.**

27. On the death of an occupant, his eldest son, or other person appearing to be his heir, or the principal of his heirs, shall, subject to the provisions of Rule 32, be recognized as occupant in his stead, his name being substituted in the records for that of the deceased occupant.
28. If there be more heirs of a deceased occupant, or more owners of an occupancy than one, the names of all, except the occupant, may, if they or any of them at any time make a written application to that effect, be entered as joint occupants. The name and share in fractional parts of a rupee of each heir or co-owner shall thereupon be recorded, and each joint occupant shall be subordinate, so far as the payment of the revenue is concerned, to the occupant to whom he shall be responsible for the due discharge of his share of the same. But such entry shall not confer a right to a subdivision of land below the minimum area fixed under any rules for the time being in force for the district in which the holding is situated.

The occupant may, upon application to the proper officer, have the same assistance for the realization of the recorded share of the revenue due to him from a joint occupant as is prescribed for the recovery of dues from tenants by Section 44 of Bombay Act I, of 1865.

29. The written notice of relinquishment of an occupancy required by Section 42, Clause 1, of the Act, to be given to the local Native Revenue Officer, shall be in the form of Appendix C.

30. Whenever an occupant shall transfer his right of occupancy to another person, and shall desire to have the transferee's name substituted in the records for his as occupant, written notices of the transfer must be given by the transferor and transferee in the forms No. 1 and 2 in Appendix D. Such notices may be given at any period of the year. The person to whom the land is transferred will become responsible for any outstanding balance due for land revenue in respect of the land so transferred, and the notice signed by him must contain an undertaking on his part to pay any outstanding balance, and must bear a stamp of the value prescribed by law.

31. The following declaration is to be appended to every kabuliyat executed under Rule 6, and to every notice of relinquishment or transfer, and to be signed by at least two respectable inhabitants of the village or taluka in which the land relinquished or transferred is situate (namely):

"We declare from our personal knowledge that A.B., who has signed the above kabuliyat [or notice ], is the person he represents himself to be; and that he has affixed his signature thereto in our presence."

* The proper stamp is at present eight annas under Art. 11, Schedule II, Act XVIII, of 1869; but when the assessment of the land to which the notice refers is less than eight annas, it has been reduced to an amount equal to the assessment (vide Government of India's Notification No. 3428, republished in the Bombay Government Gazettes of 28th December 1876, p. 1280).

The Court-fees due on the notice has been entirely remitted (vide Government of India's Notification No. 3421, republished in the Bombay Government Gazettes of 28th December 1876, p. 1280)."
The Mamlatdar, or other attesting officer, will be held responsible by Government for the exercise of due care in ascertaining the identity of the person signing any such document, notwithstanding that the above declaration is appended to the same.

It is the duty of every village accountant, if so desired, by any occupant in his village, or by any person to whom an occupancy in his village is about to be transferred, or who is about to become an occupant of land in his village, to prepare any notice of relinquishment or transfer or any kabuliyat that may be necessary under the two last rules, or under Rule 6, without fee or charge of any kind.

32. When any person shall, by production of a certificate of heirship, or of a decree or order of a competent Court, satisfy the Collector that he is entitled to be registered as occupant in preference to the person whose name is already registered, and when the occupancy of any land paying rent to Government or the right to any rent-free land is finally and unconditionally transferred to another person by virtue, or in execution, of any decree or order of a Civil Court, or by reason of any sale effected by Revenue Officers for the realization of land revenue, it shall be competent to the Collector or other duly authorized officer, subject to the rules in force regarding the minimum area of a survey number, or recognized share of a survey number, to enter such land in the public records in the name of such person, or of such transferee, without a notice of relinquishment of transfer from the former registered occupant.

Misappropriation of Land or Material.

33. Any occupant who shall appropriate the land in his occupation to any purpose unconnected with agriculture, so as to destroy, or, in the opinion of the Collector, materially injure it for cultivation, or who shall permit it to be so appropriated without first obtaining the Collector's permission, shall be deemed to have committed a breach of the conditions of his occupancy, and every such case shall be reported to Government for orders. But if, after reasonable notice, the occupant shall, if possible, restore the land to its original condition, or if the Collector shall consider that the said appropriation may be allowed on the occupant's paying such fine as he may deem fit to require, the same being not less in amount than the fine he would have had to pay if he had obtained the Collector's permission before so appropriating the land, nor more than twice that amount, and the occupant agree to pay such fine, the Collector may dispose of the case accordingly, and no such report shall be necessary.

34. If any person shall appropriate any unassessed land, whether for agricultural or other purposes, without permission, he shall
be deemed a trespasser, and shall be served with a notice requiring him to vacate the land forthwith and to pay such rent as the Collector may deem fit to require for the time he has been in occupation, and informing him that he will be held responsible for all damage done to the land and for rent at such rate as the Collector fixes until he vacates the land. Every such case shall be reported to Government for orders. But if the trespasser assent to such conditions as the Collector may deem fit to impose, and the Collector is of opinion that the land should be allowed to remain in the trespasser’s occupation, subject to such conditions, he may cause the land to be entered in the said person’s name as occupant, subject to payment of such assessment, or assessment and fine, as he may determine, and no such report shall be necessary.

35. If any person shall remove earth, stone, kankar, sand, murum, or other material from the bed of any river, nula, or tank, or from any unoccupied land, or shall remove any such material from any land in his occupation, or permit the same to be removed contrary to, or otherwise than is allowed by, any of the rules from time to time in force in this behalf under the Bombay Survey and Settlement Act, he shall be forthwith served with a written notice, requiring him to refrain from so doing, and to pay such sum as the Collector may consider sufficient to recover the damage, if any, to the land, river, nula, or tank, and the full value of the material removed. If the notice is not obeyed, the case shall be reported to Government for orders.

**Inspection, Maintenance, and Repair of Boundary Marks.**

36. The Superintendent of Survey will furnish the Collector with a map and statement showing the position, size, and description of the boundary marks erected by or under the orders of the Survey Department.

37. In addition to the boundary marks so erected, a strip of land between each mark, of such width as may be prescribed for each district, shall, except in the case of garden and rice-lands which are hedge-bound or defined by permanent boundaries, such as walls, banks, &c., be kept unploughed, and carefully preserved as forming part of the boundary mark.

38. The boundary marks, for the maintenance and repair of which it is the duty of the Collector, under Section 46 of the Act, to take measures, shall be deemed to be the marks defined according to the last two rules.

39. The digging of earth close around an earthen boundary mark for the purpose of repairing it is prohibited. A space of two cubits in breadth all round each such mark is to be left untouched, so
as to prevent injury to the mark from water lodging in the cavities from which earth is taken for the repairs.

40. The village officers (pātels and kulārnis or talādts) shall examine all the boundary marks in their villages once a year in November and December, and the kulārni or talādt shall record in village form No. 3 (Hope’s Forms) the condition in which the boundary marks are found.

Details of all marks found to be out of repair shall be entered in village form No. 4 (Hope’s Forms) by the kulārni or talādt, and after the lapse of a sufficient time to allow of the repairs to the marks being completed, a second inspection shall be made of every field entered in this register.

41. Prior to the second inspection, the Collector shall issue a notification under Section 12, Clause 2, of the Bombay Survey and Settlement Act, 1885, calling on all owners and occupants to repair their boundary marks within a period of ten days. The provisions of the Act will be rigidly enforced in the case of any repairs remaining unexecuted at the time of the second inspection.

42. A further test inspection of boundary marks shall be made annually or biennially according to departmental orders in each village by the general duty kārkun to whom the village is assigned, in the presence of the village officers and of such of the owners or occupants as may attend. The results of these inspections shall be recorded in the village form No. 3, in the column provided for the purpose, and in column 15 of village form No. 4.

43. When the necessary repairs have all been completed, the Mdālatdār or Mahālkari will prepare and forward to the Collector, or to the Assistant or Deputy Collector in charge of the tālūka, by a date to be specially fixed for each district, a general abstract of the Inspection Registers.

44. Mdālatdārs and Mahālkaris and Assistant and Deputy Collectors in charge of tālūkas will personally examine the boundary marks of some of the numbers of several villages in every tālūka as soon as possible after the completion of the second inspection required by Rule 40. In the case of tālūkas which are in the immediate charge of the Collector, that officer is to mark off several numbers in the Village Registers for examination by the Daytardār or other high officer of his establishment.

The results of inspections made under this rule shall be recorded in the same way as in the case of inspections made under Rule 42.

45. It is the duty of the Commissioners during their circuits to take measures to prevent the inspection and examination required by the foregoing rules becoming a mere form.
II.—ORDERS MADE UNDER SECTION 31 OF THE ACT FOR THE REALISATION OF THE LAND REVENUE.

46. The revenue of the year will be leviable at any time on or after the 1st of August, but under ordinary circumstances it will be allowed to be paid in two instalments. Government will, however, be prepared, on the recommendation of Collectors, to sanction the payment being made in three instalments where such a change may be considered advisable as a measure of relief.

In Sind, the revenue is ordinarily to be paid in three instalments, as follows, viz.:—

Kharif or early crop villages,—1st January, 15th February, 1st April.

Rabi or late crop villages,—15th May, 15th June, 15th July.

47. The dates on which the instalments, in the absence of special orders, are for the future to be paid are as follows:—

Class I.—Kharif, or early crop villages in ghat districts and others in which special early provision may be necessary,—10th December, 10th January.

In villages in Gujarat and others not requiring special early provision,—10th January, 10th March.

Class II.—Rabi, or late crop villages,—10th February, 10th April.

48. In Ratnagiri and Kannara, the existing dates for payment of instalments are to be retained until further orders. In Thana and Koldao (excepting the khoti villages) the revenue is to be collected in two equal instalments on 1st January and 15th February.

49. Subject to the exceptions mentioned in Rule 48, the Collector shall, with the sanction of the Commissioner, classify the villages in the several talukas under one or other of the three heads under Rule 47 in respect to the dates of instalments.

50. In districts or parts of districts where the above dates may be found to be unsuitable, the Collectors may, with the sanction of the Commissioners, fix such other dates as they may deem expedient according to the circumstances of the villages comprised in them and the character of the crops generally sown.

51. Whenever it is found necessary to fix different dates from those laid down, the Collectors shall invariably forward to Government, through the Commissioners, not later than the 1st of July lists showing the dates so fixed and the districts for which they have been fixed. These lists shall be published in the Bombay Government Gazette.
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In Sind, the said lists shall be forwarded to the Commissioner, and published in the Sind Official Gazette.

52. Where the total amount of assessment is Rs. 4 or under, it shall be payable in a lump sum at the date of the first instalment.

53. If the person from whom the year's revenue is due should so wish, he may pay the whole amount at once instead of by instalments.

54. If an instalment is not paid within ten days of the date fixed for its payment, a notice in the form of Appendix E., or to the like effect, is to be issued by the Mamlatadar or Mahalkari to the defaulter, for the service of which a fee shall be charged of 4 annas, if the amount due shall not exceed Rs. 5, and of 8 annas if it shall exceed that sum. The notice shall state that, if the instalment is not paid, payment for the full revenue for the year will at once be enforced. The notice fee may be remitted when hardship would be occasioned by its levy.

55. If the instalment is not paid within ten days from the date of the issue of the notice, the usual measures shall be had recourse to for enforcing payment according to law.

56. If any compulsory measure has to be resorted to under the provisions of the last rule, the fee to be levied for the process of compulsory payment shall be fixed by the Collector at his discretion, but shall not exceed in any case one-fourth of the amount of the particular instalment due. The said fee shall be leviable whether the amount due be obtained by means of such compulsory process or otherwise, but may be remitted by the Collector at his discretion.

57. In the event of it being necessary to have recourse to any compulsory process, or to the precautionary measures authorized by Section 31, Regulation XVII. of 1807, the privilege of paying the land revenue of the year in question in instalments shall be forfeited and steps shall be taken to recover the whole amount of revenue due at once.

III.—Rules for fixing the amount of fine payable under Section 35 of the Act, when an occupant obtains permission to appropriate his land to a non-agricultural purpose.

58. In districts or villages in which land is not usually appropriated to purposes unconnected with agriculture to such an extent as to interfere materially with the value of the land as security for the land revenue, the fine leviable under Section 35 of the Act, when permission is given by the Collector for the appropriation of his land by an occupant to any such purpose, may be remitted. But in spe-
58. In special cases the Collector may, in his discretion, require the payment of a fine not exceeding the highest rate prescribed by Rule 60.

59. The villages in which it is deemed proper that a fine should be invariably levied shall be divided by the Commissioners into four classes. The Commissioners shall, as soon as possible after the passing of these rules, publish notifications in the Bombay Government Gazette, or, in Sind, in the Sind Official Gazette, and in such local newspapers as they may deem fit, specifying what villages in each of the divisions under their respective charges are placed in each of the said four classes.

The Commissioners may, by similar notifications from time to time, alter the said classification, either by striking villages out of it, or by adding fresh villages to it or by changing the class to which any village belongs.

60. The fine to be levied in the villages to which any notification issued under the last rule applies, shall be according to the following scale of rates (namely):

| Class | Fine  
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Rs. 100 per acre</td>
</tr>
<tr>
<td>II</td>
<td>Rs. 75 per acre</td>
</tr>
<tr>
<td>III</td>
<td>Rs. 60 per acre</td>
</tr>
<tr>
<td>IV</td>
<td>Rs. 25 per acre</td>
</tr>
</tbody>
</table>

or thirty times the assessment, whichever is greater.

61. Notwithstanding anything contained in Rules 58 to 60, the amount of fine leviable on lands within certain limits to be from time to time defined by Government by notification in the Bombay Government Gazette, in the neighbourhood of railway stations, large towns, military cantonments and wherever else Government may deem fit, shall be fixed by the Collector in his discretion at rates not exceeding Rs. 500, or Rs. 1,000, per acre, as may be directed by Government in the said notification.

62. In such cases as Government may deem exceptional or unusual, the amount of fine will be especially fixed by Government at such rate as they deem fit, notwithstanding anything contained in Rules 58 to 61.

63. The fine will usually be calculated on the entire area of the survey number or recognized share of a number, which, or a portion of which, is appropriated to purposes unconnected with agriculture. But where the area of the number, or share of a number, is large, the Collector may reduce the fine to such amount as he deems reasonable.

64. Nothing in the foregoing Rules 58 to 63 applies to potters and brick and tile-makers employing any material of the soil of the land in their occupancy for the purposes of their trade, or erecting
huts or other buildings on their land for the more convenient pursuit of their trade. In the case of such persons any fine leviable under the said rules shall be remitted.

APPENDIX A. (See Rule 1.)

Notification determining the period of Settlement.

The Governor of Bombay in Council having sanctioned the Survey Settlement introduced by the Superintendent of Revenue Survey and Assessment, under the provisions of Bombay Act 1. of 1865, into the taluka of the Collectorate, the following notification is published for the information of the holders and occupants of land, and of village officers in the said taluka:—

1. The survey rates as fixed under this settlement will remain in force without increase for a period of years, commencing from and extending to

Duration of settlement.

2. But in the case of land which may hereafter be brought under irrigation by the use of water, the right to which vests in Government, or which is supplied from works constructed and maintained by, or at the instance of, Government, or of land which may be supplied with an increased amount of water from works constructed, repaired, or improved at the cost of the State, Government reserves to itself the right of imposing an extra cess or rate, or of increasing any existing rate, for the use of water supplied or increased by such means.

3. In addition to the fixed assessment, a cess not exceeding such rate as may be allowed by law will be levied under the Bombay Local Funds Act, 1869 (or Bombay Act VIII. of 1865, as the case may be), or other law for the time being in force, for the purpose of providing funds for expenditure on objects of local public utility and improvement.

Note.—In districts where Sections 37 and 38 of the Act are in force, the following additional clause is to be inserted (namely)—

"The demands of the khot or his tenant, as fixed under Section 38 of the above Act, will remain in force for the same period," or, if a different term of lease has been fixed, the precise period should be inserted.

(1) Here enter the Fasli and A.D.

(2) Should any other special cess, for the maintenance of irrigation works, such as the lukiha levy in Sind, or put-falla in Khandesh, be levied, it should be here specified.
4. The Government rights to trees standing in lands which are now occupied, is hereby conceded to the occupant thereof, subject to the general exception entered in the margin,* and the special exceptions recorded in the settlement records.

APPENDIX B. (See Rule 6.)

Kabuliyat.

To the Māṃlatdār (or Mahālkāri) of Collectorate, hereby give notice that I have accepted the occupancy of the land comprised in Revenue Survey No. (or in the recognized share No. of the Revenue Survey No. as the case may be) in the said village from this date, and I pray that my name may be entered in the Government records as the occupant of the said Revenue Survey No. (or Recognized Share No. of the Revenue Survey No.) from this date, and I hereby undertake to pay any outstanding balance that may now be due to Government on account of land revenue payable in respect of the said Revenue Survey No. (or Recognized Share No. of the Revenue Survey No.)

Dated the day of 187

(Signed) A.B.

We declare from our personal knowledge that A.B., who has signed the above kabuliyat, is the person he represents himself to be, and that he has affixed his signature thereto in our presence.

(Signed) C.D.

E.F.

APPENDIX C. (See Rule 29.)

Notice of Relinquishment.

I, A.B., inhabitant of in the taluka of the Collectorate, occupying Revenue Survey No. (or Recognized Share No. of Revenue Survey No. as the case may be), hereby give notice that it is my intention to relinquish the occupancy of the said Revenue Survey No. (or Recognized Share

* The names of reserved trees are to be specified in the margin.
No. of Revenue Survey No. (as the case may be), at the end of the current year. In witness whereof I hereto attach my signature (or mark, as the case may be). This day of 187

(Signed) A.B.

We declare from our personal knowledge that A.B., who has executed the above, is the person he represents himself to be, and that he has affixed his signature to the above in our presence.

(Signed) E.F.

N.B.—The above notice must, under section 42 of Bombay Act I. of 1865, be given in before the 31st of March; but when the survey settlement is newly introduced into a district, the Settlement Officer will receive notices up till such date as may be fixed by the Government under section 2, clause 1, Bombay Act I. of 1875. In Sind the date up to which such notices may be given is fixed by the Commissioner under section 2, Bombay Act I. of 1866.

The notice of relinquishment is to be filed for the inspection of the Jamdandi Officer.

APPENDIX D. (See Rule 30.)

Notices of Transfer.

No. 1.

To the Māṁlatdar (or Mahālkarī) of Collectorate, occupying Revenue Survey No. (or Recognized Share No. of Revenue Survey No. (as the case may be), in the said village of , hereby give notice, that I have transferred my occupancy of the same, together with all the rights appertaining thereto, to C.D., inhabitant of , in the said tālūka from this date. In witness whereof I hereto attach my signature (or mark, as the case may be).

Dated the day of 187

(Signed) A.B.

We declare from our personal knowledge that A.B., who has signed the above notice, is the person he represents himself to be, and that he has affixed his signature thereto in our presence.

(Signed) C.D.

E.F.
No. 2.

To the Māmlatdār (or Mahālkuri) of

inhabitant of

Collectorate, hereby give notice, that I have accepted the transfer of the occupancy of the land comprised in Revenue Survey No. (or in the Recognized Share No. of the Revenue Survey No., as the case may be), in the said village from this date, and I pray that my name may be substituted in the Government records for that of A.B., as the occupant of the said Revenue Survey No. (or Recognized Share No. of the Revenue Survey No., as the case may be), in the said village from this date, and I hereby undertake to pay any outstanding balance that may now be due to Government on account of the land revenue payable in respect of the said Revenue Survey No. (or Recognized Share No. of the Revenue Survey No.).

Dated the day of 187

at

(Signed) G. H.

We declare from our personal knowledge that G. H., who has signed the above notice, is the person he represents himself to be, and that he has affixed his signature thereto in our presence.

(Signed) I. J.

K.L.

APPENDIX E. (See Rule 54.)

Notice to a Defaulted.

To

A. B.,

residing at

You are hereby required to take notice that the sum of Rs. a. p. due by you on the (\* instalment of) land revenue on (ptt No. of ) Survey No. in the village of in the Collectorate, has not been paid, and that, unless it is paid within 10 days from the date of this notice, together with the sum of annas, being the fee chargeable for this notice, proceedings will be taken according to law for the re-

\* "First" or "second," as the case may be.
covery by compulsory process of the whole of the revenue still due by
you for the current year on the said land, and that you will then be
liable, in addition, to a fee equal to one-fourth of the (installment of)
revenue, for which default was made on the above date.
Dated the day of 187
(Signed) Mā'mlātdār (or Maḥā'lkārī).

By order of His Excellency
the Honourable the Governor in Council,

J. NUGENT,
Acting Secretary to Government.

Bombay Castle, 8th June 1878.

With reference to the orders framed and published this day by
His Excellency the Governor in Council under Section 31 of the
Bombay Survey and Settlement Act, the following orders are issued
by Government on the subject of compulsory process (namely):—

1. It shall be the duty of the village officers to report to the
Mā'mlātdārs the names of the ryots who, they have reason to believe,
will not punctually pay their installments, in order that the precau-
tionary measures authorized by law, especially that contained in
Section XI. of Regulation XVII. of 1827, may be adopted in due
time.

2. The Collectors shall authorize generally all the Mā'mlātdārs
in their respective Collectorates in the manner contemplated by
clauses I. and IV. of Section 17 of Regulation XVII. of 1827,
unless for any reason they may deem it expedient in any instance
to withhold such powers. But it is not hereby intended to prevent
the Collectors from adopting, proprio motu, either precautionary or
compulsory measures where they may deem fit.

3. In cases of distraint, the moveable property of the defaulter,
exclusive of agricultural implements and stock, shall first be sold.

4. Mohsali shall not be resorted to, and arrest and confine-
ment of the defaulter shall be resorted to only in extreme cases.
The right of occupancy of land, which is forfeited by the occupant's
default, may be sold, as well as the defaulter's other immovable
property, but care should be taken to avoid such sales as much as
possible.

5. With reference to Section 3 of Bombay Act I. of 1868,
His Excellency the Governor in Council is pleased to direct that the
Collectors shall confer and impose upon all Assistant and Deputy
Collectors in charge of talukas all the powers and duties of a Collector within their respective charges with regard to the realization of land revenue.

6. Nothing in the orders made under Section 81 of the Bombay Survey and Settlement Act is to be understood to affect the collection of the revenue in talukdars villages. It will be made according to the dates fixed in the agreements passed by the talukdars, and will be regulated by Section 8 of Regulation XVII. of 1827, which lays down that all peculiarities of the tenure and all steps prescribed by local usage for the purpose of realizing the revenue shall be respected and preserved. One of these is the attachment and direct management of the estate by Government, than which no better security for realization of the demands of the State could be devised. The practice of levying interest from talukdars of estates not under attachment, and from individual ryots in attached villages, wherever it has been followed, is, therefore, to be discontinued, except where a condition to that effect has been inserted in the lease of any estate.

By order of His Excellency
the Honourable the Governor in Council,

J. NUGENT,
Acting Secretary to Government.

Bombay Castle, } 8th June 1878.
RULES FRAMED UNDER SECTION VII. OF BOMBAY ACT I. OF 1865, RELATIVE TO THE APPOINTMENT AND GENERAL CONTROL OF THE SUBORDINATE MEMBERS OF SURVEY ESTABLISHMENTS.

(1.) The appointment of the subordinate members of Survey establishments shall be made under the orders of the Superintendents and Settlement Officers of the respective Surveys.

(2.) No candidate shall be eligible for any appointment in a Survey establishment until he has passed the preliminary examination, and complied with such other conditions relative to the employment of candidates as may be enjoined in the rules of the respective departments.

(3.) After being admitted to the Survey in the manner prescribed in the preceding rules, the candidate will be required to pass a departmental examination before being enrolled as a subordinate member of a Survey establishment.

(4.) The pay and promotion of all the members of Survey establishments shall be regulated by the Superintendent or Settlement Officer under such local rules as may be in force in the respective Surveys.

(5.) Any subordinate member of a Survey establishment who shall resign his appointment, or shall otherwise leave the department, without the permission of the Superintendent or Settlement Officer, or without having given that officer three months' previous notice of such intention, shall not be entitled to a certificate in respect to his former service in the department, and shall also be held to have forfeited all claim to reckon such service for pension.

(6.) The power to fine, suspend, reduce, or dismiss any subordinate member of a Survey establishment for neglect of duty, inefficiency, or any other cause, shall be exercised by the Superintendent, and by the Assistants to the Superintendent or Officers in charge of Field Establishments under the orders of the Superintendent, or Settlement Officer in charge of a Survey: provided that any subordinate member dismissed from employment may appeal to the Survey Commissioner against the Superintendent's or Settlement Officer's order.

(7.) No appeal shall, however, be entertained under the foregoing rule unless it be made within two months of the date of the order passed by the Superintendent or Settlement Officer. (Government Resolution No. 4078, dated 28th September 1865.)
RULES SHOWING HOW ASSESSMENTS MADE ARE TO BE ENFORCED.

(1.) The Survey assessment fixed under the provisions of Section 25 of Act I. of 1865 shall be held to have been formally introduced when the assessment of individual holdings in each village has been explained in the usual manner; provision being made that in the case of khot villages, to which the provisions of Sections 37 and 38 are applicable, the assessment shall not be brought into operation till the expiration of the current year's agreement under which the village is held.

(2.) The assessment may be explained at any time during the revenue year, provided that on whatever date such explanation may be made the occupant shall then be permitted to relinquish for the ensuing year any such numbers, or recognized shares of numbers, as he may not be desirous of holding at the Survey rates of assessment.

(3.) When practicable, the probable date on which the settlement of a district will be commenced shall be notified for general information in the district concerned.

(4.) The Superintendent of Survey, Settlement Officer, Assistant Settlement Officer, or any Survey Officer duly authorized shall afterwards issue a notice in writing to the village officers or managers of each village, intimating the probable date fixed for the Jambandi of their respective villages.

(5.) Any person interested in the lands of a village not being present either in person or by agent, when the assessment of the village is explained in the manner provided in rule (1st) or being present, but refusing to hear his individual payment explained to him, will be liable for the assessment of all lands in his occupation that may have been entered in his name in the Survey papers.

(6.) The occupant shall be entitled to a remission of any excess on his former payment consequent on the application of the Survey assessment for the first year, in which the new assessment may be leviable, without reference to the date on which it was explained, as per Rule (1).

(7.) The foregoing rule is also applicable to the superior holder, or khot, in respect to villages or estates settled under the provisions of Sections 37 and 38 of Act I. of 1865—G. R. No. 3108, July 30th, and No. 4897, November 11th, 1869.
Scales for reducing fractional parts of a Rupee in rates of Assessment, sanctioned under Government Resolution No. 2210, Revenue Department, dated 18th April 1873.

**SCALE No. I.**

For all Collectorates except Thána, Kolába, Ratnágiri, and Kánara:

<table>
<thead>
<tr>
<th>From Rupees.</th>
<th>To Rupees.</th>
<th>Fixed as Assessment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 0 1</td>
<td>0 3 0</td>
<td>0 2 0</td>
</tr>
<tr>
<td>0 3 1</td>
<td>0 6 0</td>
<td>0 4 0</td>
</tr>
<tr>
<td>0 6 1</td>
<td>0 10 0</td>
<td>0 8 0</td>
</tr>
<tr>
<td>0 10 1</td>
<td>0 14 0</td>
<td>0 12 0</td>
</tr>
<tr>
<td>0 14 1</td>
<td>1 4 0</td>
<td>1 0 0</td>
</tr>
<tr>
<td>1 4 1</td>
<td>1 12 0</td>
<td>1 8 0</td>
</tr>
<tr>
<td>1 12 1</td>
<td>2 4 0</td>
<td>2 0 0</td>
</tr>
<tr>
<td>2 4 1</td>
<td>2 12 0</td>
<td>2 8 0</td>
</tr>
<tr>
<td>2 12 1</td>
<td>3 4 0</td>
<td>3 0 0</td>
</tr>
<tr>
<td>3 4 1</td>
<td>3 12 0</td>
<td>3 8 0</td>
</tr>
<tr>
<td>3 12 1</td>
<td>4 8 0</td>
<td>4 0 0</td>
</tr>
<tr>
<td>4 8 1</td>
<td>5 8 0</td>
<td>5 0 0</td>
</tr>
</tbody>
</table>

and so on.

**SCALE No. II.**

For use in Thána, Kolába, Ratnágiri and Kánara:

<table>
<thead>
<tr>
<th>From Rupees.</th>
<th>To Rupees.</th>
<th>Fixed as Assessment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 0 1</td>
<td>0 0 6</td>
<td>0 0 6</td>
</tr>
<tr>
<td>0 0 7</td>
<td>0 1 6</td>
<td>0 1 0</td>
</tr>
<tr>
<td>0 1 7</td>
<td>0 3 0</td>
<td>0 2 0</td>
</tr>
</tbody>
</table>

For higher figures the same scale as in the other Collectorates.
Revenue Survey and Assessment.

No. 2161.

REVENUE DEPARTMENT.

Bombay Castle, 29th May 1869.

RESOLUTION.—Under the provision of Rule 2 of Section 17 of (Bombay) Act IV. of 1868, the Right Honourable the Governor in Council is pleased to fix the following scale for the regulation of sub-divisions of survey numbers:

<table>
<thead>
<tr>
<th>Names of Collectorates</th>
<th>Description of Cultivation, or class of Land</th>
<th>Minimum area to be formed into a sub-division under the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poona and Ahmednagar</td>
<td>Jirrit</td>
<td>3 0</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 0</td>
</tr>
<tr>
<td></td>
<td>Rice</td>
<td>0 20</td>
</tr>
<tr>
<td>Thana</td>
<td>Rice</td>
<td>0 10</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 10</td>
</tr>
<tr>
<td></td>
<td>Jirrit</td>
<td>3 0</td>
</tr>
<tr>
<td>Ratnagiri</td>
<td>Rice</td>
<td>0 5</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 5</td>
</tr>
<tr>
<td>Khudesh</td>
<td>Jirrit</td>
<td>2 0</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 0</td>
</tr>
<tr>
<td></td>
<td>Warasa</td>
<td>2 0</td>
</tr>
<tr>
<td>Belgaum</td>
<td>Jirrit</td>
<td>4 0</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 20</td>
</tr>
<tr>
<td></td>
<td>Rice</td>
<td>6 0</td>
</tr>
<tr>
<td>Dhulwad</td>
<td>Garden</td>
<td>1 0</td>
</tr>
<tr>
<td></td>
<td>Rice</td>
<td>0 20</td>
</tr>
<tr>
<td>Kalladgi</td>
<td>Garden</td>
<td>3 20</td>
</tr>
<tr>
<td></td>
<td>Dry-crop</td>
<td>2 0</td>
</tr>
<tr>
<td>Sattara</td>
<td>Rice</td>
<td>0 20</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>0 20</td>
</tr>
<tr>
<td></td>
<td>Kunri</td>
<td>5 0</td>
</tr>
<tr>
<td>North Karnataka (settled Telukus of the Buda Ghat)*</td>
<td>Rice</td>
<td>5 0</td>
</tr>
<tr>
<td></td>
<td>Garden</td>
<td>5 0</td>
</tr>
<tr>
<td></td>
<td>Kunri</td>
<td>5 0</td>
</tr>
</tbody>
</table>

2. In Gujarat the minimum should be one acre for jirrit and half an acre for garden or rice land.

F. S. CHAPMAN,
Chief Secretary to Government.

*Note.—The adoption of these minimum areas in the below ghát districts of North Karnataka was subsequently sanctioned under Government Resolution, Revenue Department, No. 5994, dated the 11th November 1872.
BOMBAY ACT No. I. of 1866.

(Promulgated 22nd February 1866.)

An Act to extend the provisions of (Bombay) Act I. of 1865 to the Province of Sind.

Whereas it is expedient to extend the provisions of (Bombay) Act I. of 1865 ("The Bombay Survey and Settlement Act") to the Province of Sind: It is enacted as follows:—

1. The provisions of (Bombay) Act I. of 1865 ("The Bombay Survey and Settlement Act") are hereby extended to the Province of Sind, with the modifications and exceptions hereinafter contained.

2. It shall be lawful for the Commissioner in Sind to fix such date as he may think fit on or before which an occupant may relinquish his occupancy.

3. It shall be lawful for the Governor in Council of Bombay to delegate to the Commissioner in Sind any of the powers or functions with which the Governor in Council is invested by the said Act, and further to direct by whom any powers or duties exercisable under the said Act by other persons than the Governor in Council shall be exercised or performed, and also to make any order which shall be deemed requisite for carrying the provisions of the said Act into operation in that Province, and further from time to time to vary, alter, or revoke any orders passed under this section.
BOMBAY ACT No. I* of 1875.

An Act to amend (Bombay) Act No. I. of 1865.

WHEREAS the date of the 31st March fixed in Section LXII. of the Bombay Survey and Settlement Act as that after which an occupant may not give a written notice of relinquishment of his occupancy has been found productive of inconvenience to Government and hardship to the occupant in certain cases; It is hereby enacted:—

I. For the purposes of this Act the word "year" shall be taken to mean the period intervening between the 1st day of August in one year and the 31st day of July in the following year, both days inclusive.

II. Clause 1.—In the year in which an original or revised survey settlement may be introduced into any village, it shall be competent to the Governor in Council to fix such date, not being earlier than the 31st March or later than the Mrigsdh or 5th June, as that up to which notices of relinquishment of occupancy may be given.

Clause 2.—In the year in which a survey settlement, whether original or revised, may be introduced, the difference between the old and new assessment of all lands in which the latter may be in excess of the former, shall not be payable, and the revised assessment shall be levied only from the year commencing on the 1st August next after such introduction.

Clause 3.—In the year commencing with the 1st August next after such introduction of a new assessment, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on all or any of the survey fields or recognized shares of fields held by him, shall, on giving a written resignation in the manner prescribed by the Rules under Act I. of 1865 of the Governor of Bombay in Council of all or any such survey fields or recognized shares of fields on or before the 31st March then following, receive a remission of the increase imposed as aforesaid.

Construction of Act.

III. This Act shall be read with and taken and construed as part of Bombay Act No. I. of 1865.

* This Act has been declared to be not in force in the Province of Sind (vide Government of India's Notification, Judicial Department, No. 1112, dated 19th October 1880, published in the Bombay Government Gazette, dated 31st October 1880, Page 398, Part I.
BOMBAY ACT No. IV. of 1868.

An Act to make further provisions regarding the application of (Bombay) Act I. of 1865 to Towns and Cities; and to restrict the application of (Bombay) Acts II. and VII. of 1863 in Towns and Cities and otherwise to amend (Bombay) Act I. of 1865.

Whereas it is desired to make further provision regarding the application of Bombay Act I. of 1865 to towns and cities, and to restrict the application of (Bombay) Acts II. and VII. of 1863 and I. of 1865 in towns and cities, and otherwise to amend (Bombay) Act I. of 1865: It is enacted as follows:—

Bombay Act I. of 1865 applicable to Towns and Cities.

I. (Bombay) Act I. of 1865 is hereby declared applicable to towns and cities.

(Bombay) Acts II. and VII. of 1863 not to be applied to Towns and Cities except so far as is provided in this Act.

II. (Bombay) Acts II. and VII. of 1863, except in so far as they repeal former Regulations, shall not after the passing of this Act be applied to towns and cities except so far as is provided in this Act.

Assessment on lands in Towns and Cities may be fixed for a term of years or in perpetuity.

III. Subject to such rules as may from time to time be prescribed by Government, the assessment on assessable lands in towns and cities, whether imposed under (Bombay) Act I. of 1865 or any other Act for the time being in force, may be fixed for a term of years or in perpetuity, anything in Section 28 of the (Bombay) Act I. of 1865 notwithstanding.

IV. The existing right of occupancy of all lands in towns and cities is hereby confirmed so far as the interest of Government is concerned, only excepting the case of encroachments, as provided for in Section 8 of this Act.

Collector to confirm existing exemption from the payment of Government Land Revenue in the following cases.

V. Clause 1.—In towns and cities the Collector shall, on the application of the owner or occupant, confirm existing exemption from the payment of Government land revenue in the following cases: that is to say—
1st.—In any town or city where there has been in former years a survey which Government recognize for the purposes of this section, all lands shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of Government land revenue.

2nd.—In any town or city all lands shown on summary inquiry before the Collector to have been held wholly or partially exempt from the payment of Government land revenue for a period of not less than five years before the application of (Bombay) Act I. of 1865 or of this Act to such town or city.

3rd.—In any town or city, lands, for whatever period held, shown on summary inquiry before the Collector to have been held partially or wholly exempt from payment of Government land revenue under a deed of grant or of confirmation issued by an officer whom Government recognize as having been competent to issue such deed.

Clause 2.—A sanad from the Collector certifying that one or other of the conditions above stated has been fulfilled shall be sufficient proof of a right to exemption, and such sanad shall be produced by any occupant making application under the preceding clause.

VI. In any town or city all other lands, not coming within the provisions of Section 7 of this Act, which have been held for a period of less than five years preceding the date of the application of (Bombay) Act I. of 1865 or of this Act to such town or city, will be liable to be assessed to the full amount of the survey rates, and if such lands have been held for a period of less than two years preceding the said date, the holder will also be liable to pay the occupancy valuation, to be determined according to the rates prevalent in the immediate neighbourhood.

VII. Nothing in the two last preceding sections shall be held to be applicable to those lands within the limits of any town or city which have hitherto been held wholly or partially exempt from the payment of Government land revenue and used for cultivation only. Such lands shall be dealt with in the ordinary manner under (Bombay) Acts II. and VII. of 1865. Provided always that such portion of the land as may hereafter be built upon shall become subject to payment of one-eighth of the rate fixed for land used for building purposes.
VIII. In towns and cities any land, proved on summary inquiry before the Collector to be an encroachment on any public street or thoroughfare, may be taken possession of by the Collector, unless such land is shown to have been held for a period not less than twelve years. It shall be lawful for the Collector to clear such land by the removal of any buildings or other obstruction, in the event of the owner, after receiving written notice of not less than one month, failing to do so himself. When land is taken possession of under this section reasonable compensation shall be given to the owner in respect of all buildings, if such buildings are proved to have been erected previous to the application of (Bombay) Act I. of 1865, or of this Act: Provided always that it shall not be necessary to give compensation in respect of the removal of doorsteps, benches, or other similar projections of whatever material; and provided also that in the case of the owner not accepting the sum tendered as reasonable compensation by the Collector, compensation shall be fixed under the provisions of Sections 10 to 31 of Act VI. of 1857.

IX. In towns and cities to which Bombay Act I. of 1865 or this Act has been applied, it shall be lawful for any duly authorized Survey Officer to enter, when necessary for the purposes of measurement, fixing boundaries, or for any other purpose connected with the Survey and Settlement, any lands or premises, whether belonging to Government or to private individuals, and whether assessed to the public revenue or not: Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry; and provided also that in the case of buildings of all descriptions due regard shall be paid to the social and religious prejudices of the occupiers.

X. It shall be the duty of the Collector, after inquiry, to issue, under his hand and seal, to each owner or occupant in any town or city to which this Act shall be made applicable, on application, a sanad or sanads specifying, by plan and description, the limits and tenure of such person's holding. The fee for such sanads shall be fixed by Government, and shall not exceed Rs. 5 for each survey number.
XI. In towns and cities all roads and lanes, and all open spaces not in occupation of any person, and not proved to be the property of any person, vest in Government; and it shall be lawful for the Collector, subject to the orders of the Revenue Commissioner, to dispose of them in such manner as may be authorised by general rules sanctioned by Government with due regard to common and pasturage rights, and not so as to deprive any household of a thoroughfare to his house without reasonable compensation.

XII. Any or all of the powers which under this Act may be exercised by a Collector may by him be delegated in writing to any Assistant or Deputy Collector, or any Survey Officer of not lower rank than a Sub-Assistant Superintendent of Survey. Any officer thus empowered shall, in respect to Section 7 of this Act, exercise all the powers of a Collector under (Bombay) Acts II. and VII. of 1865; but all his proceedings shall be subject to review by the Collector himself. The Collector, or any Assistant or Deputy Collector empowered as above, shall, for the purposes of inquiries under this Act, exercise the powers of a Survey Officer under (Bombay) Act I. of 1865.

XIII. The maps and land registers of the Survey and Settlement in towns and cities shall be open to the inspection of the public at reasonable hours; and extracts from such maps and registers shall be given to any applicant on payment of such fees as may be prescribed by Government from time to time.

XIV. In towns and cities, in cases in which separate boundary-marks are not erected, the period of six months for appeal under Section 14 (Bombay) Act I. of 1865 shall be reckoned from the date of the decision of the officer fixing the boundary being communicated to the parties concerned, and such appeal shall be made to the Collector.

XV. Any person whose attendance shall lawfully be required by general notice, or by summons under Section 10 of (Bombay) Act I. of 1865, shall be legally bound to attend in person or by agent in obedience to such notice or summons. And any person who shall lawfully be called on, under Section 14 of (Bombay) Act I. of 1865, to produce any document for inspection, shall be legally bound to produce such document.
Section 45 of Bombay
Act I. of 1865 repealed. Section 45 of (Bombay) Act I. of
1865 is hereby repealed.

**XVII.** Clause I.—In case of a decree of a Civil Court for
the division of an estate under Section 225
of the Civil Procedure Code, or by any other
process of law, the following rules shall be
enforced by the Collector for the partition of
an estate:—

Rule 1.—The estate shall be divided according to survey numbers
or recognised shares of survey numbers, as far as may be
possible without dividing any number or recognised share
of any number.

Rule 2.—When the decree cannot be equitably executed without
the sub-division of a number, or recognised share of a num-
ber, the Collector shall sub-divide any number, or recogni-
ted share of a number, provided that no number, or recogni-
ted share of a number, shall be made of less extent than
a minimum, to be fixed from time to time in each district
for the several classes of land by the Commissioner of
Survey and Settlement, with the sanction of Government.
A record of the minima fixed shall be kept in each taluka
kacheri, and shall be open to the inspection of the public at
reasonable hours.

Rule 3.—The decree of the Court having been carried out so
far as may be by assigning to the several parties concerned
numbers and recognised shares of numbers, and newly
sub-divided numbers, and recognised shares of numbers,
to such extent as sub-division may be permissible without
infringing the foregoing proviso, the Collector shall, in
respect to any number, or recognised share of a number,
which may remain unassigned and undivided, refer to
the Court giving the decree, and according to the decision
of the Court he shall either transfer such number, or
recognised share of a number, undivided, to any party
named by the Court, or sell it undivided, with its rights
and liabilities, and pay over the proceeds as the Court
may direct.

* See Rules under this section (p. 284.)
Clause 2.—At the time of a revision of survey and settlement it shall be lawful for a Survey Officer to make a sub-division of a number, or recognised share of a number, subject to the proviso in Rule 2 in the preceding clause: Provided always that no such sub-division shall be made without the consent of the occupant.

(Bombay) Act V. of 1862 not affected by this section.

Clause 3.—Nothing in this section shall affect the provisions of (Bombay) Act V. of 1862.

XVIII. Clause 1.—Whenever there are sharers in an estate held on Talukdari tenure in Gujardt, and the sharers being agreed as to the proportion of their respective interests in such estate, a majority of the sharers represented by those whose interest extends to more than one-half of the entire estate, consent to a division, it shall be lawful for a Collector, or officer empowered by him, to divide the lands of such estate according to the proportion of the interest of the several sharers therein, the Rules in the last preceding section being duly observed.

Clause 2.—The cost of division and demarcation of shares shall be recoverable as a revenue demand in proportion to their interest from all the shares in the estate divided.

XIX. Whenever by virtue of Section 49 of (Bombay) Act I. of 1865, Government shall extend by Notification all or any of the provisions of the said Act to any alienated village, it shall be lawful to direct in such Notification, or in any subsequent Notification, by whom any powers or duties incident to the provisions so extended shall be exercised, and also in such Notification to introduce any other directions which may be deemed requisite for carrying such provisions into operation in the place to which they are extended.

Section 51 of (Bombay) Act I. of 1865, repealed.

XX. Section 51 of Bombay Act I. of 1865 is hereby repealed.

XXI. The words "towns and cities" shall, for the purposes of this Act, include all lands in towns and cities within such limits as Government shall from time to time notify, and no others.
The word "lands" in this Act, and in (Bombay) Acts II. and VII. of 1863 and I. of 1865, shall include land and things attached to the earth, or permanently fastened to anything which is attached to the earth.

Whenever (Bombay) Act I. of 1865 is applied in towns and cities, the word "village" in that Act shall be held to include Towns and Cities.

XXII. This Act shall not apply to the City of Bombay.

XXIII. This Act may be cited as the "Act for City Surveys and amendment of Bombay Survey and Settlement Act, 1868."
RULES REGARDING CITY SURVEY AND INQUIRY OPERATIONS.

I.


I. Read the following letter from Mr. B. H. Ellis, Revenue and Police Commissioner, N. D., No. 1741 of 27th June 1863.

A portion of the land within the walls of the city of Ahmedabad is called Chotti Daskroi, a correspondence has for some time been going on with regard to the settlement of Chotti Daskroi, the assessment of land within the city-walls being necessarily fixed on different principles from those adopted in assessing lands valuable only for cultivation.

2. In the course of this correspondence, Mr. Hope has written as follows:—"Independently of the lands termed Chotti Daskroi, there are within the city-walls a very large number of open spaces, some with traces of Mahomedan buildings on them, others without, some claimed by various parties, and others not; and further, that the roads are in many directions so irregular in width that it would be a positive improvement to cut off surplus land and devote it to building purposes.

II. The settlement of Chotti Daskroi having been so long deferred, and there being no trustworthy record of lands not included in it, while at the same time the prosperity of the city is such as to cause a great demand for building sites, houses are springing up in all directions on ground to which the builders have very doubtful titles or often none at all, cases of encroachment take up a good deal of time of both revenue and municipal authorities and can rarely be decided satisfactorily, and it is to be feared that many important ones are never reported at all, and at the same time the insecurity of tenure and chance of being proceeded against acts as a check on the increase of the city.

"(3). The settlement of Chotti Daskroi having been so long deferred, and there being no trustworthy record of lands not included in it, while at the same time the prosperity of the city is such as to cause a great demand for building sites, houses are springing up in all directions on ground to which the builders have very doubtful titles or often none at all, cases of encroachment take up a good deal of time of both revenue and municipal authorities and can rarely be decided satisfactorily, and it is to be feared that many important ones are never reported at all, and at the same time the insecurity of tenure and chance of being proceeded against acts as a check on the increase of the city.

"(4). In order to remove the latter and also secure to Government all its right, it appears very desirable to settle definitely the title to all land, if private, to secure it from interference, and if public, to lay an adequate assessment on it with provisions for redemption at the option of the holders.

"(5) To this end I would propose that the map, showing the lands of Chotti Daskroi, which the Revenue Survey Department
have made, should be completed for the whole city by some competent officer, who should decide in communication with the Collector and Magistrate, or subject to his confirmation what land is required, or what should be reserved for streets or squares, and what is the tenure of all the remaining open spaces. This done, the land declared to be Government or subject to Salámi should be assessed at suitable rates according to whether it is cultivated or built upon, and permission should be granted to redeem the Government demand on it at so many years' purchase.

"(6). I would further submit for consideration whether the right of occupancy of vacant land should not be put up to auction and the sale proceeds be ceded to the municipality as has been done at Karachi (vide Mr. Bellasis' account of the Karachi Municipality, page 100), they might be well devoted by that body exclusively to the improvement of the thoroughfares of the city.

"(7). For the duties referred to in paragraph 5 an officer acquainted with surveying and possessed of intelligence and experience will be required for about one year, his salary might be defrayed by the municipality, if the suggestions in paragraph 6 be approved of."

3. Mr. Hope's proposition may be summed up thus—

1st. Sanction for a surveyor and establishment, cost to be defrayed by the municipality.

2nd. Permission to the municipality to enjoy the sale proceeds of occupancies, the right of Government being confined to the levy of assessment.

4. I beg to recommend both these propositions for the rates of Government assessment, and the commutation price in redemption thereof should be submitted through the Collector and Superintendent of Survey, in the same manner as other similar proposals are made.

5. The cost already incurred in the survey of Chotti Daskroi may be considered as the Government contribution to the general survey of the city.

**Resolution.**—The proposals in paragraph 3 of the Revenue Commissioner's letter are sanctioned under the conditions proposed in paragraph 4.

2. The Collector should reserve at once any land required now or prospectively for Government purposes, and the rest may be sold, the municipality receiving the purchase-money, and the assessment being reserved to Government. The services of Mr.
Jordan, Sub-Assistant Superintendent in the Gujarát Survey, should be placed temporarily at the disposal of the Collector and of the Municipality of Ahmedabad to carry out the proposed survey.

Ordered that copies of the above be forwarded—

To

The Revenue Commissioner, Northern Division.
The General Department of the Secretariat.

(Signed) A. D. ROBERTSON, .
Chief Secretary to Government.

Government Resolution No. 3044 of 9th September 1863.

II.

Letter from the Revenue Commissioner, N. D., 2954, dated 10th October 1863—Submitting, with reference to Government Resolution No. 3044, dated 9th September 1863, regarding the survey of the city of Ahmedabad, copy of a correspondence between the Collector of Ahmedabad and himself, and requesting the orders of Government on the points therein discussed.

RESOLUTION.—The instructions of the Revenue Commissioner are approved and confirmed; the inquiry into and disposal of the several questions relating to the classification of the tenure and assessment of the lands should be carried out in the manner directed by him.

2. The points referred to in paragraphs 4 and 8 of the Revenue Commissioner's reply to the Collector have been separately disposed of.

(Signed) J. RICHEY,
Officiating Under Secretary to Government.

Government Resolution No. 3963 of 10th November 1863.

III.

In cases where the realizable amount under the Summary Settlement is under one rupee per annum, the holders should be allowed to redeem the annual payment at 25 times the amount.
It should, however, be stated in the sanads to be issued in these cases, that the annual payments have been commuted for a single payment once for all—Government Resolution No. 1866 of 12th May 1864.

IV.

I am directed to communicate the following decision of Government regarding the right of municipalities to sell the occupancy of all lands within municipal limits, and to appropriate the proceeds arising therefrom.

2. Under no circumstances can a relinquishment of existing Imperial revenue be sanctioned. But His Excellency the Governor in Council will not object to the appropriation, by municipalities, of the proceeds derived from the sale of the right of occupancy of Gabhan, on the understanding that any rent that may hitherto have been paid, or any rent leviable from similar ground in the neighbourhood, be duly paid to Government. Should there be no means of determining the latter point, the Collector will impose such rent as in his judgment may be fair and reasonable.—Government Circular No. 1368 of 25th July 1865.

V.

Memorandum from the Revenue Commissioner, N. D., No. 164, dated 13th April 1866—Submitting, for orders, a letter from the Collector of Ahmedabad, in which he inquires, with reference to Government Circular No. 1368, dated 25th July 1865, whether he is correct in presuming that paragraph 2 of the Circular has reference only to building-sites, and not to waste lands liable to pay Imperial revenue when taken up for cultivation; and stating his own opinion that he presumes that the order referred to applies to ground for cultivation, as well as building-sites.

RESOLUTION.—The Revenue Commissioner’s view is correct.

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Government Resolution No. 801 of 21st April 1866.

VI.

On a reference from the Collector of Sátára, it was decided that the amounts realized between 1853 and 1865 from the sale of sites within the municipalities of that district were not to be
transferred to the municipalities concerned. The orders of Government, contained in their Resolution No. 1368 of 25th July 1865, were not intended to have retrospective effect.—Government Resolution No. 847 of 27th April 1866.

VII.

When 1½ pies per square yard per annum is the rate on Summary Settlement lands, then ½ pie per square yard is to be credited to Government and 1½ pies to the municipality.—Government Resolution No. 2675 of 25th July 1866.

The above was modified by G. R. No. 862 of 28th February 1867, and, in consideration of the municipality bearing a share of the cost of the operations, they were permitted to enjoy the same amount as Government, i.e., ½ pie per square yard per annum.

The above was cancelled by G. R. No. 1150 of 21st March 1867, as Government never intended the ½ pie on account of the municipality to be a levy under the Summary Settlement Act, it was intended solely as a municipal tax; but as the occupancy of Summary Settlement lands is vested in the holders, and as the extra ½ pie is no longer required, its collection is disallowed.

VIII.

The ordinary assessment on land sold in municipal and non-municipal towns should be recovered from the party occupying the ground. In the event of failure to pay, the right of occupancy can be again sold.—Government Resolution No. 1750 of 3rd September 1866.

IX.


Read the following papers:—


I have the honour to submit, for the sanction of Government, two sets of rules drawn up by Mr. Hope, the Acting Collector of Surat, for the assessment of, and inquiry into, titles to land in that town. They are based in their main principles on the rules sanctioned for Ahmedabad, with amendments rendered necessary by local circumstances.
2. With regard to the rules for assessment, it will be seen that in Sections 1 to 3 great care has been taken to define the relative positions of the revenue authorities and the municipality. This is required in consequence of some kind of idea being entertained by the Municipal Commissioners, from the matter not having been properly explained by former Collectors, that the municipality have acquired some sort of control over the *modus operandi*, on account of the expense of the survey being partly borne by them. I trust that Government, in their reply, will see fit to pronounce their emphatic confirmation of the principles now laid down.

3. The maximum rate for dry-crop land cultivated or cultivable, but not built on (Section 5.) has been fixed at 13 rupees in consultation with the Superintendent of Survey, and, with regard to the rate for similar land in the adjacent taluka of Chowrasi, for the revision of assessment in which a proposal has been submitted to Government with my letter No. 220 of the 17th instant. The rate of two pies per square yard for land not applied to agricultural purposes is that sanctioned for Ahmedabad, the balance of ten pies making up one anna in the case of lands temporarily let out being reserved (Section 11) to the municipality, as the estimated interest of the upset price of the occupancy, the right to the proceeds of the sale of which is granted to them by Section 8.

4. In connection with Sections 6 and 9, Mr. Hope brings to notice an error that has crept into the Survey Administration of Ahmedabad, in consequence of which the decision in Government Resolution No. 3881 of the 24th September last, has also been passed under a misapprehension of the real state of the case. The demand of Government on land not applied to agricultural purposes having been fixed at two pies per square yard, the amount assessable at that rate on land subjected to the summary settlement cess should be one-eighth of that sum, or quarter pie, and not one pie and a half, which is one-eighth of one anna; the rate per square yard made up of the two pies of rent due to Government, and ten pies, the estimated interest of the upset price of the occupancy bestowed, only in cases where the occupancy is saleable, on the municipality. Now the mere fact of any land being subjected to the summary settlement pre-supposes that the land is already in somebody's occupancy, and therefore the occupancy is not saleable; consequently, the municipality have no right to any portion of this, and the summary settlement cess has hitherto been levied wrongly. I have accordingly the honour to suggest that the Government Resolution referred to be cancelled, and the Collector of Ahmedabad directed to correct the procedure.
with regard to this description of land. I am sorry that, in hand-
ing on the correspondence on the subject, I was misled by the rate
of assessment now levied, of the mistake in the imposition of
which, I was not aware.

5. The provision in Section 12 is very necessary in cases
where small strips of land, valuable only to the owners of the ad-
jacent houses, may be left for disposal along the sides of main roads.

6. The remainder of the assessment rules are clear and
explicit, and appear to require no further remarks from me.

7. With regard to those for inquiry into titles, it is neces-
sary to premise that a great deal of the discontent with respect
to the proceedings of the survey in the town that has lately been
manifested is traceable to the exaggerated rumours spread abroad,
partly by interested parties of what is intended to be done, and
the absence of a recognized standard of inquiry. This the present
rules will effectually supply, but even their application will require
the exercise, on the part of the officer appointed to the duty, of
unusual tact and discretion. With a view to the nomination of
a competent assistant to carry out Mr. Hope's instructions in this
respect, application has already been made to Government in my
No. 80 of the 10th instant.

8. It will be seen that the lands of the town are divided for
the purpose of inquiry into titles into three chief classes, viz.,
(1) those vacant, and (2) those noted as occupied in the old
survey map, and (3) those to which the title of Government is
undisputed. This map was made at the time of the former
revenue survey of Guzerat in about a.p. 1821, and is on a suffi-
ciently large scale to admit of changes that have taken place since
its construction being detected. It, therefore, affords a very
satisfactory basis on which the present inquiry may be founded.

9. Considering the lax way in which I know from experience
leave for the erection or reconstruction of buildings has been
granted in Surat, some of the Commissioners occasionally not
taking the trouble to verify what was put before them in respect
to such matters by their Secretary or Darogahs, I think the provi-
son made that lands under the heads A. to E. may be confirmed
on production of written permits, except in cases of obvious error
or fraud, is amply liberal; the defective title presumable in con-
sequence of such lands not being marked as in occupation at the
time of the old survey is allowed to be cured by the leave given
on what at the best must have been a very imperfect inquiry. I
quite concur in the proposals with respect to lands appropriated
without such leave.
10. The cases that may come under Class F. are those which will require the most delicate treatment, and the spirit in which the Collector proposes to deal with them is undoubtedly the correct one. Owing to the terrible destruction of house-property that has frequently overtaken the town from fire and flood, cases under this class and under heading H will be numerous, and occupy much time in disposal. The sooner the inquiry is commenced, however, the better, as attempts are already being made to get up false claims to open spots of land by extemporising the remains of old buildings upon them.

11. A clear understanding on the rule for lands coming under heading G, will do much to put a stop to the prevailing uneasiness in the town. I beg to point out that it will be necessary for the Survey Department, before they can issue any sanad containing an accurate plan of premises, to enter upon them in such a manner as to take internal as well as external measurements, as, for instance, in the case of houses having party walls. Lest any doubt should arise as to the authority of the Survey Officers to do this under the provisions of the Bombay Survey Act, I think it would be advisable if Government were to rule to that effect. It appears very probable that, after such a survey as that proposed has been carried out, it will be found that no one will buy or sell house-property in the town unless the title is supported by entries in the Survey Register, and accurate plans of the premises.

12. I was very doubtful of the propriety of the proposed ruling with regard to the first chief class of lands to the effect that, when they are claimed under sales by the civil court, which may have taken place within five years, the claimant should obtain proof of the previous owner's title, until Mr. Hope explained to me that a provision of the kind had been found absolutely necessary in Ahmedabad in order to guard against collusive sales, that is to say, sales in which defendants in suits (true or got up) might point out and have sold through the courts, as their property, land to which they really had no claim. It will, perhaps, be as well to adopt the rule, but permit the Collector to relax it in exceptional cases.

13. The remainder of the rules appear to be such as may be sanctioned without hesitation.

14. As there are several cases relating to lands along the new Delhi Gate road which are awaiting settlement previous to the sale of the right of occupancy, I have authorized the Acting Collector to proceed with them on the general principles of the proposed rules pending receipt of the sanction of Government to their being acted on permanently.
Sanctioned for other city surveys with slight modifications. For Broach by G. R. No. 2234 of 10th June 1867. For Ahmedabad by G. R. No. 1398 of 11th April 1868 and No. 1016 of 10th March 1869. For Balsar by G. R. No. 1696 of 29th April 1868. For Huns by Government Notification of 21st September 1871.

1. Government has the sole right to levy a permanent annual assessment on lands of whatever description which may be assessable.

2. The revenue authorities possess sole jurisdiction in all questions of assessment. The officers conducting the survey inquiries into titles and assessment are subordinate solely to the revenue authorities. The Collector is their immediate superior, excepting that the surveying officer will be immediately subordinate to the Superintendent as regards the scientific portion of his duties.

3. All land, whether before or after assessment, will be primarily in the sole charge of the Collector, but the municipality shall perform on his behalf, and subject to his general control, the duty of preventing encroachments on roads or Government apportioned land.

4. The term for which rates of assessment will now be fixed is 99 years, commencing from August 1st, 1867. Leases granted at any subsequent date will be of proportionally less duration.

5. There will be two rates of annual assessment:

(1.) For land cultivated or culturable, and not built upon, the maximum rate for dry-crops will be Rs. 13 per acre, on a scale having a maximum of 24 annas. Proportionate rice and wet-crop rates will be fixed, the whole being imposed by the Survey Department in the usual manner.

(2.) For land not applied to agricultural purposes, which is assessable under Section 35 of Bombay Act I. of 1865, the permanent assessment payable to Government will be two pies per square yard.

Note.—In modification of this rule, a special rate of one pie per square yard is sanctioned for lands occupied as yards for cotton factories, temporary ginning yards, &c., in Surat, Broach, and Balsar, when in excess of 200 square yards.

The same non-agricultural rates of two pies and one pie per square yard are applied to village lands outside the municipal limits, there sometimes being only a road between them and the municipal lands. (G. R. No. 8046, July 26th, 1869.)

6. Lands of either class which are subjected to the summary settlement will pay to Government alone one-eighth of the above rates.
7. Unoccupied or temporarily occupied culturable land may at any time be subjected to the non-agricultural or building rate. Occupied culturable land may be used for non-agricultural purposes on the holder's agreeing to pay the building rate of assessment, and purchasing the building occupancy at a rate to be fixed by the Collector according to the average rate per square yard obtained for similar land in the same locality. Survey fields may be divided into two equal or unequal portions with the Collector's permission, and only one of them be subjected to the building rate, provided the latter be not less than 200 square yards.

8. The municipality has received from Government the privilege of obtaining whatever sums it can by selling the right of occupancy of lands of all descriptions wherever it may still be vested in Government.—(G. R. No. 3044, September 9th, 1863; No. 1868, July 25th, 1865; and No. 801, April 21st, 1866.)

9. On Government lands already permanently occupied and on lands subjected to the summary settlement, the Municipality have no claim, since the occupancy is vested in the holders.

10. The occupancy of lands of whatever description, now held temporarily, as also of all vacant lands, may be sold by the municipality with the Collector's permission, provided that in the case of culturable lands not now required for building the occupancy sold be only annual, so as to admit of their being sold permanently for building purposes at any future time.

Note.—With regard to this and the following rules see Nos. 13 and 16, pp. 300 and 302.

11. If in any instance it be considered by the Collector undesirable to sell any plot of vacant building land immediately, (1) it may be let temporarily at two pies per square yard per annum ground-rent payable to Government, plus ten pies occupancy rent payable to the municipality; the ten pies being the interest of the upset price of the occupancy; or (2) the municipality may themselves rent the ground annually at two pies as above, and make what they can by renting the occupancy, monthly or otherwise. No permanent building will, of course, be permitted on such land.

12. Small strips of building land may, under special circumstances, be sold by the Collector to the owners of adjacent houses and others in perpetuity, and without reservation of ground-rent. In these cases thirty times the amount of the annual ground-rent which might have been imposed, shall be credited to Government out of the proceeds of sale in satisfaction of its right, and the balance to the municipality as the value of the occupancy.

13. It will be the duty of the Collector to inform the municipality from time to time what plots of land are available for the
sale of the occupancy. Should any private individual feel aggrieved by such sale, his remedy by suit in the civil court will lie against the Collector, and not against the municipality.

14. All sales of occupancies by the municipality are subject to the confirmation of the Collector, with the view of ensuring as good a price being obtained as Government would have secured if it had not ceded the value of occupancies to the municipality. The Collector shall not, except under special circumstances, to be recorded in his order, confirm any sale of occupancy for less than Re. 1 per square yard (being the capital* of which 10 pies is the annual interest at five per cent.) If the municipality neglect or refuse to sell any occupancy for one year after they have been informed that it is available, the Collector may sell it on their behalf.

15. On the completion of the survey, an adjustment will be made with the municipality of the cost of making that portion of the Survey which is necessary for revenue purposes only, as contemplated in paragraph 6 of the late Revenue Commissioner's No. 2366 of 19th August 1863.

Resolution.—The principles on which it is proposed to conduct this inquiry and settlement are approved; and the work may be commenced forthwith.

2. With regard to the error which the Revenue Commissioner alludes to as having been made in the Ahmedabad Rules by allowing the municipality a share in the proceeds of land subjected to the summary settlement, the municipality cannot, as has been pointed out, claim anything on the grounds of having conferred a proprietary right. It was not on this ground that the original levy was sanctioned; but because the municipality are fairly entitled to be reimbursed for their share, in the cost of the general survey. It would, however, be out of proportion to allow them one-eighth of ten pies on this account, while Government content themselves with an eighth of two pies. The most equitable plan will be to grant the municipality, in consideration of the expense they are put to, the same amount as that demanded by Government, viz.,* one-fourth of a pie, making the total demand to amount to half pie. The necessary alterations should be made in the Ahmedabad Rules; and assessments that have already been imposed should be modified accordingly.

3. His Excellency the Governor in Council is satisfied that the success of this measure generally, both at Surat and elsewhere, must depend upon its receiving the goodwill of the community;
and, as he has reason to believe that whatever discontent has been expressed has been in connection chiefly with the settlement and assessment of land claimed to be alienated, he trusts that the alteration above sanctioned will have the effect of removing all cause for dissatisfaction. Should, however, the Collector or Revenue Commissioner have reason to suppose that the rates in other respects are likely to be deemed oppressively high, no time should be lost in submitting proposals for lowering them.

Ordered that copies of the above be forwarded to—

The Revenue Commissioner, N. D.
The Collector of Surat.

(Signed) J. KING,
Chief Secretary to Government.

Government Resolution No. 862 of 23th February 1867.

X.

Letter from the Revenue Commissioner, N. D., No. 5131, dated 26th October 1867—Forwarding, for orders, a correspondence relating to an entire re-organization of the survey and inquiry into titles to land in the towns of Surat, Broach, Bulsar, and Ahmedabad, sanctioned in the Government orders noted in the margin, and now, with the exception of that portion relating to settlement of titles in Surat, proceeding under the superintendence of Mr. H. H. Summers, a Sub-Assistant Superintend-ent, deputed from the Guzerat Revenue Survey Department; and stating that, in anticipation of the sanction of Government, he has instructed the Acting Superintendent, Guzerat Revenue Survey, to place Mr. Bulkley in charge of the inquiry work in Surat on the approaching departure of Mr. Stewart to resume charge of his own duties in the Panch Māhāls pending the sanction of Government, and that, as Mr. Bulkley and Mr. Guerin are the most experienced Classers on the Survey Establishment, he cannot recommend the employment of both of them at the same time on these special duties for fear of crippling the efficiency of the former department.
RESOLUTION.—The Revenue Commissioner has forwarded a joint report by Messrs. Hope and Beyts, which places clearly before Government the present state of the Guzerat City Surveys, and proposals for re-organizing them on an effective footing.

2. It is quite clear that, with the exception perhaps of Surat, the municipalities are dissatisfied, and the cause is evident. They are, necessarily, without any immediate return for their share of the expense, and, moreover, they do not receive so much supervision from the overworked officer who has charge of the surveys as they conceive their contributions entitle them to.

3. On the first point Government must trust to the intelligence of the municipal communities to appreciate the advantages of a survey. It may be added, however, that Government will remove any impression that it is not bearing its fair share of the burden, and to do this will increase the Government portion of the expense. This appears the more reasonable, as the surveys will evidently last longer than the municipalities at first contemplated.

4. And there is no reason why Government should not incur expense in surveying cities when the return is so obviously remunerative. It is at least as much the duties of Government to survey purely agricultural lands. The only reason for imposing a portion of the expense on the municipalities is that they are to share the eventual proceeds with Government. They can hardly choose to abandon the work now, as in that event they will lose the money already expended, and which Government certainly will not reimburse them.

5. The first step is to provide efficient survey supervision, and to do this Ahmedabad must be separated from the other cities. To carry on the remaining survey work and to complete the inquiries, an Assistant and Sub-Assistant will be necessary. Mr. A. S. Bulkley, who is now conducting the inquiry at Surat, should be appointed to the duty at Ahmedabad, and should have under him a Sub-Assistant who will be nominated by the Superintendent Survey, with the concurrence of the Commissioner, for this duty.

6. Mr. Bulkley will be nominated an Assistant to the Collector of Ahmedabad under Section VI. of the Bombay Survey Act. If any further notifications be required, the Commissioner will report to Government.

7. For Surat Mr. Hope is anxious to retain the services of Mr. Summers. This officer will, therefore, remain in charge of the Survey of Surat, and will also have that of Bulsar. The survey of Broach should be entrusted to the Sub-Assistant, Mr. Atmaram Nuthoojee, who will be employed exclusively on this duty.

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8. It will thus be seen that only one more Sub-Assistant than is now employed will be required. The Superintendent will doubtless be able to arrange for this officer.

9. The whole of the cost of these officers has already been included in the budget of the Guzerat Survey, and their cost should be so continued. Of course, the charges on account of these officers will not be included in calculating the cost on the acreage of the purely agricultural districts. The cost will be calculated separately. The progress of the work in the Guzerat Survey admits of these officers being employed without detriment to other work, and without incurring additional cost. It may also be recorded that the appointment of a Deputy Superintendent will not be necessary in succession to Mr. Beyts, and whenever he vacates the office, or is temporarily employed on other duty, it will not be filled up. There will, therefore, be this additional saving.

10. The cost of one full establishment may likewise be charged to these city surveys from the budget for the Guzerat Survey. Rs. 500 a month may, therefore, be equitably apportioned by the Commissioner towards the establishments maintained for the surveys of the four cities. The recent reduction of Guzerat establishments will enable the Superintendent to do this without any increase to his budget.

11. There remains to be provided the Surat, Broach, and Bulsar inquiries. If the staff of Assistants to the Collector be maintained at their full complement, the Collector will, it is hoped, be able to provide an Assistant for this work, and give him further assistance in the monsoon. The Collector should find no difficulty in doing so, as he has the services of a Deputy Collector belonging to the Ahmedabad Collectorate. No further appointment will, therefore, be necessary for this purpose.

12. The Governor in Council approves of the Revenue Commissioner having taken the measures reported in paragraph 8.

(Signed) H. E. JACOMB,
For Acting Chief Secretary to Government.

G. R. No. 3921 of 14th November 1867.

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XI.

His Excellency the Right Honourable the Governor in Council having notified that Bombay Act IV. of 1868 shall take effect within the municipal limits of the cities of Surat and Broach and the town of Bulsar, notice is hereby given as follows:—
1st.—The rules for assessment sanctioned for the city of Surat by Government Resolution No. 862 of February 28th, 1867, and applied to the city of Broach by Government Resolution No. 2234 of June 10th, 1867, and to the town of Bulsar by Government Resolution No. 1696 of April 29th, 1868, are hereby prescribed as the rules according to which assessment shall be imposed under Section III. of the above-mentioned Act.

2nd.—The survey of the city of Surat, which was completed in or about the year 1821, is recognized by Government for the purposes of Article 1, Clause I. of Section V. of the above-mentioned Act.

3. The officers mentioned in the Schedule to Bombay Act VII. of 1863 in the districts subject to them, and under the British Government, the Collectors and Sub-Collectors, or other authorities superior to them, are recognized for the purposes of Article 3, Clause I., of Section V. of the above-mentioned Act as having been competent to issue deeds of grant or confirmation of partial or entire exemption from payment of Government land revenue.

4. The fee to be charged for each sanad under Section X. of the above-mentioned Act shall be two rupees, provided always that it shall be in the discretion of the Collector to reduce the fee to one rupee for special reasons to be recorded in writing.

5. The fees to be charged under Section XIII. of the above-mentioned Act shall be eight annas for an extract from the register, and Rs. 5 for a copy of, or an extract from, a map.

The above provisions shall apply to all the above-named cities of Surat and Broach and the town of Bulsar.

By order,

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle, 10th February 1869.

(Vide Notification at page 111 of the Government Gazette of 11th February 1869).
Notice is hereby given as follows:

1. The rules for assessment sanctioned for the city of Ahmedabad by Government Resolution No. 1398 of 11th April 1868, are hereby prescribed as the rules according to which assessment shall be imposed under Section III. of Bombay Act IV. of 1868.

2. The survey of the city of Ahmedabad which was completed in or about the year 1824 (A.D.) is recognized by Government for the purposes of Article 1, Clause I., of Section V. of the above-mentioned Act.

3. The officers mentioned in the Schedule II., Bombay Act VII. of 1863, in the districts subject to them and under the British Government, the Collectors and Sub-Collectors or other authorities superior to them are recognized for the purposes of Article 3, Clause I., of Section V. of the above-mentioned Act as having been competent to issue deeds of grant or confirmation of partial or entire exemption from payment of Government land revenue.

4. The fee to be charged per each sameli under Section X. of the above-mentioned Act, shall be two rupees, provided always that it shall be in the discretion of the Collector to reduce the fee to one rupee for special reasons, to be recorded in writing.

5. The fees to be charged under Section XIII. of the above-mentioned Act shall be two rupees for an extract from the register, and ten rupees for a copy of, or an extract from, a map.

The above provisions shall apply to the above-named city of Ahmedabad.

By order,

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle, 10th March 1869.

(Vide notification at page 183 of the Government Gazette of 11th March 1869).

No general grant should be made of Government land in mofussil towns and cities to municipalities. In cases where the requirements of a city are such that the municipal revenues cannot provide for them, special application may be made for the proceeds derivable from the sale of any particular waste lands.—Government Resolution No. 2789, July 8th, 1869.
XIV.

The scale for the regulation of sub-divisions of Survey numbers is printed at page 284 of this compilation.

XV.

Special reports are to be made where any deviation from the rule that no grants of Government land are to be made to municipalities is desired. Government can of course charge rent for waste lands situated within the limits of a municipality, whether they have been hitherto assessed or not, and whether they previously formed part of a survey number or not: and if in any case Government sell the right of permanent occupancy, they can at the time of sale declare whether any, and if so, what ground rent should be exacted. The sale proceeds of occupancy rights cannot now (under a ruling of the Government of India) be alienated in favour of municipalities or local funds, except under special circumstances. In submitting propositions for the disposal of lands, careful attention should be paid to the probable future requirements of the State. As it is likely that there will be a progressive increase in the value of land within the limits of towns, or in their vicinity, and as the demands of Government for lands for public purposes are also likely to increase, it will often be the most advantageous arrangement to dispose of such land on short leases, so that they may be available when wanted.—Government Resolution No. 6, January 3rd, 1870.

XVI.

Reports regarding the progress of the city survey and inquiry operations should be submitted by the officers in charge through the Collectors.—Government Resolution No. 132 of 7th January 1870.

XVII.

Notifications under Act IV. of 1868 are not necessary unless it is contemplated at once to introduce the survey into the particular town.—Government Resolution No. 711, February 7th, 1870.

XVIII.

In accordance with the provisions of Act VII. of 1870, the following amended rules for regulating the fees chargeable on ordinary petitions to survey and Settlement Officers, and on peti-
tions of appeal to the Survey and Settlement Commissioner under the provisions of Act I. of 1865, are published for general information:

(A.) Petitions of appeal to a Survey and Settlement Commissioner made under Section 24, Clause 2 of the Survey Act (I. of 1865) Boundary Disputes. Rs. 2 (Schedule 2, Article 11, Clause B of Act VII. of 1870).

(B.) Do. do. under Section 7 of do. Dismissals. Rs. 2 (Do. do. do.).

(C.) All other petitions made to a Survey Commissioner, Superintendent, and any other Survey Officer regarding the assessment of land or the ascertainment of rights thereto, or interest therein, if made after the rates have been sanctioned by Government. Exempt under Section 19, Clause 9 of Act.

(D.) Prior to the rates being sanctioned. (Signed) J. FRANCIS, Colonel, Survey and Settlement Commissioner, N. D.

Poona, 24th August 1870.

(Vide Notification at page 982 of the Government Gazette of 1st September 1870.)

XIX.

In cases where sanads are not taken away by parties, a notice should be issued that if they are not applied for within one month the fee for each sanad will be Rs. 5.—Government Resolution No. 2257 of 12th May 1871.

XX.

His Excellency the Right Honourable the Governor in Council having notified that Bombay Act IV. of 1868 shall take effect within the municipal limits of the town of Rander, Zillah Surat, notice is hereby given as follows:—

1. The rules for assessment sanctioned for the city of Surat by Government Resolution No. 862 of February 28th, 1867, are hereby prescribed as the rules according to which assessment shall be imposed under Section III. of the above-mentioned Act.

2. The officers mentioned in the Schedule to Bombay Act VII. of 1868 in the districts subject to them, and under the British Government, the Collectors and Sub-Collectors, or other authorities
superior to them, are recognized for the purposes of Article III., Clause I., of Section V. of the above-mentioned Act, as having been competent to issue deeds of grants or confirmation of partial or entire exemptions from payment of Government land revenue.

3. The fee to be charged for each sanad under Section X. of the above-mentioned Act shall be two rupees, provided always that it shall be in the discretion of the Collector to reduce the fee to one rupee for special reasons to be recorded in writing.

4. The fees to be charged under Section XIII. of the above-mentioned Act shall be eight annas for an extract from the register, and five rupees for a copy of, or an extract from, a map.

By order,

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle, 20th September 1871.

(Vide Notification at page 1015 of the Government Gazette of 21st September 1871.)

XXI.

The Government of India confirm the cession to the Ahmedabad Municipality of the sale proceeds of the right of occupancy of lands within its limits, but they do not admit any limitation to the Government claim to land revenue within the limits of a town on the ground that a portion of the annual value is due to the labours of and expenditure of the municipality.—Government Resolution No. 5115 of 13th October 1871.

XXII.

"Wakaf" lands are unalienable, but sanads under Section X. of Act IV. of 1868 may be issued for them. It should be distinctly stated in the sanad, however, that the land is the sole property and applicable only to the purposes of the religious institution in whose behalf it has been granted. The managers have no right to sell the land, and purchasers will have themselves to thank when they find their title bad.—Government Resolution No. 1265 of 5th March 1873.

XXIII.

His * Excellency the Governor in Council is pleased to direct that the under-mentioned fees be levied under Section X. of Bombay Act IV. of 1868 for sanads issued in the City of Surat in supersession of the rate fixed in paragraph 4 of the Government Notification of 10th February 1869.

*Modified by Government Notification of 8th November 1873.
1. Sanad for a single number or comprising not more than two subordinate properties or “Pôt” number Rs. a. p.
   Do. comprising three or four do. ... ... 3 0 0
   Do. do. five or six ... ... 4 0 0
   Do. do. seven and upwards ... ... 5 0 0

2. Provided always that the fee for a sanad granted for lands vacant prior to 1836, and now vacant or held for less than 5 years previous to the introduction of Bombay Act I. of 1865 or IV. of 1868 shall be as under:—

   Rs. a. p.
   If comprising a single number or not more than two “Pôt” numbers ... ... ... ... ... ... 4 0 0
   . Do. do. ... ... ... ... ... ... ... ... ... ... ... ... 5 0 0

3. Provided likewise, that it shall be in the discretion of the Collector to reduce the fee in any case to one rupee for special reasons to be recorded in writing.

   By order,
   (Signed) F. S. CHAPMAN,
   Chief Secretary to Government.

   Bombay Castle, 21st April 1873.
   (Vide Notification at page 332 of the Government Gazette of 24th April 1873.)

   XXIV.

   His Excellency the Governor in Council is pleased to order the following clause to be added to the Notification, dated 21st April last, published at page 382 of the Bombay Government Gazette of the 24th idem, regarding fees to be levied under Section X. of Bombay Act IV. of 1868 for sanads issued in the City of Surat.

   “It shall be at the discretion of the Collector to grant a sanad without payment of fee to parties who may have purchased small plots of land from Government in perpetuity.”

   A similar procedure to that laid down in the above clause to be adopted in other places to which the aforesaid Act has been extended.

   By order,
   (Signed) F. S. CHAPMAN,
   Chief Secretary to Government.

   Bombay Castle, 5th November 1873.
   (Vide Notification at page 914 of the Government Gazette of 6th November 1873.)
XXV.

Where the title is at all defective, assessment may be fixed on Wazifa lands under the Summary Settlement Act.*—Government Resolution No. 6551 of 3rd December 1873.

XXVI.

Government concedes to the municipalities of Dharwar and Hubli, on certain conditions, certain lands within their respective limits. The scope of the concessions Government are prepared to make to municipalities where city surveys are in force, is set forth here. The lands are made over to the municipalities at the present rate of assessment, and they are entitled to the benefit of an enhancement that may be imposed on the introduction of the revised survey. The judi leviable on certain inam lands is also made over to the municipality. The revenues can be collected by the municipal officers, compensation being paid to the village officers for any loss they sustain in being deprived of the duty of collection. On the completion of the survey, a sanad or deed of conveyance will be prepared in which Government will specify precisely the rights that have been conferred and those that have been reserved, both public and private. The municipalities will then stand in the same relation towards Government as any other alienee to whom a grant has been made.—Government Resolution No. 908 of 19th February 1874.

XXVII.

Deeds of lease or sale of land executed by the Collector are liable to stamp duty under Schedule I. of Article 15 of Act XVIII. of 1869. If, however, it be found that the stamp duty affects injuriously the sales of small plots of land, the municipality or other authority which benefits by the sale should pay the cost of the necessary stamp.—Government Resolutions Nos. 1558 of 20th March 1873 and 1553 of 24th February 1874.

XXVIII.

For rules for the guidance of officers, with reference to civil suits brought against them for their official acts, and for those relating to the furnishing of copies and the production in original of official documents.—See Government Resolutions Nos. 5402 of 18th October 1873 and 1239 of 10th March 1874.
His Excellency the Governor in Council is pleased to notify, for the information of holders of deeds for the purchase of waste lands, executed on behalf of Government on unstamped paper, that, with a view to give validity to such deeds, the Collectors have been authorized to stamp them in exercise of the powers conferred on them by Section 24, Clause (a) of the General Stamp Act XVIII. of 1869, on payment of the proper penalty and to remit the penalty under Section 42 of that Act.

2. Applications to have the documents stamped in the above manner will be received by the Collectors having jurisdiction within six months from the date of this notification. If no application is made within the prescribed time, the remission of the penalty imposed will be liable to be refused.

3. Collectors have also been directed to inform the holders of such deeds to the above effect by serving notice on each of them, where practicable.

By order,

(Signed) F. S. CHAPMAN,
Chief Secretary to Government.

Bombay Castle, 12th May 1874.

(Vide Notification at page 415 of the Government Gazette of 14th May 1874.)

XXX.

Calls to produce in the Civil Courts field books, registers, and maps, in original, should not be complied with. The above are documents which can be proved by certified copies.—Government Resolution No. 3751 of 18th July 1874.

XXXI.

Party walls, doors, otlas, &c., should be shown on city survey maps, as the object of the Survey and Inquiry is to settle claims and disputes as to title.—Government Resolution No. 3751 of 18th July 1874.

XXXII.

The progress of city survey operations is "materially interfered with by the constant encroachments made by parties upon lands which were not in their possession or
even claimed by them at the time the survey was made, and by the frequent applications for re-opening cases already disposed of. The former should be treated in the most summary manner, and the latter should not be complied with."—G. R. No. 3751 of 18th July 1874.

XXXIII.

City surveys have no claim to imperial revenue on account of lands which may happen to be within city survey or municipal limits.—G. R. No. 3751 of 18th July 1874.

XXXIV.

Rules applied to city surveys on their completion.

1. The general supervision of all Government lands in a surveyed city shall rest with the Assistant Collector in charge of the taluka, subordinate to the Collector. He shall have such powers regarding sales of land as may from time to time be delegated to him by the Collector.

2. The charge of all such lands and the custody of the survey records, as also the duty of selling, leasing such lands, &c., shall rest, in the first instance, with the Mamlatdar (just as such duties regarding cultivable lands in the taluka generally already do).

3. The rules to be observed regarding the management of such lands shall be those already in force under Government Resolution No. 862, of February 28th, 1867.

4. To assist the Mamlatdar there shall be a subordinate establishment as under:

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<th>City</th>
<th>Lands Daroga per Hidka Munnem.</th>
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<th>Contingencies</th>
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5. The members of the above establishment shall be entitled to pension, compassionate allowance, or gratuity, as the case may be, like other Government servants.
6. The city records relating to lands of every kind shall be deposited in the Mamlatdar's Kutcherry, and the establishment shall work there under the Mamlatdar's orders when not engaged in the field.

7. It shall be the duty of the municipality to co-operate vigorously with the revenue authorities in the sale of lands, by obtaining purchasers and bringing encroachments to light. The municipalities of Surat, Bulsar, and Ránder, shall contribute monthly Rs. , Rs. , and Rs. , respectively, towards the expenses of the establishment.—Made applicable to Surat, Bulsar, and Ránder, by Government Resolution No. 3377 of 13th June 1873, and with slight modifications to Broach by Government Resolution No. 3982 of 29th July 1874, and No. 5144 of 25th September 1874.

XXXV.

City survey sanads should be drawn up in the form prescribed in the Government Resolutions noted below.—No. 3206 of 3rd July 1871, No. 3751 of 18th July 1874, and No. 752 of 8th February 1875.

XXXVI.

A petitioner who applied for a copy of a Government Resolution (regarding the issue of sanads in respect to certain lands within the city of Ahmedabad) was informed that his request is inadmissible.—Government Resolution No. 3633 of 28th June 1875.

XXXVII.

The Collector may, as occasion arises, fix what lands are Government and what are municipal; and where any doubt arises he should refer the matter for the orders of Government. Practically there should seldom be any doubt. In a crooked street or road of varying width, any bits of land between the houses and the roadway may be taken to be municipal property, but not detached separate sites between houses, even though, from their not having been enclosed, they may have been open to the public.—Government Resolution No. 2193 of 23rd July 1875.

XXXVIII.

In supersession of Clause 5 of Government Notification, dated 10th March 1869, published at pages 183 and 184 of the Gover-
ment Gazette, dated 11th idem (applying Bombay Act IV. of 1868 to the City of Ahmedabad), the following amended rules, under Section XIII. of the above-named Act are herewith published for general information:

"The fees for copies or extracts from the maps and land registers shall be as under:

Rs. (5) five per survey number for a copy of, or an extract from, a map.

Annas (8) eight per survey number for an extract from the Register.

Provided always that it shall be in the discretion of the Collector to reduce the fee for a copy of, or an extract from, a map to rupees (3) three, when such copy or extract is required by an applicant (in accordance with Municipal Rules) for building purposes.

By order,
(Signed) W. G. PEDDER,
Acting Secretary to Government.

Bombay Castle, 28th July 1875.

(Vide Notification at page 756 of the Government Gazette of 29th July 1875.)

XXXIX.

"Although an encroachment under one foot in width appears trifling, yet it is by no means a trifling injury to public convenience when made upon a street perhaps only 12 or 15 feet wide, and as a matter of principle it is absolutely necessary to repress rigidly the practice of making encroachments to which many people are so much addicted."—Government Resolution No. 4456 of 7th August 1875. (Civil suits.)

XL.

In cases where land is sold to parties, and they do not fulfil the conditions laid down in the deed of sale, the land is to be at once resumed and the purchase money forfeited.—Government Resolution No. 4691 of 18th August 1875.
Settlement, estimates, and rates, should always, in the first instance, be submitted to Government through the Revenue Commissioner.—Government Resolution No. 4873 of 26th August 1875.

Cases taken up (within city survey limits) under Act VII. of 1863, but not disposed of before the passing of Act IV. of 1868, should now be dealt with under the latter Act.—Government Resolution No. 5525 of 29th September 1875. (Civil suits.)

The pay and allowances of Deputy Collectors employed on city survey inquiry should be debited (at the 5th grade rate) to a suspense account to be adjusted between Government and the municipality on the completion of the operations.—Government Resolution No. 4700 of 18th August 1873, No. 5164 of 26th September 1874, and No. 5987 of 23rd October 1875.

When land is granted or sold for building purposes, an acknowledgment should always be taken (except in the case of sites sold in perpetuity) that the grant or sale is one of a conditional right of occupancy, and that no proprietary title is conferred. Agriculturists need not pay rent, but all others must.—Government Resolution No. 6440 of 18th November 1875.

Where municipalities have an interest in city survey operations, the various items of income and expenditure are to be dealt with as explained in the Resolution noted below.—Government Resolution No. 298 of 14th January 1876.

Regulation 17 of 1827 and Act I. of 1865 apply to all lands, and to the assessment and recovery of land revenue of every description, whether the land be used for agricultural or for other purposes. Village sites are also included.—Government Resolution No. 355 of 17th January 1876.
XLVII.

Documents produced by parties with a view to establishing their claims to land, should always be returned to the owners when no longer required for survey and inquiry purposes.—Government Resolution No. 479 of 21st January 1876.

XLVIII.

The municipality may be supplied with extracts from city survey maps without payment of the usual fees, the cost should, however, be adjusted on the completion of the operations. When the municipality does not, however, contribute towards the expenses of the city survey and inquiry, it should be required to pay the same fees as private individuals.—G. R. No. 4636 of 28th August 1874, No. 4782 of 20th August 1875, and No. 595 of 27th January 1876.

XLIX.

Extracts from city survey maps need not be on stamped paper.—Government Resolution No. 595 of 27th January 1876.

L.

City survey sanads and deeds of sale should be signed by a Secretary to Government before being issued.—Government Resolution No. 2622 of 1st May 1876.

LI.

"If one or more survey numbers recorded in a sanad are relinquished by transfer to other private individuals, a new sanad should not issue. The party to whom the transfer is made can arrange to obtain copy of the original sanad in the usual manner."—Government Resolution No. 2724 of 5th May 1876.

LII.

Under the authority of Section 88 of Act VIII. of 1871, the Honourable the Governor in Council is pleased to publish, for general information, the following rules with regard to the inspection, search, and obtaining copies of documents, maps, and registers, mentioned in Section 87, Clauses. A, B, C, and D, of the above Act in substitution for the rules and fee table published on the 2nd May 1872.
RULES.

1. With the exceptions hereafter mentioned, every application for inspection, search, or copy of any of the documents or maps mentioned in the aforesaid clauses of Section 87 of Act VIII. of 1871, shall be made in writing on paper bearing a stamp of the value of one anna, and every such application shall be addressed to the officer, for the time being, in charge of the said records:

Exception I.—Every person interested in the accounts of any village is entitled to inspect and take a copy of such accounts, free of charge, in accordance with the provisions contained in the 23rd Section of Regulation XVI. of 1827.

Exception II.—Every occupant is entitled to demand, and to have furnished to him by the village accountant, a copy of his account for the current year, free of charge, in accordance with the provisions contained in the 15th Section of Regulation XVII. of 1827.

2. Every such application, as aforesaid, shall be numbered and filed by the officer, for the time being, in charge of the said records, and shall be endorsed with a memorandum stating the date on which such application was received, the date on which the requisition therein contained was satisfied, and true amount of the fee, if any, received therewith.

3. If such application shall not correctly describe the number, date, and nature of the record required, and the officer shall consequently find it necessary to search the records in his charge, he shall be entitled to demand and receive a fee of one rupee for each year of which the records shall be searched.

4. For the inspection of any such record, the officer in charge shall be entitled to demand and receive a fee of eight annas.

5. Every copy of any document which may be issued on such application, shall be authenticated, and the officer issuing the same shall be entitled to demand and receive a fee at the rate of 8 annas for every 360 words or fraction of 360 words of such copy, and no more, and shall thereupon endorse on the same a receipt in the form following and shall sign the same:

   Form.

   Received Rupees and annas, being the fee for issuing this authenticated copy.

   Signature
6. With regard to maps, the rule should be, that the copy of a map of each survey number, or sub-division of a number, should be reckoned as equal to that of a folio of 720 words.

7. The amount of the fees received for search, inspection, or copies, as the case may be, shall be entered in a separate book to be kept for that purpose by the officer, for the time being, in charge of the said records, and shall be remitted before the close of each month to the nearest Government treasury.

8. It must, of course, be understood that no copies of documents are to be given in cases where it is obvious that such a course would be prejudicial to Government.

(Signed) E. W. RAVENSCROFT,
Acting Chief Secretary to Government.

(Vide Notification under G. R. No. 3274 of 2nd June 1876, published at page 492 of the Government Gazette of 8th June 1876.)
Whereas His Excellency the Governor of Bombay in Council, with a view to the settlement of the Land Revenue, and the record and preservation of proprietary and other rights connected with the soil, has under the provisions of Bombay Acts I. of 1865 and IV. of 1868 directed a survey of the lands within the City of Ahmedabad, and the necessary inquiries connected therewith have been made in accordance with the provisions of the said Acts, this Sanad is issued under Section X. of Bombay Act IV. of 1868 to the effect that—

There is a certain plot of ground occupied by you in the division of the City of Ahmedabad, registered No. in the Map marked Sheet No. and facing towards the , containing about square yards, and of the following shape, and of about the following dimensions:
Assistant Superintendent, Revenue Survey,
In Charge Ahmedabad City Survey.

You are hereby confirmed in the occupancy of the
above-described ground, exempt from all Land Revenue.

The terms of your tenure are such that your occu-
pancy is both transferable and heritable, and will be
continued by the British Government, without any
objection or question as to title, to whomsoever shall
from time to time be its lawful holder.

This Sanad is executed on behalf of His Excel-
lencty the Secretary of State in Council, by order of
His Excellency the Governor in Council of Bombay,
by and under the hand and Seal of the Collector of
Ahmedabad, this day of One
thousand eight hundred and
A.D.

Collector.
This is to certify that has purchased from Government in perpetuity, subject to the conditions herein mentioned, a plot of ground situated in the division of the City of Ahmedabad, registered No. in the map marked sheet No. and facing towards the road leading from containing about square yards and of the following shape and dimensions:

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<td>नंबर.</td>
<td>संख्या.</td>
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The said has paid the purchase-money of the said plot of ground, viz., Rupees

The Government sells the said plot of ground on following conditions, that is to say—

I. The said shall within one year from the date of this deed assume possession of the said plot of ground, by enclosing it with a wall, or in some other suitable manner.

II. The aforesaid enclosure or building shall come up to the edge of the public foot-path or prescribed line of road nearest the said plot of ground.

III. The said shall erect on the said plot of ground no building less than feet in height from the public foot-path or road to the wallplate, including a plinth two feet high.

IV. The said plot of ground and all buildings erected thereon shall be subject to Municipal taxation, and to any taxes for local purposes which may hereafter be imposed in the whole District including the City of Ahmedabad, and shall also be subject to any tax affecting the said plot of ground or any of the buildings thereon of the nature contemplated in Sec. II. Cl. 2 of Reg. XVII. of 1827, which may hereafter be imposed by the Legislature.

The Government sells the said plot of ground on following conditions, that is to say—

I. The said shall within one year from the date of this deed assume possession of the said plot of ground, by enclosing it with a wall, or in some other suitable manner.

II. The aforesaid enclosure or building shall come up to the edge of the public foot-path or prescribed line of road nearest the said plot of ground.

III. The said shall erect on the said plot of ground no building less than feet in height from the public foot-path or road to the wallplate, including a plinth two feet high.

IV. The said plot of ground and all buildings erected thereon shall be subject to Municipal taxation, and to any taxes for local purposes which may hereafter be imposed in the whole District including the City of Ahmedabad, and shall also be subject to any tax affecting the said plot of ground or any of the buildings thereon of the nature contemplated in Sec. II. Cl. 2 of Reg. XVII. of 1827, which may hereafter be imposed by the Legislature.
V. No roofs, or exterior or party walls of wood, bamboo, thatch, or similar combustible materials shall be erected on the said plot of land.

VI. If the said purchaser will fail to observe the conditions of this deed, to sell, mortgage, or otherwise transfer his proprietary right to another, or fail to observe any of the aforesaid conditions, this deed of sale shall be null and void.

VII. The purchaser will be at liberty, subject to the conditions of this deed, to sell, mortgage, or otherwise transfer his proprietary right to another.

Given under the hand and seal of the Collector of..., Ahmedabad, this day of...

Collector.
This is to certify that

has purchased from Government the occupancy for a term of ninety-nine years, subject to the conditions hereinafter mentioned, of a plot of ground situated in the division of the City of Ahmedabad, registered No. in the map marked Sheet No. and facing towards the road leading from containing about square yards, and of the following shape and dimensions:

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<th>Shape and Dimensions</th>
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The said has paid the purchase money for the right of occupancy for the said term, viz., Rupees

The Government leases to the said heirs, successors, legal representatives, or assigns, the right of occupancy of the said plot of ground for the term of ninety-nine years, subject to the following conditions; that is to say—

I.—The said heirs, successors, legal representatives, and assigns, shall pay to Government an annual rent of Rupees

in respect of the said plot of ground.

II.—The said rent must be paid in advance in one annual payment on the 1st of August in each year. If the said rent be not paid within three months from the said 1st of August in each year, interest at the rate of nine per cent. per annum will be charged upon the said rent in arrear from the expiration of the said three months until payment, and if the said rent, together with such interest thereon as shall be due, be not paid within a year from the said 1st of August in each year, payment of such rent and interest shall be enforced by
proceeding in any of the modes prescribed by any of the Regulations or Acts of the Legislature, now or hereafter to be in force relating to the realization of Government land revenue, and if the said rent, together with all interest thereon, be not paid within two years from the said 1st of August, this lease and all rights thereunder shall become forfeited to Government.

III.—The said

heirs, successors, legal representatives, or assigns, shall, within two years from the date of this lease, erect on the said plot of ground one or more buildings of a permanent character and construction.

IV.—No roofs, or exterior or party walls of wood, bamboo, thatch, or similar combustible materials shall be erected on the said plot of ground.

V.—No building of any kind whatsoever shall project over the edge of the public foot-path or prescribed line of road nearest the limits of the said plot of ground.

VI.—No building shall be less than feet in height from the level of the foot-path or road to the top of the wall plate inclusive of a plinth two feet high.

VII.—The said plot of ground and all buildings thereon shall be subject to Municipal taxation, and to

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any taxations for local purposes which may hereafter be imposed in the whole District including the City of Ahmedabad, and shall also be subject to any tax affecting the said plot of ground or any of the buildings thereon, of which the nature contemplated in Sec. II., Cl. 2 of Reg. XVII. of 1827, may hereafter be imposed by the Legislature.

VIII.—If the said

heirs, successors, legal representatives, or assigns shall fail to observe or fulfill the conditions of this lease or any or either of them, he or they, as the case may be, shall forfeit to Government all right and title under this lease to the said plot of ground and buildings thereon, and it shall be lawful for Government and its officers on such default as aforesaid, to enter upon the said plot of ground and take possession of the same and of all buildings thereon, and hold the same to the use of Government freed and discharged from all incumbrances created thereon by the said

heirs, successors, legal representatives, and assigns, or any or either of them.

IX.—The said

heirs, successors, legal representatives or assigns, will
be at liberty, subject to the above conditions, to sell, assign, or otherwise transfer his and their right under this lease, but such transferee shall in every case take, subject to the above conditions and to the obligation of observing and fulfilling the same, provided always that the liability of every transferer under this lease shall continue until a written notice of such transfer, signed by the transferer or his duly constituted agent, shall have been served upon the Collector or other officer authorized by the Collector to receive the same.

X.—If the said term should not become forfeited under any of the preceding clauses of this lease, but should expire by effluxion of time, the said

heirs, successors, legal representatives, and assigns, shall have a renewal of the said lease for further successive periods of ninety-nine years in perpetuity on consenting to pay the annual rate which may be assessed on the said land at a general revision of assessment at the commencement of such periods, as also a premium to be fixed by Government for the continuance of the right of occupancy for each such period, and if the said

heirs, successors, legal representatives, and assigns shall not assent to or comply with such terms, Government shall, at the expiration of the then expiring period of
ninety-nine years, enter upon and take possession of
the said demised premises, and the said

heirs, successors, legal representatives, and assigns, shall at the expiration of
the said term, or within six calendar months after Gov-
ernment shall have given notice of the terms on which
it is willing to renew the lease, clear off all buildings
and erections that may be upon the said demised
premises, unless the Collector and the said

heirs, successors, legal representatives, and assigns, shall in the mean-
time agree upon a valuation to be put upon the said
buildings and erections, and the Collector shall assent
to take them at such valuation.

Given under the hand and Seal of the Collector of
Ahmedabad, this day of One thousand eight hundred and

Collector.

A.D.

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PART III.

THE PROVISIONS OF THE LAND REVENUE CODE AND THE RULES ISSUED THEREUNDER WHICH APPLY EXCLUSIVELY TO SURVEYS AND SETTLEMENTS.
PART III.

Chapters 8 to 10 of Bombay Act V. of 1879, Land Revenue Code.

CHAPTER VIII.

OF SURVEY SETTLEMENTS AND THE PARTITION OF ESTATES.

95. It shall be lawful for the Governor in Council, whenever it may seem expedient, to direct the survey of any land in any part of the Presidency, with a view to the settlement of the land revenue, and to the record and preservation of rights connected therewith, or for any other similar purpose, and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town, or city generally, or to such land only as the Governor in Council may direct; and subject to the orders of the Governor in Council it shall be lawful for the officers conducting any such survey to exempt from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of revenue survey shall vest in and be exercised by the Governor in Council.

96. It shall be lawful for the survey officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of lands and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally, or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

97. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders; and in

* This Act, with the exception of Section 104, is made applicable to the Collectorate of Karachi, Hyderabad and Shikarpur in the Province of Sind (vide Bombay Government Notification No. 1256, dated 30th November 1880, published in the Bombay Government Gazette, dated 9th December 1880, Part I., page 1072),
the event of a necessity for employing hired labour for this, or
other similar object, incidental to survey operations, it shall be
lawful to assess the cost thereof, with all contingent expenses on
the lands surveyed, for collection as a revenue demand.

*98. Except as hereinafter provided, no survey number com-
prising land used for purposes of agriculture only shall be made of less extent than a mini-
mum to be fixed from time to time for the several classes of land in each district by the Commissioner of Survey, with the sanction of Government. A record of the minima so fixed shall be kept in the Málmatdár’s office in each táluka, and shall be open to the inspection of the public at reasonable times.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner of Survey given either generally or in any particular instance, in this behalf; and any survey number separately recognized in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

99. Recognized shares of survey numbers shall be subject to the same provisions of this Act as are applicable to entire survey numbers, except:

(a) that it shall not be obligatory to demarcate such shares separately, and

(b) that if any such share is relinquished by the occupant absolutely under the provisions of section 74, the occupancy thereof shall be offered to the occupants of the other shares of the same survey number in order of their relative largeness of the amounts payable by them respectively on account of the assessment of their said shares, and that in the event of their all refusing the occupancy of the said share, the assessment thereon shall, until such time as the entire number is relinquished by them, be levied from them in proportion to the amounts of assessment payable by them as aforesaid.

100. Subject to rules or orders made in this behalf, under section 214, the officer in charge of a survey to fix assessments shall have authority to fix the assessment for land revenue at his discretion on all lands within the local operation of an order made under section 95 not wholly exempt from land revenue, and the amounts due according to such assessment shall, subject to the provisions of section 102, be levied on all such lands.

* See rules ante, page 277.
Regard to be had to Proviso to section 52.

In fixing such assessment, regard shall be had to the requirements of the Proviso to section 52:

But nothing in this section shall be deemed to prevent the survey officer aforesaid from determining and registering the proper full assessment on lands wholly exempt from payment of land revenue or on lands especially excepted under section 95 from the survey settlement, or from dividing all such lands to which the survey extends into survey numbers.

101. The power to assess under the preceding section shall, in the case of lands used for purposes of agriculture alone, include power to assess, whether directly on the land, or in the form of a rate or cess upon the means of irrigation in respect of which no rate is levied under section 55, or under the Bombay Irrigation Act, 1879, or in any other manner whatsoever that may be sanctioned by Government.

102. The assessment fixed by the officer in charge of a survey shall not be levied without the sanction of Government. It shall be lawful for the Governor in Council to declare such assessments, with any modifications which he may deem necessary, fixed for a term of years not exceeding 30 in the case of lands used for the purposes of agriculture alone, and not exceeding ninety-nine in the case of all other lands.

103. When in the case of lands used for the purposes of agriculture alone, Government shall have sanctioned the assessments fixed by the officer in charge of the survey, it shall be the duty of the said officer or of the Collector, or Assistant or Deputy Collector publicly to announce, or to cause to be announced, the assessment fixed on each survey number.

The said officer, or the Collector, or Assistant or Deputy Collector shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

If the holder or other person interested in any holding do not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

When the assessments have been announced in the manner provided in the first clause of this section, the survey settlement shall be held to have been introduced.

* Vide Section 2 of Act VII of 1879.
104. In the year in the course of which a survey settlement, whether original or revised, may be introduced under the last preceding section, the difference between the old and new assessment of all lands on which the latter may be in excess of the former shall be remitted, and the revised assessment shall be levied only from the next following year.

In the year next following that in which any revised survey settlement has been introduced, any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers held by him, shall, on resigning such number in the manner prescribed by sections 74 and 76 on or before the 31st March, receive a remission of the increase so imposed.

105. The fixing of the assessment under the provisions of section 102 shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the Governor in Council to impose under the provisions of any law for the time being in force for purposes of local improvement, such as schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 55, or of the Bombay Irrigation Act.

106. It shall be lawful for the Governor in Council to direct at any time, a fresh revenue survey and revision of assessment. But improvements made from private capital and resources not to be assessed. Certain improvements may be considered in fixing revised assessment.

107. Nothing in the last preceding section shall be held to prevent a revised assessment being fixed:—

* Vide Section 2 of Act VII. of 1879.
329

(a) with reference to any improvement effected at the cost of Government, or

(b) with reference to the value of any natural advantage, when the improvement effected from private capital and resources consists only in having created the means of utilizing such advantage, or

(c) with reference to any improvement which is the result only of the ordinary operation of husbandry.

108. It shall be the duty of the survey officer, on the occasion of making or revising a settlement of land revenue to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number and other records, in accordance with such orders as may from time to time be made on this behalf by Government.

109. The survey officer, or if the survey settlement have been introduced, under the provisions of section 103, by the Collector or Assistant or Deputy Collector, the Collector or Assistant or Deputy Collector shall at any time correct or cause to be corrected any clerical errors, and any errors which the parties interested admit to have been made in the Settlement Register;

he shall also receive and inquire into all applications made to him at any time within two years after the introduction of the survey settlement for the correction of any wrong entry of a registered occupant's name in the said register, and if satisfied that an error has been made, whether through fraud, collusion, oversight, or otherwise, shall correct or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey settlement, unless good cause be shown to his satisfaction, for the delay in making such application, and no such correction of the said register, shall be made in consequence of any application made after the said period of two years, except with the previous sanction of Government.

110. The Collector shall keep the Settlement Register, and such other records prepared by the survey officer as Government shall direct, and shall cause the village records and accounts to be prepared in accordance therewith;
be shall not make any alterations or corrections in the Settlement Register, but shall cause to be registered in the village records and accounts all changes that may take place, and anything that may affect any of the rights or interests therein recorded.

111. In the event of any alienated village or estate, coming under the temporary management of Government officers, it shall be lawful for the Collector to let out the lands thereof, at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable, and to sell the occupancy of unoccupied lands by auction, and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of Government officers: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of Government on the land.

112. Existing survey settlements of land revenue, made, approved, and confirmed under the authority of the Governor in Council shall be, and are hereby declared to be in force, subject to the provisions of this Act.

Partition.

Rules for partition of an estate paying revenue to Government.

113. The following rules shall be enforced at the partition of any estate paying land revenue to Government (namely):

(1) the estate shall be divided as far as possible according to survey numbers without sub-dividing any number; but if the partition cannot be completely effected without sub-dividing a number, such sub-division may be made by the Collector, subject to the provisions of section 98;

(2) any number, or sub-division of a number, which may remain over after the partition has been carried out, as far as possible, according to the last rule, and which is incapable of sub-division or of further sub-division owing to the provisions of section 98, shall be made over to one of the sharers in consideration of his paying to the other sharers the value in money of their shares in the same, or shall be sold and the
proceeds divided amongst all the sharers, or otherwise disposed of, as the Collector thinks fit;

(3) the expenses necessarily and properly incurred in making such partition shall be recoverable as a revenue demand in such proportions as the Collector thinks fit from the sharers at whose request it is made, or from the persons interested in such partition.

114.1 Whenever any one or more co-sharers in a khoti estate, into which a revenue survey has been introduced, or in a tálukdári estate, consent to a partition of the said estate, it shall be lawful for the Collector, or for any other officer duly empowered by him in this behalf, subject to the rules contained in the last preceding section, to divide the said estate into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers:

Provided that no such partition shall be made unless:

(a) All the co-sharers are agreed as to the extent of their respective rights in the estate, and

(b) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one-half of the assessment of the entire estate.

In such cases the expenses of partition shall be recovered under Rule (3) of the last preceding section from all the co-sharers in the estate divided.

115. At the time of a revision of survey it shall be in the discretion of the officer in charge of the survey, subject to the provisions of section 98, and to any departmental rules or orders in this behalf at the time in force, to sub-divide any survey number into two or more distinct numbers, and to enter the names and liabilities of the persons whom he shall deem entitled to be recognized as registered occupants of such sub-divisions in the Settlement Register separately.

116. When any portion of cultivable land is appropriated under the provisions of section 65 or 67 for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Collector, be demarcated, and made into a separate number at any time, notwithstanding the provisions of section 98.
CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

118. The boundaries of villages situated in British territory shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be nominated by Government for the purpose, who shall be guided by the following rules:

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and in the case of an alienated village, the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal inquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation, and an award made by any other officer shall be subject to confirmation by such other officer as Government may nominate for the purpose.
119. If, at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if disputed, or if the said holder or person in occupation be not present, it shall be fixed by the survey officer according to the village records, and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if at any time after the survey records have been handed over to the Collector, a dispute arise concerning the boundary of any survey number, it shall be determined by the Collector, who shall be guided in the case of survey numbers by the survey records, if they afford satisfactory evidence of the boundary previously fixed, and if not, by such other evidence as he may be able to procure.

120. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty, it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if within a period to be fixed by the said officer the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final:

Provided that the said officer, or the Superintendent of Survey, shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee, for any of the causes set forth in section 520 of the Code of Civil Procedure.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey, see fit to extend the time, to settle the same as otherwise provided in this Act.
121. The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative:

(a) of the proper position of the boundary-line or boundary-marks, and

(b) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

Boundary-marks.

122. It shall be lawful for any survey officer, authorized by a Superintendent of Survey, or Settlement Officer, to cause to be constructed or repaired boundary-marks of villages or survey numbers, whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Such officer may require landholders to construct or repair their boundary-marks, by a notification which shall be posted in the chauri or other public place in the village, to which the lands under survey belong, directing the holders of survey numbers to construct or repair, within a specified time, the boundary-marks of their respective survey numbers, and on their failure to comply with the requisition so made, the survey officer shall then construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers within the limits of the lands to which the survey extends.

The size, material, and description of boundary-marks shall be such as may be deemed necessary by the Superintendent of Survey, according to the requirements of soil and climate.

123. Every landholder shall be responsible for the maintenance and good repair of the boundary-marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of the village officers and servants
to prevent the destruction or unauthorized alteration of the village boundary-marks.

124. When the survey settlement shall have been introduced into a district, the charge of the boundary-marks shall devolve on the Collector, and it shall be his duty to take measures for their maintenance and repair, and for this purpose the powers conferred on survey officers by section 122 shall vest in him.

125. Any person convicted, after a summary inquiry before the Collector or before a survey officer, Mām-latdār, or Mahālkari, of wilfully erasing, removing or injuring a boundary-mark, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed, or injured.

One-half of every fine imposed under this section may be awarded by the officer imposing it to the informer, if any, and the other half shall be chargeable with the cost of restoring the mark.

CHAPTER X:

OF LANDS WITHIN THE SITES OF VILLAGES, TOWNS, AND CITIES.

Fixing of Sites.

126. It shall be lawful for the Collector, or for a survey officer, acting under the general or special orders of Government, to determine what villages, towns and cities are to be included within the site of any village, town, or city, and to fix, and from time to time to vary the limits of the same, respect being had to all subsisting rights of landholders.

Exemption from Land Revenue.

127. Act XI. of 1852 and Bombay Acts II. and VII. of 1863, shall be deemed to be applicable, and to have always been applicable, in the territories to which they respectively extend, to all lands within the limits of the site of any town or city in which an inquiry into titles has been made under the provisions of Bombay Act IV. of 1868, which have been hitherto ordinarily used for agricultural purposes only; but the provisions of the said Acts shall not be deemed applicable to any other lands within the limits of the site of any such town or city.
128. The existing exemption from payment of land revenue of lands other than lands which have hitherto been ordinarily used for purposes of agriculture only, situate within the sites of towns and cities in which an inquiry into titles has been made under the provisions of Bombay Act IV. of 1868, shall be continued:

1st.—If such lands are situated in any town or city where there has been in former years a survey, which Government recognize for the purpose of this section, and are shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of land revenue,

2nd.—If such lands have been held wholly or partially exempt from the payment of land revenue for a period of not less than five years before the application of Bombay Act I. of 1865, or IV. of 1868 to such town or city;

3rd.—If such lands, for whatever period held, have been held wholly or partially exempt from payment of land revenue under a deed of grant or confirmation issued by an officer whom Government recognize as having been competent to issue such deed.

129. Claims to exemption under the last preceding section shall be determined by the Collector after a summary inquiry, and his decision shall be final.

130. In towns and cities to which section 128 applies, the holders of any lands other than lands which have hitherto been used for purposes of agriculture only, which have been unauthorizedly occupied for a period commencing less than two years before Bombay Act I. of 1865 or IV. of 1868 was applied to the town or city in which the said lands are situate, shall be liable to pay the price of the occupancy of the said lands in addition to the land revenue assessed thereupon. The said occupancy price shall be determined according to the provisions of section 62.

Miscellaneous.

131. If the Governor in Council shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town, or city, under the provisions of section 95, or a fresh survey thereof under the provisions
of section 106, such survey shall be conducted, and all its opera-
tions shall be regulated, according to the provisions of Chapters
VIII. and IX. of this Act: Provided that
nothing contained in sections 96, 97, 101, 103,
104, or 118 thereof shall be considered applicable to any such
survey in any town or city containing more than two thousand
inhabitants.

132. When a survey is extended under the provisions of the
last preceding section to the site of any town
or city containing more than two thousand
inhabitants, each holder of a building-site
shall be liable to the payment of a survey-fee
to be assessed by the Collector under such rules as may be
prescribed in this behalf from time to time by Government, provided
that the said fee shall in no case exceed rupees five for each survey
number. The said survey-fee shall be payable within six months
from the date of a public notice to be given in this behalf by the
Collector after the completion of the survey of the site of the town
or city, or of such part thereof as the notice shall refer to.

In any town or city in which Bombay Act IV. of 1868 was in
force before the passing of this Act, a similar public notice shall
be issued by the Collector within six months after the passing of
this Act, provided that in any such town or city no survey-fee
shall be leviable when a fee has already been paid by a landholder
for a sanad obtained by him under section 10 of the said Act.

133. Every holder of a building-site as aforesaid shall be
entitled, after payment of the said survey-fee,
to receive from the Collector without extra
charge one or more sanads, in the form of
Schedule H, specifying by plan and description the extent and
conditions of his holding:

Provided that if such holder do not apply for such sanad or
sanads at the time of payment of the survey-
fee or thereafter within six months from the
date of the public notice issued by the Collector under the last
preceding section, the Collector may require him to pay an addi-
tional fee not exceeding one rupee for each sanad.

Every such sanad shall be executed on behalf of the Secretary
of State for India in Council by such officer as may from time to
time be lawfully empowered to execute the same.

134. If any land within the site of any village, town, or city,
hitherto ordinarily used for agricultural pur-
P. 401-q

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pose of agriculture only, appropriated to other purposes. Appropriate to any other purposes, it shall be liable to payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable under the terms of such summary settlement.

135. Any suit instituted in a Civil Court to set aside any order passed by the Collector under section 37 or 129. In respect of any land situate within the site of a village, town, or city, shall be dismissed, although limitation has not been set up as a defence, if it has not been instituted within one year from the date of the order.

RULES UNDER LAND REVENUE CODE.

CHAPTER VII.

ASSESSMENT OF LAND REVENUE.

[Sections 52, 100 and 214 (d).]

1. Unsurveyed Lands.

53. No assessment shall be placed on land in the beds of rivers used for growing melons. The land revenue chargeable on such land shall be deemed to be included in the price of the occupancy thereof obtained in auction under Rule 22.

2. Surveyed Lands.

54. Compounds surrounding bungalows and patches of open ground surrounding houses up to such limit of area as Government may from time to time fix for each district shall be subject, as regards their assessment to the land revenue, to the same rules as are applicable to the land on which the bungalows or houses stand.

55. The following rules, unless otherwise directed by Government, shall be observed in the conduct of revenue surveys of lands used, or which may be used, for the purposes of agriculture.

(1)—Every separate occupancy recognised in the village accounts shall be separately measured, classified and assessed and defined by boundary-marks, and shall be comprised in a survey number or in a subordinate survey number.

By "Subordinate Survey Number" is meant a portion of survey number bearing a subordinate number and separately demarcated and assessed.
(2) Subject to the provisions of the last preceding rule the area to be included in the survey number shall be determined under general or special orders to be issued in this behalf by the Survey Commissioner.

(3) All measurements shall be recorded in a book to be kept in such form as shall be prescribed by the survey Commissioner for each survey. The said books when prepared shall be preserved as a record of the survey.

(4) The original measurements made by the subordinate survey officers employed for the purpose shall be tested by the officers in charge of measuring establishments in such manner and to such extent as the Survey Commissioner shall deem sufficient.

(5) Village maps shall be prepared under the orders of the Survey Commissioner showing each survey number. The positions of the boundary-marks of each survey number shall also be shown on the said maps.

(6) For the purposes of assessments all land shall be classed with respect to its productive qualities. The number of classes and their relative value reckoned in annas shall be fixed under the orders of the Survey Commissioner with reference to the circumstances of the different tracts of country to which the survey extends and to the nature of the cultivation.

(7) Every classer shall keep a field-book and record therein the particulars of his classification of each survey number and subordinate survey number and the reason which led him to place it in the particular class to which in his estimation it should be deemed to belong. Such field-books shall be preserved as permanent records of the survey.

(8) A test of the original classification made by the subordinate officers employed for this purpose shall be taken by the officers in charge of classing establishments, in such manner and to such extent as may be directed by the Survey Commissioner. The said test shall be an independent test, that is to say, it shall be made by the testing officer in entire ignorance of the original classer's proceedings or records until it has been completed and its results have been finally determined, when only the original classing valuation and the test valuation shall be compared and their separate results recorded.

(9) When rates of assessment have been sanctioned by Government, the assessment to be imposed on each survey
number or subordinate survey number shall be determined according to the relative classification value of the land comprised therein.

(10)—Matters of detail not provided for in the foregoing survey rules shall be determined in each survey in accordance with such general or special orders as the Survey Commissioner acting under the general control of Government shall from time to time deem fit to issue.

CHAPTER XIV.

SURVEY-FEES IN TOWNS AND CITIES. (Section 132.)

79. Towns and cities to the sites of which a survey has been or may hereafter be extended, will be divided by Government, by notification in the Bombay Government Gazette, into three classes for the purpose of determining the survey-fees to be levied therein respectively under section 132 of the Land Revenue Code.

The towns and cities hereinbelow mentioned, in which Bombay Act IV. of 1868 was in force before the Code became law, shall belong to the following classes:—


Class II...

Rates of survey-fees chargeable in each class.

80. Survey-fees shall be levied at one of the following rates according to the class under which each town or city falls:—

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<th>Class II</th>
</tr>
</thead>
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<td>3 0 0</td>
<td>1 8 0</td>
</tr>
<tr>
<td>1 8 0</td>
<td>0 8 0</td>
</tr>
</tbody>
</table>

81. The rate of survey fees to be paid by the holder of each tenement in each class shall be fixed by the Collector or, subject to revision by him, by such officer as he may empower in that behalf.
on a full consideration of the position, value, rental, and area of each holder's tenement and of the labour, time and expense involved in the survey of such tenement: Provided that not more than one survey-fee shall be payable in respect on each separate tenement.

Explanation.—"Separate tenement" shall be deemed to include all the area within one ring-fence or in one locality and in the actual possession of one and the same person or family. If any portion of such area is sublet or occupied separately, such portion shall be deemed a "separate tenement".

CHAPTER XVI.

### Administration of Survey Settlements. [Section 214 (g).]

(1) **Notification of Survey Settlement.**

When a survey settlement shall have received the sanction of Government under section 102 of the Land Revenue Code, a notification shall be published in the district or portion of a district to which the settlement extends, in the form of Appendix J, and the period for which the assessments have been fixed shall be notified in the Bombay Government Gazette.

When the settlement is introduced into a portion of a taluka already partially settled, the guarantee will be restricted to the unexpired portion of the period for which the assessments in the first settled portion of the taluka were fixed.

90. **Period of Guarantee in villages settled before 9th March 1858.**

In isolated villages to which a survey settlement was extended before the 9th March 1858, the settlements shall be understood to have been fixed for a period of 30 years, unless there is specific evidence that a guarantee for a shorter period was given at the time.

(2) **Trees.**

91. The extent to which the right of Government to trees is generally conceded under paragraph two of section 40 of the Land Revenue Code will be specified in the notification issued under Rule 89. The said general concession will ordinarily extend to all trees, except the following (namely):

- All road-side trees planted by or under the orders of Government;
- Teak, blackwood, and sandal wood;
- Trees, the produce of which has hitherto been disposed of by Government.
Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, blackwood or sandal wood which for any reason are of special value or utility will be specially reserved at the settlement by entries to that effect made in the settlement records.

The right to trees of any of the above classes which have already been specially assigned to the occupant or purchased by him, or to trees standing in public places, will, of course, not be affected by this rule or by the notification issued under Rule 89.

92. Notwithstanding anything contained in the last preceding rule, Government will specially reserve their rights to all trees, or to trees of other kinds than those therein enumerated whenever it may be deemed expedient so to do.

93. Of the trees to which the rights of Government are reserved, such numbers or kinds as Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept of all occupied numbers, over the trees in which the Forest Department has any control or lien; the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department.

All reserved trees not placed at the disposal of the Forest Department shall be in charge of the Collector, who may dispose of the same, or of the produce thereof, in such manner as he may from time to time deem fit.

94. In talukas in which the demarcation of forests has been completed, when the right of occupancy of any unoccupied number containing jungle or valuable trees which have not been included in any forest reserve, is granted to any person, the Collector may, if he thinks it better to grant the land for cultivation than to keep it for jungle, offer the jungle or such of the trees as he may see fit to the occupant at a valuation to be made by the Collector. If the occupant agrees to purchase the same, the value shall be recovered from him by the Collector and credited to the Forest Department.
95. In talukas in which the demarcation of forest reserves has not been completed, the Collector may, if he thinks fit, consult the Conservator of Forests before the occupancy of any land containing jungle or valuable trees is granted; and if the occupancy of any such land is granted to any person, the provisions of the preceding rule shall apply: Provided that specified trees of a valuable kind shall not be cut down and that in no case shall the occupancy be granted if the land is likely to be required for forests.

96. Whenever the occupancy of a survey number is disposed of at any time after the first introduction of a survey settlement, trees of the kind specified in clause (3) of Rule 91 shall be excluded from reservation, and shall be disposed of along with the occupancy under the provision of paragraph two of section 62 of the Land Revenue Code.

97. Whenever the right to unreserved trees in any survey number is at the disposal of Government simultaneously with the occupancy of such number, all such trees shall invariably be disposed of to the same person who acquires the occupancy and not to any other person.

98. When the right of Government to any trees in a survey number has been once disposed of to the occupant, or when reserved trees have been once cut and removed, whether at or before or at any time after the grant of the occupancy, Government will have no further claim to trees of the same descriptions which may afterwards grow in the number, or which may spring up from the old roots or stumps during the occupancy of the said occupant.

(3) Entry of co-occupants' names.

99. On written application being made for this purpose to the Collector or, whilst survey operations are proceeding, to a survey officer, the names of the co-occupants of the registered occupant of any survey number and the share in fractional parts of a rupee of each such co-occupant in the occupancy may be entered in the records along with the name and share of the registered occupant of the number: Provided that no such entry shall:
(1) affect the liability of the occupants to Government, or amongst themselves, for the land revenue of the number, or
(2) confer a right to a sub-division of the number below the minimum area fixed under the provisions of section 98 of the Land Revenue Code.

(4) Inspection, maintenance, and repair of boundary-marks.

109. On the introduction of a survey settlement into a district the Superintendent of Survey shall furnish the Collector with a map and statements showing the position, size and description of the boundary-marks erected or prescribed by or under the orders of the Survey Department, with a view to his taking measures for their maintenance and repair under section 124 of the Land Revenue Code.

101. The digging of earth close around an earthen boundary-mark for the purpose of repairing it, is prohibited. A space of two cubits in breadth all round each such mark is to be left untouched, so as to prevent injury to the mark from water lodging in the cavities from which earth is taken for the repairs.

102. Village officers shall examine all the boundary-marks in their respective villages once a year in November or December, and the village accountant shall record in village form No. 3 (Hope's Forms) the condition in which the boundary-marks are found.

Details of all marks found to be out of repair shall be entered in village form No. 4 (Hope's Forms) by the village accountant, and after the lapse of a sufficient time to allow of the repairs to the marks being completed, a second inspection shall be made of every field entered in this register.

103. Prior to the second inspection, the Collector shall issue a notification under section 122 of the Land Revenue Code requiring landholders to repair their boundary-marks within a period of ten days. The provisions of paragraph two of the said section shall be rigidly enforced in the case of any repairs remaining unexecuted at the time of the second inspection.

104. A further test-inspection of boundary-marks shall be made annually in each village by a Mālātār's kārkān. The inspection shall be made in the presence of the village officers and of
PART IV.

MISCELLANEOUS RULES AND ORDERS.
such of the landholders as may attend. The results of these inspections shall be recorded in the village form No. 3, in the column provided for the purpose, and in column 15 of village form No. 4 (Hope's Forms).

For the first three years after the first introduction of a survey settlement this test-inspection shall extend to all the boundary-marks of each village. After the first three years the following rules shall be observed:

(1).—For the purpose of taluka inspection of boundary-marks, the number of fields in each village shall be divided into four equal sections, and the fields comprised in one section shall be inspected by the General Duty Karkun in each successive year. Thus the whole village will be completely supervised in a period of four years.

(2).—The division of the boundary-marks of a village into sections as directed in the preceding rule shall be made once for all by the Mamlátár personally with the sanction of the Assistant Collector, who should be supplied with the division lists to enable him to take the necessary tests of the work performed by the Taluka Officers.

(3).—Each General Duty Karkun shall be duly supplied with lists specifying the fields of each village in his charge which he is required to inspect in a particular year.

(4).—The inspections by General Duty Karkuns must be careful and thorough, and the results of their inspections should be noted in village form No. 3 (Hope’s Forms) against each field as indicated in the form.

(5).—The General Duty Karkun should, when the required inspection in a village is over, sign a certificate at foot of village form No. 8 (Hope’s Forms) to the following effect:

“I hereby certify I have personally examined the boundary-marks of the fields noted by me as examined against each field.”

105. When the necessary repairs have all been completed the Mamlátár or Mahálikari shall prepare and forward to the Collector, or to the Assistant or Deputy Collector in charge of the district, a general abstract of the Inspection Registers.

106. Mamlátárs and Mahálikaris and Assistant and Deputy Collectors in charge of talukas will personally examine the boundary-marks of some of the numbers of several villages in every taluka as soon as possible after the comple-
tion of the second inspection required by Rule 102. In the case of talukas which are in the immediate charge of the Collector, that officer shall mark off several numbers in the village registers for examination by the Daftardar or other high officer of his establishment.

The results of inspections made under this rule shall be recorded in the same way as in the case of inspections made under Rule 104.

107. The Commissioners shall during their tours take measures to prevent the inspection and examination required by the foregoing rules becoming a mere form.

APPENDIX J. (See Rule 89.)

Notification determining the period of Settlement.

The Governor of Bombay in Council having sanctioned the Survey Settlement introduced by the Superintendent of Revenue Survey and Assessment, under the provisions of the Bombay Land Revenue Code, 1879, into the taluka of the district, the following notification is published for the information of the landholders and village officers in the said taluka:

1. The survey rates as fixed under this settlement will remain in force without increase for a period of 50 years, commencing from (1) and extending to (2).

2. But in the case of land which may hereafter be brought under irrigation by the use of water, the right to which vests in Government, or which is supplied from works constructed and maintained by, or at the instance of, Government, or of land which may be supplied with an increased amount of water from works constructed, repaired, or improved at the cost of the State, Government reserves to itself the right of imposing an extra cess or rate, or of increasing any existing rate, for the use of water supplied or increased by such means, whether under the provisions of the Bombay Irrigation Act, 1879, or otherwise.(3)

3. In addition to the fixed assessment, a cess not exceeding such rate as may be allowed by law will be levied under the Bombay Local Funds Act, 1869, or other law for the time being in force, for the purpose of providing funds for expenditure on objects of local public utility and improvement.

4. The Government rights to trees standing in lands which are now occupied, is hereby conceded to the occupants thereof, subject to the general exceptions entered in the margin(4) and the special exceptions recorded in the settlement records.

(1) Here enter the Fiscal and A.D.
(2) Should any other special case, for the maintenance of irrigation works, such as the pahal in Khondesh, be levied, it should be here specified.
(3) The names of reserved trees are to be specified in the margin.
PART IV.

Rules for the valuation of the existing emoluments of Patels and Kulkarnis and for determining the amount of and manner of providing the future remuneration of Officebearers, comprising the principles of Wingate’s Rules as generally applied to the Deccan Collectorates with modifications subsequently sanctioned by Government.

1. All official land whether recorded as Sarwa Imam, Judi or otherwise, will be valued at the survey assessment of the same, less the amount of Judi tax or other assessable to which it may be subject as recorded in the public accounts of the year.

2. Cash allowances under the denomination of Potgi (fixed allowance), Kagad Bab (Stationery), &c., not being subject to fluctuation from year to year will be estimated at the amount recorded in the public accounts of the preceding year.

3. The officiating Patel and Kulkarni of each village shall hereafter receive for the performance of the duties of his office a remuneration in cash of at least the amount fixed by the following scales for their offices respectively:

4. For the first thousand rupees of the gross revenue of his village 3 per cent.; for the second thousand 2 per cent.; and for the balance of gross revenue beyond two thousand rupees 1 per cent.

5. In addition to these percentages he shall receive a fixed annual allowance (Potgi) and contingent (or Chowri) allowance according to the following scale:

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<th>Chowri Expenses</th>
<th>Population (From)</th>
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</table>

Chowri allowances upwards.
6. In addition to the above scales for the ordinary remuneration of Patels a special remuneration may be granted in certain cases under the following classes:—

Class IV.—Ordinary large places in the District.
Special allowance Rs. 10.

Class III.—Extraordinary large or troublesome places in the District being Market Towns.
Special allowance Rs. 20.

Class II.—Large centres of traffic and important Railway Stations.
Special allowance Rs. 80.

Class I.—Places such as described under class II., but the ordinary land revenue of which gives small emoluments to the Patel.
Special allowance Rs. 50.

Kulkarni's Scale.

7. For the first thousand rupees of the gross revenue of his village 5 per cent.; for the second thousand 4 per cent.; for the third thousand 3 per cent.; for the fourth thousand 2 per cent.; and for the balance of gross revenue beyond 4 thousand rupees 1 per cent.

8. He shall also receive a fixed allowance (Potgi) according to the appended scale. But no Potgi shall be granted when the total emoluments attain to Rs. 72 or no more than shall bring up the total emoluments to that sum.

<table>
<thead>
<tr>
<th>Revenue of Villages ranging from</th>
<th>Potgi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs. 1 to Rs. 25</td>
<td>Rs. 3</td>
</tr>
<tr>
<td>Rs. 26 to Rs. 50</td>
<td>Rs. 6</td>
</tr>
<tr>
<td>Rs. 51 to 1,300</td>
<td>Rs.10</td>
</tr>
</tbody>
</table>

Above Rs. 1,300 so much as may bring up the total emoluments to Rs. 72, and no more.
9. In addition to his salary the officiating Kulkarni shall also receive an allowance for stationery as shown in the subjoined table:

<table>
<thead>
<tr>
<th>Gross Revenue of Village</th>
<th>Stationery Allowance</th>
<th>Gross Revenue of Village</th>
<th>Stationery Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to Rs. 20</td>
<td>1 0</td>
<td>1,501 to Rs. 1,800</td>
<td>6 8</td>
</tr>
<tr>
<td>21 &quot; &quot; 50</td>
<td>2 0</td>
<td>1,801 &quot; &quot; 2,000</td>
<td>7 0</td>
</tr>
<tr>
<td>51 &quot; &quot; 100</td>
<td>2 8</td>
<td>2,001 &quot; &quot; 2,500</td>
<td>7 8</td>
</tr>
<tr>
<td>101 &quot; &quot; 200</td>
<td>3 0</td>
<td>2,501 &quot; &quot; 3,000</td>
<td>8 0</td>
</tr>
<tr>
<td>201 &quot; &quot; 350</td>
<td>3 8</td>
<td>3,001 &quot; &quot; 3,500</td>
<td>8 8</td>
</tr>
<tr>
<td>501 &quot; &quot; 500</td>
<td>4 0</td>
<td>3,501 &quot; &quot; 4,000</td>
<td>9 0</td>
</tr>
<tr>
<td>701 &quot; &quot; 700</td>
<td>4 8</td>
<td>4,001 &quot; &quot; 4,500</td>
<td>9 8</td>
</tr>
<tr>
<td>901 &quot; &quot; 900</td>
<td>5 0</td>
<td>4,501 &quot; &quot; 5,000</td>
<td>10 0</td>
</tr>
<tr>
<td>1,250 &quot; 5 8</td>
<td>Upwards of Rs. 5,000 and every additional 500 or fraction thereof.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,251 &quot; 6 0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. The percentage due on any given revenue must be exactly calculated out. For instance a Patel on a revenue of Rs. 873 will be entitled to Rs. 26-3-0, which after reducing fractions according to ordinary rule becomes Rs. 26 under this head.

11. The following table shows the amount of salary to be paid to officiating Patels and Kulkarnis according to the preceding scales calculated on even sums for example sake:
12. The salaries of Officers fixed by the preceding rule form the minimum rate of remuneration, but an addition to the fixed portion of the Officer's allowance according to scale will be made in certain cases specified in the three following subsidiary rules:

I.—When the balance of the total land emoluments found by Rule 1 beyond what is necessary to provide the remuneration of the Officer falls short of 5 Rs. this balance will be assigned as a permanent fixed allowance to the Officer in excess of his salary found by the scale in Rule 3.

II.—When the balance of the total land emoluments found by Rule 1 beyond what is necessary to provide the remuneration of the Officer is large, *viz., when it exceeds the salary of the Officer according to scale, 10 per cent. of this balance will be assigned as a permanent fixed allowance to the Officer in excess of his salary found by the scales in Rules 3 to 11. *This provision existed in Dharwar, Sholapur and Ahmednagar only, but appears fairly applicable to all.

* If the sum so assignable exceeds one-half of the whole allowance of the Officer according to scale (exclusive in the case of the Kulkarni of stationary allowance) then a sum equal to one-half only of the salary of the Officer will be assigned to him under this rule.

III.—In the case of towns or large villages with a population of about 2,000 inhabitants or more, for the duties of which the Kulkarni may require an Assistant, a permanent fixed allowance of Rs. 10 will be assigned to the officiating Kulkarni in addition to his salary found by the scales in Rule 3 when the balance of the total emoluments is sufficient for the purpose, but insufficient to bring the case under the operation of the preceding subsidiary rule.

13. The gross revenue of the village, referred to in the Rules

† Government Resolution No. 5304, R. D., dated 15th September 1876, para 3.

† Government Resolution 4 and 7, is the whole ordinary revenue leviable on land for the last year before deducting remissions, including Judi and grazing realizations, but † excluding fees and fines on account of unpunctual payment of revenue. (See footnote to this Rule.)

14. The salary of each officiating Patel and Kulkarni is to be paid to him †half-yearly from the Taluka Treasury in cash the

† Note.—Unless the sum be less than Rs. 25 in which case it should be paid in one sum at any time between May and July.

Note to Rule 13.—Local Fund collections and Irrigation Revenue will be included with Land Revenue and the Government Resolutions No. 4337, R. D., dated 18th August 1869, and No. 5407, R. D., dated 8th May 1879, allowance calculated on the combined sum.
first half year's payment being made at half of the whole amount received by the Officiator during the preceding year and the last half year's payment at whatever may be due to him when the accounts of the village have been made up. But no part of the salary of an Officiator shall on any pretext whatsoever be deducted or withheld from revenue due by himself or others or from balances of Government revenue in his charge.

15. The salary of each Officiator will be revised de

Para. 8, Government letter No. 331, R. D., of 26th January 1860.
in accordance with the fluctuations of the
gross revenue of the village, but in order
to avoid confusion and complication in
the accounts the appropriations made
from the land emoluments of each Watan found by Rule 1 to provide
the remuneration of the Officiators will only be changed at the
decennial revision when the increase in the emoluments payable
exceeds 10 per cent.

16. When the assessment of the arable land (exclusive of
alienations) under cultivation exceeds five-sixths of the assessment
of all the arable land exclusive of alienations in any village, the
gross revenue of the year shall be taken for the calculation of the
remuneration of the Officiator with a view to fix and determine the
extent of the appropriations to be made for his support out of the
total Watan emoluments.

17. When the assessment of the arable land specified in
preceding rule falls short of five-sixths of the assessment of all the
arable land (exclusive of alienations) in the village, the sum by
which it so falls short will be added to the gross revenue of the
village, and upon the total amount so found, the remuneration of
the Officiator will be calculated with a view to fix and determine the
extent of the appropriations to be made for his support out of the
total Watan emoluments.

18. The existing official emoluments valued, as provided in
Rule 1, will be appropriated for the support of the Officiator in
the manner specified in the following rules, and the balance of
emoluments remaining after providing for the Officiator is to be
disposed of for the future in the manner also provided for in these
rules.

19. The whole of the land emoluments, valued according to
Government letter No. 331, Rule 1, will be first assessed for the
R. D., of 26th January 1860,
remuneration of the Officiator; if these
para. 12.
do not suffice the cash allowances hitherto
paid from the treasury will be next taken, any balance required
being made up from the Treasury.

* Note to Rule 16.—On the average revenue of the preceding five years.
Government Resolution No. 1603, R. D., dated 31st April 1860, para 3.
20. When the official land of any Watan is held in shares and these shares with the amount of Judi and other cesses now payable on each are separately recorded in the village accounts, then the additional tax imposed on the whole official land of the Watan under this rule will be apportioned on the several shares in proportion to the sum by which the full survey assessment of the land of each share shall exceed the present Judi and other cesses payable on the same, but always so that this tax and the pre-existing Judi shall in no case exceed the whole survey assessment for the time being of the whole official land; as in the following example which shows how an addition to the present cess of Rs. 32 is to be apportioned on the several shares of the Patel's Watan:

<table>
<thead>
<tr>
<th>No.</th>
<th>Names of Sharers</th>
<th>Survey Assessment of the land of each Share</th>
<th>Deduct Judi now paid on each Share</th>
<th>Remaining profit on each Share</th>
<th>Additions to the Judi in Column 4 apportioned on the profit in Column 5</th>
<th>Future Judi cess on each Share being sum of Columns 4 and 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Ramchandragowda's</td>
<td>95 12 0</td>
<td>51 8 0</td>
<td>44 4 0</td>
<td>16 4 0</td>
<td>66 12 0</td>
</tr>
<tr>
<td>3</td>
<td>Sambungowda's</td>
<td>86 8 0</td>
<td>35 4 0</td>
<td>1 4 0</td>
<td>0 8 0</td>
<td>36 12 0</td>
</tr>
<tr>
<td>4</td>
<td>Ballungowda's</td>
<td>86 8 0</td>
<td>36 8 0</td>
<td>14 0</td>
<td>0 0</td>
<td>36 12 0</td>
</tr>
<tr>
<td>5</td>
<td>Dod Kenchungwoda's</td>
<td>245 12 0</td>
<td>367 8 0</td>
<td>12 0</td>
<td>0 0</td>
<td>367 8 0</td>
</tr>
<tr>
<td></td>
<td>Total, five Shares</td>
<td>506 12 0</td>
<td>463 8 0</td>
<td>86 12 0</td>
<td>32 0 0</td>
<td>496 8 0</td>
</tr>
</tbody>
</table>

In settling the amount of Judi to be paid on each share fractions of less amount than ½ rupee are not to be admitted into the accounts, in accordance with the rule followed in regard to all shares of the survey assessment.

21. By the operation of the settlement specified in the preceding rules, the official land of every Watan will be held subject to the total Judi cess entered in the detailed village statements, and for the future the entire official lands of every office are to be entered in the accounts as Service Inam.

22. Nothing contained in any of the preceding rules is to be considered as debarring any hereditary officer from relinquishing his official land when so disposed, and every such officer shall at any time whether at, or subsequent to, the introduction of the settlement prescribed in the foregoing rules, be permitted to relinquish by written "Rajinama" any entire field or fields into which
his official land may have been marked off at the survey, and on so doing the relinquished field, subject to the provisions of the rules in the following para., is immediately to be entered in the accounts as “Khalsat” land and the Judi tax payable by the lands of the office or Watan lands is to be reduced by the full amount of the survey assessment of the relinquished field.

23. Shares in Watan lands may be partially or wholly resigned under the following rules:

1. Any separately recorded shareholder in office lands may resign his share or any part of it, so long as the resigned part contains an entire survey number or numbers entered in the name of the person resigning it.

2. Should the resigned land be only a part of the share the Judi payable by the resigning sharer shall be reduced by the amount of the survey assessment of the resigned survey number or numbers.

3. The resigned survey number or numbers shall then, with the survey assessment payable thereon as the future Judi, be offered to each of the other sharers in succession (commencing with the largest payer of Judi) on Judi tenure; should they all decline to take it, it will then be entered as Government waste land.

4. But should the resigned land entered as Government unoccupied land under the preceding rule comprise the entire share of the resigning sharer, and the Judi upon it happen to be more than the survey assessment of the same land, the entire resigned share will be offered with the Judi due and hitherto paid thereon to each of the other sharers in succession, and if declined by them will be entered as Government unoccupied land; but the sum by which the Judi hitherto paid exceeds the survey assessment will be added to the Judi payable by the other shareholders in proportion to their respective land profits (which is the difference between the Judi payable by each of them and the survey assessment of their respective shares) in the mode laid down in Rule 20 above.

5. The Judi upon a single share in office Watan lands may possibly exceed the survey assessment of the lands comprised in the share in consequence of the uneven distribution of the ancient or Mamool Judi payable by the different sharers as exemplified in the following example.

Suppose the following case of a Patel’s Watan lands with three sharers:
In the above case the ancient or "Mamool" Judi on the whole Watan lands being less than the survey assessment is confirmed, and every sharer continues to pay his Judi as heretofore. As the Mamool Judi must if less than the survey assessment be fully paid, and as no one can be called upon to pay a higher Judi than heretofore on his own original share, (excepting on account of his contribution to the remuneration of the Officiator) it follows that some sharers may be called on to pay more than the survey assessment on their shares.

In the above instance, if anyone of the sharers resigned one survey number a reduction would be made from the Judi equal to the assessment of the survey number resigned, and that number would be offered to the other sharers in succession; and if accepted the number would be continued on Judi tenure and an addition made to the Judi of the accepting sharer equal to the survey assessment of the number in question. If no one accepted the resigned number it would be entered as Government unoccupied land.

But if A resigned his entire share it would be offered in succession to the other sharers with the Judi hitherto payable thereon, and if declined by them, the sum of Rs. 10 by which the survey assessment of the resigned share falls short of the Mamool Judi, would be divided between the other sharers in the proportion which the total sum to be made up bore to the "profit" of each. In this case the profit of each being equal, viz., Rs. 10 each, the sum to be made up would be equally divided between them and the Judi of each would become Rs. 20 in future. Thus the loss by alienated revenue in this Watan could never exceed the original alienation Rs. 10.

<table>
<thead>
<tr>
<th>Survey Number</th>
<th>Assessment</th>
<th>Ancient or Mamool Judi</th>
</tr>
</thead>
<tbody>
<tr>
<td>A 1</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>A 2</td>
<td>15</td>
<td>35</td>
</tr>
<tr>
<td>B 3</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>B 4</td>
<td>10</td>
<td>25</td>
</tr>
<tr>
<td>C 5</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>C 6</td>
<td>13</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Rs. 75</td>
<td>Rs. 65</td>
</tr>
</tbody>
</table>
24. The official land under the settlement prescribed in the foregoing rules will form no part of the remuneration of the Officiator who is to be paid wholly in cash: and the land will therefore remain in the possession of the co-sharers who now hold it.

25. When there is an excess of land emoluments, as ascertained by Rule 1, above the amount appropriated and imposed as additional Judi to cover remuneration of the Officiator, a Judi of one-half of the survey valuation of the unappropriated excess has been and shall be imposed on the lands of the Watan in original settlements, that is settlements made for the first time.

26. The above half Judi, as originally fixed, is not liable to increase for the time being on account of the unappropriated Watan land emoluments attaining an increased valuation under a revision of assessment, though it may be lowered in consequence of a reduction in the said valuation owing to a larger proportion of the hitherto unappropriated Watan emoluments being now or at any future time appropriated for the payment of the Officiator.

27. Any unappropriated excess of cash emoluments shall be absorbed by the Treasury and at once cease to be paid.

In order to exemplify the working of the above rules the following examples A and B are given of revision of emoluments of Patel and Kulkarni. In example A the original value of the Patel’s Watan under Rule 1 is taken at Rs. 47-0 as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Assessment</td>
<td>Rs. 92 0 0</td>
</tr>
<tr>
<td>Deduct Judi</td>
<td>Rs. 45 0 0</td>
</tr>
<tr>
<td><strong>Value of Watan</strong></td>
<td><strong>Rs. 47 0 0</strong></td>
</tr>
</tbody>
</table>

and the original value of the Kulkarni’s Watan under Rule 1 is taken at Rs. 25, as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Assessment</td>
<td>Rs. 60 0 0</td>
</tr>
<tr>
<td>Deduct Judi</td>
<td>Rs. 15 0 0</td>
</tr>
<tr>
<td><strong>Value of Watan</strong></td>
<td><strong>Rs. 45 0 0</strong></td>
</tr>
</tbody>
</table>

**Note to Rule 25.**—Provided that all unappropriated excesses of Watan emoluments which were exempted at the Original Settlement from payment of half Judi under the orders contained in Government letter in the Revenue Department, No. 331, dated 26th January 1860, shall be subject on the expiration of the period of settlement to payment of half Judi calculated on the old and not the revised rates. If in any case it be found that the excess at the Original Settlement is not known a Judi at the rate of one-quarter of the excess ascertained on revision shall be imposed in lieu thereof. [Vide Government Resolution No. 5994 of 11th October 1881, R. D.]
Survey Assessment ... ... Rs. 57 0 0
Deduct Judi ... ... 32 0 0

Value of Watan ... Rs. 25 0 0

In example B the original value of the Patel’s Watan under Rule 1 is taken at Rs. 400, as follows:
Survey Assessment ... ... Rs. 890 0 0
Deduct Judi ... ... 490 0 0

Value of Watan ... Rs. 400 0 0

and the original value of the Kulkarni’s Watan under Rule 1 is taken at Rs. 600, as follows:
Survey Assessment ... ... Rs. 700 0 0
Deduct Judi ... ... 100 0 0

Value of Watan ... Rs. 600 0 0

<table>
<thead>
<tr>
<th>Revenue and Population of village</th>
<th>Patel</th>
<th>Kulkarni</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue Rs. 400</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population 5,720</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage allowance (Rule 6)</td>
<td>12 0</td>
<td>26 0</td>
</tr>
<tr>
<td>Crown allowance (Rule 9)</td>
<td>7 0</td>
<td>3 3</td>
</tr>
<tr>
<td>Extra allowance (under Rule 6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>19 0</td>
<td>29 3</td>
</tr>
<tr>
<td>Value of Watan (under Rule 1)</td>
<td>47 0</td>
<td></td>
</tr>
<tr>
<td>Balance left after deducting re-</td>
<td>15 0</td>
<td>18 0</td>
</tr>
<tr>
<td>muneration of Officer : 1/2 Judi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>imposed on balance (under Rule 5)</td>
<td>7 8</td>
<td></td>
</tr>
<tr>
<td>Balance left to Watan</td>
<td>7 8</td>
<td></td>
</tr>
</tbody>
</table>

| B.                                |       |          |
| Revenue Rs. 600                   |       |          |
| Population 6,466                  |       |          |
| Percentage allowance (Rule 6)     | 18 0  | 36 0     |
| Post (Rule 9)                     | 30 0  |          |
| Crown allowance (Rule 9)          | 7 0   |          |
| Extra allowance (under Rule 6)    |      |          |
| Add 10 per cent. of balance of  | 23 4  |          |
| total land allowances left after  |      |          |
| providing above remuneration (Rule |      |          |
| 12, clause 11)                    |      |          |
| Total                             | 181 4|          |
| Value of Watan (ascertained by    | 490 0|          |
| Rule 1)                           |      |          |
| Balance left after deducting re-  | 306 14|         |
| muneration of Officer : 1/2 Judi |      |          |
| imposed on balance (under Rule 5) |      |          |
| which is Rs. 194-8-0, but as under |      |          |
| Rule 28 the half Judi originally |      |          |
| fixed is not liable to increase, it |      |          |
| is confirmed                      |      |          |
| Balance left to Watan             | 106 12|          |
| Value of Watan (ascertained by    | 900 0|          |
| Rule 1)                           |      |          |
| Balance left after deducting re-  | 150 0|          |
| muneration of Officer : 1/2 Judi |      |          |
| imposed on balance (under Rule 5) |      |          |
| which is Rs. 194-8-0, but as under |      |          |
| Rule 28 the half Judi originally |      |          |
| fixed is not liable to increase, it |      |          |
| is confirmed                      |      |          |
| Balance left to Watan             | 237 12|          |

*Note.—This applies to settlements of remuneration made for the first time. In revision of such settlements the half Judi fixed at the first settlement cannot be exceeded, but may be reduced under Rule 48.
REVENUE DEPARTMENT.

Bombay Castle, 21st June 1879.

Letter from the Conservator of Forests, N. D., No. 1075, dated 17th March 1879—Reporting that bills have been submitted to him by the District Forest Officer, Sátára, claiming on behalf of the pátuls and kulkarnis of certain villages in 8 taluks of the Sátára Collectorate, remuneration according to the terms sanctioned in Government Resolution No. 1669, dated 18th March 1875, for their services in collecting the grass revenue of the forest reserves in those taluks; stating that the claims aggregate to Rs. 8,327-8-0, and some of them are for collections made in 1868-69 and successive years; observing that no case anterior to 1875-76 can be considered admissible, as the orders contained in the above Resolution only came into operation during 1875-76, and were not given retrospective effect to; and adding that if the claims are rejected by Government, no complaints can, with reason, be made.

Memorandum from the Commissioner, C. D., No. 11.-1506, dated 4th June 1879—Submitting, for orders, the above, together with an endorsement No. 1963, dated 19th April 1879, from the Collector of Sátára and subsequent correspondence with that officer; stating that the Commissioner quite concurs with Mr. Muir that Forest Rangers have quite enough to do to attend to their proper duties, and it is better that the revenue should be collected by the pátuls and kulkarnis who should receive the usual percentage on sale proceeds of grass on lands handed over to the Forest Department, as they are very under-paid and the loss to them of the percentage will affect them materially; and adding that the Irrigation Department pays for the collection of its revenue, and there is no reason why the Forest Department should not pay for the collection of its grass revenue.

RESOLUTION.—The village officers in Sátára should be paid for all the work they have done.

2. Government, on further consideration, decide that the sale proceeds of grass from lands under the management of the Forest Department are best collected by the village officers who should be paid for this duty as already directed. Government Resolution No. 2865 of June 5th, 1878, is therefore cancelled.

J. B. PEILE,
Acting Chief Secretary to Government.

REMUNERATION TO VILLAGE OFFICERS FOR COLLECTING LOCAL FUND CESS.

No. 163.

REVENUE DEPARTMENT.

Bombay Castle, 10th January 1881.

Memorandum from the Commissioner, S. D., No. 2890, dated 4th October 1880—Submitting, for orders, a letter from the Collector of Belgaum,
who enquires, with reference to Government Resolution No. 4337, 
dated 18th August 1880, what proportion of the total allowances 
arrived at by the process therein laid down should be debited to Land 
Revenue and Local Funds, and making the following remarks:—

"2. The scales regarding the remuneration of kulkarnis for the 
collection of Land Revenue and Local Funds are:—

Land Revenue.

"For the first thousand rupees of gross revenue 5 per cent.; for 
the second thousand 4 per cent.; for the third thousand 3 per cent.; for 
the fourth thousand 2 per cent.; and for the balance above Rs. 4,000 

Local Funds.

| Exceeding Rs. 5 and up to Rs. 10 | Rs. 0 4 0 |
| Do. 10 do. 25 | 0 8 0 |
| Do. 25 do. 50 | 1 0 0 |
| Do. 50 do. 75 | 1 4 0 |
| Do. 75 do. 100 | 1 8 0 |

on collections above Rs. 100, 8 annas for every 25 rupees. Nairne's 

"Thus the highest percentage for Land Revenue is Rs. 5, while 
that for Local Funds is only Rs. 2. It follows that when the 
Land Revenue and Local Funds of a village are thrown into one lump 
for the calculation of the remuneration on the whole according to 
Wingate's scale (as recently ruled by Government), and the aggregate 
does not exceed Rs. 3,000, the percentage payable for the collection 
of the one anna cess will be considerably greater than it is now. This 
is illustrated below:—

<table>
<thead>
<tr>
<th>Land Revenue for a Village</th>
<th>Aggregate Collections</th>
<th>Remuneration calculated in accordance with Government Resolution No. 4337, dated 18th August 1880.</th>
<th>Of the amount in Column 4 debitable to Land Revenue.</th>
<th>Calculations at the present rates.</th>
<th>Not due to Local Funds. Differential between columns 6 and 8.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>900</td>
<td>87</td>
<td>997</td>
<td>48</td>
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<tr>
<td>1,800</td>
<td>113</td>
<td>1,913</td>
<td>68</td>
<td>8</td>
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<tr>
<td>2,700</td>
<td>159</td>
<td>2,869</td>
<td>116</td>
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<td>0</td>
</tr>
<tr>
<td>3,600</td>
<td>225</td>
<td>3,820</td>
<td>136</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>

N.B.—Additional fixed allowance is not shown in the above table as it does not affect the case.
"S. It will be seen from the above that in the case of villages the aggregate collections of which do not exceed Rs. 4,000 the charge to Local Funds on account of collection will be in excess of the present cost, and as in a majority of cases the revenue of a village is less than Rs. 4,000, the order contained in Government Resolution No. 4337 of 18th August 1880 will cause undue expense to Local Funds upon which there is already a great strain. The same remarks apply to the remuneration payable to patels. The undersigned therefore respectfully requests that Government will be pleased to reconsider the order above quoted and direct the calculation of remuneration to village officers for the collection of the Local Fund Cass at the existing scales quoted in paragraph 2 above (which are obviously more economical) on the average of previous five years' collections of the Local Fund Cass, the remuneration so determined being continuable for 10 years as recommended by the undersigned in memorandum No. 1508 of 15th July 1880, and by Mr. Robertson in letter No. 9.1241 of 20th April 1880, both quoted in the preamble to Government Resolution No. 4337 of 18th August 1880."

Memorandum from the Commissioner, N. D., No. 2470, dated 9th October 1880—Stating that he concurs in the proposal of the Commissioner, S. D.

Memorandum from the Commissioner, C. D., No. L.P.-3977, dated 10th December 1880—Expressing concurrence in the remarks made by Mr. Crawford, and stating that he considers that the effect of the recent orders of Government in the matter of calculating the Local Fund remuneration will undoubtedly be to saddle on the Local Funds an unnecessary additional burden.

RESOLUTION.—The proposal made by the Commissioner, S. D., and concurred in by the Commissioners, N. and C. Divisions, is approved and sanctioned.

H. A. ACWORTH,
For Acting Secretary to Government.

Village Officers.

No. 2457.

REVENUE DEPARTMENT.

Bombay Castle, 8th May 1879.

Memorandum from the Acting Secretary to Government, Public Works Department, Irrigation, No. 789-l., dated 31st December 1878—Transferring, for consideration and orders, one from the Chief Engineer for Irrigation (No. 6220 of 1878), with enclosure on the subject of the re-
numeration of the patels and kulkins for collecting irrigation revenue; and stating that there is no objection in the Irrigation Department to the proposal of the Chief Engineer which is calculated to promote the extension of irrigation, viz., that the rules which give a percentage remuneration to village officers for the collection of land revenue, should be applied to irrigation revenue, irrespective of the relative amount of the two classes.

Memorandum from the Commissioner, N. D., No. 509, dated 19th February 1879.

Memorandum from the Commissioner, S. D., No. 456, dated 28th February 1879.

Memorandum from the Survey and Settlement Commissioner, No. 278, dated 11th March 1879.

Memorandum from the Commissioner, C. D., No. k.-1158, dated 25th April 1879.

Resolution.—The question submitted for decision is, whether remuneration should not be given to village officers for collecting irrigation revenue, although the five years' average of irrigation receipts may not have raised the revenue of the village 15 per cent. Government are in favour of this relaxation of the rules in force as it will tend to encourage the extended use of canal water.

2. The irrigation revenue should be treated in the same way as land revenue, that is, thrown into one lump sum, and the percentage on it should be paid according to Wingate's scale.

T. D. MACKENZIE,
For Acting Chief Secretary to Government.

Examinations.

No. 4958.

Revenue Department.

Bombay Castle, 27th August 1881.

Joint letter from the Commissioners, C. D., S. D. and N. D., and the Survey and Settlement Commissioner, No. 1045, dated 29th July 1881:

"We have the honor to forward the joint report called for by paragraph 3 of Government Resolution No. 3777, dated 30th June 1881."
2. In the examination of Junior Civilians for the Lower Departmental Standard one of the subjects already prescribed is, 'the rules for the administration of revenue survey settlements' while for the Higher Standard the candidate is required to be examined 'relative to revenue administration and especially the principles of a survey settlement.' The wording of the rules, as they at present stand, appears to be sufficient to ensure a proper test of the Junior Civilians' knowledge of the principles of survey and settlement apart from the technicalities thereof which can only be acquired by seeing work actually in progress in the field.

3. The legal enactments formerly passed relating to survey settlements and surveys within the sites of towns, &c., have now been re-enacted in Chapters VIII., IX. and X. of the Land Revenue Code, and in a short time full rules will be issued under Section 214 embodying the provisions of the old survey rules and containing special provisions relating to the administration of survey settlements and the system and manner of assessing land to the land revenue. The Survey Commissioner is now compiling a new edition of the joint report and the correspondence connected with it, embodying minor rules and much matter not hitherto published, which will be pressed on to completion as soon as the final orders of Government relating to the subject of unappropriated excesses of water emoluments have been received. These will afford ample scope to the Junior Civilian for studying the principles of survey and settlement, and we think that, if a separate paper be set on these subjects at the examination for the Higher Departmental Standard, the necessity of giving special attention to them will be fully established, and there will be no chance of the Junior Civilian passing on to important revenue duties without a due knowledge of the fundamental principles of the revenue survey system.

4. We now proceed to consider how the orders of Government may best be carried into effect which prescribe a short period of practical training in the field in the case of Junior Civilians under seven years' standing.

5. It is presumed that it is not the intention of Government that the Junior Civilian should be required to become either a skilled measurer or classifier of soils, but that it is their wish that he should obtain such a general knowledge of the methods of procedure in each case as will enable him fully to appreciate the settlements which result and to subject them to intelligent criticism.

6. To attain this end we do not think it advisable that Junior Civilians should be required to join Assistant Superintendents of Survey whose establishments are employed upon extra-
ordinary duties such as Bend-demarcation in Gujarat or breaking up of 'warkas' numbers in Ratnagiri: they should only join establishments which are engaged in field work directly preceding original or revision settlements.

"7. It appears to us most necessary that, for the short periods of working with the survey, the Junior Civilian should be relieved entirely of his ordinary Revenue and Magisterial duties. To make good use of his time it will be necessary for him to accompany the Assistant Superintendent in his tests of the work done by the establishment and, as is well known, that duty, if conscientiously performed, is a very laborious one and necessitates being in the field from sunrise until a late hour in the forenoon. The remainder of the day could be profitably spent in watching plotting operations and, in the case of a measuring establishment, reading up the circular orders relating to the division of lands into survey numbers, the erection and preservation of boundary-marks, the settlement of boundary disputes, &c. In the case of a classing establishment the classing rules in force in the district in which it may be employed, together with the circular orders on the subject of classification generally, will require very close attention so that the morning's test work may be thoroughly understood. To make the Junior Civilian carry on any portion of his ordinary duties at the same time would endanger the success of the scheme, and as the survey establishments are often working in parts of the district which are distant and inaccessible, it might also be productive of inconvenience to parties attending his office on business.

"8. We think that the following rules will be found to meet all requirements. In framing them we have carefully studied the views of Government as indicated in the Government Resolution and have accordingly stipulated for the Junior Civilian being attached to the survey only when an establishment is at work in the district in which he is employed. We would suggest, however, for the consideration of Government whether it would not be advisable to make the Junior Civilian join a survey party if employed in a district within a reasonable distance or easily accessible from the district to which he is appointed. It may happen that a Junior Civilian for the first seven years of his service may be employed in districts in which no survey operations are in progress, and in that case he would be placed at a disadvantage in comparison with his contemporaries who have undergone the prescribed course:--

Rules.

I.—If a Junior Civilian under seven years' standing is employed on revenue duties in any district in which a Revenue Survey
Establishment is working in connection with original or revision settlement, or in any district within a reasonable distance from or within easy access of such Revenue Survey Establishment, he shall be required to avail himself of the opportunity of acquiring a practical knowledge of the operations of the survey by joining the officer in charge of the establishment and working with him for such short period as may be prescribed in each case.

II.—On or before the 31st October in each year the Superintendent of Survey shall address the Collector of each district to which his survey charge extends, informing him of the locality in which each establishment will be working, the period during which it is likely to be employed in that locality, and the name of the officer in charge.

III.—If more than one measuring or classing establishment be employed in the same district at the same time, the Superintendent shall intimate to the Collector the name of the Assistant in charge who, in his opinion, is the most experienced and best fitted to impart instruction.

IV.—The period for which a Junior Civilian shall be attached to a measuring establishment shall ordinarily be one fortnight. In the case of a classing establishment it shall not be less than one month.

V.—The Collector of the district in which the Junior Civilian is employed shall make arrangements to relieve him of his ordinary duties for the prescribed period. It shall be his duty to instruct the Junior Civilian as to the particular establishment he should join, and to fix the date on which he should be relieved of and should return to his ordinary duties.

VI.—After the prescribed course with either a measuring or classing establishment has been completed a certificate in the form A. appended shall be prepared by the Assistant Superintendent in charge and forwarded to the Superintendent of Survey for countersignature. It shall be the duty of the Superintendent to satisfy himself as far as possible that the certificate is correct and that the time passed with the survey has been profitably employed.

VII.—The Junior Civilian shall ordinarily be required to obtain a certificate of having acquired a knowledge of measuring with a measuring establishment before he shall be attached to a classing establishment. If, however, there be no measuring establishment but only a classing establishment employed in the district, the opportunity of learning classification of soils should on no account be lost.
VIII.—An account of the time spent with a survey establishment and how it was occupied shall be added to the Assistant Collector’s Annual Administration Report in a paragraph to be numbered 34-A, under Chapter IX. special duties. The Annual Administration Report of the Collector shall also contain full information as to how the orders of Government on this subject have been carried out.

IX.—An annual return of all certificates granted during the year shall be forwarded by the Superintendent to the Survey Commissioner for communication to Government. The return shall be in the form B appended and shall be forwarded so as to reach the Survey Commissioner not later than the 15th July of each year.

APPENDIX A.

Form of Certificate.

I, A. B., Assistant Superintendent, Revenue Survey, do hereby certify that Mr. C. D., of the Bombay Civil Service, has been attached to the Establishment of this survey for a period of............days from the............to the............, both days inclusive, during which time he has accompanied me............times to take tests and that he has acquired a fair practical knowledge of the measuring (or classing as the case may be) operations of the revenue survey and of the circular orders relating thereto.

(Signed) A. B.,
Assistant Superintendent, Revenue Survey.

Countersigned
Superintendent, Revenue Survey.

APPENDIX B.

Statement of Certificates granted by the Superintendent Revenue Survey to Junior Civilians who have been attached to the Survey during the year ending 30th June 188... :

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of Junior Civilian</th>
<th>Appointment held by Junior Civilian</th>
<th>To what Survey establishment attached</th>
<th>Name of Officer in charge of the establishment</th>
<th>Whether employed on measuring or classing</th>
<th>Date of issue of certificate</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

(Signed)

Superintendent, Revenue Survey.
RESOLUTION.—Government approves of the Rules prepared by
the Commissioners, which should be adopted. A copy of the joint
letter and of the Rules should be forwarded to all Collectors for
information and communication to Junior Civilians serving in their
respective Districts.

2. The Commissioners have in paragraph 5 of their letter
correctly interpreted the intention of Government, and the pro­
posal made by them in paragraph 6 is approved. Government also
sanction the adoption of the suggestion contained in paragraph 8.

3. As regards the examination of Junior Civilians on subjects
connected with survey and settlement, Government concur with
the Commissioners in considering that a special paper on these
subjects should be set at the Higher Standard Departmental Exa­
mination, and should embrace the laws, rules and compila­
tions specified in paragraphs 2 and 3 of the joint letter. The paper
should be set by the Survey and Settlement Commissioner. The
first paper under this system should be set at the Higher Standard
Departmental Examination in April next, by which time Govern­
ment trust that the rules under Section 214 of the Land Revenue
Code and the new edition of the joint report now under prepara­
tion will have been published and will have been sufficiently long
in the hands of candidates to enable them to master their contents.

J. B. PEILE,
Secretary to Government.