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*Vol. 1 of Revenue Survey & As*

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## APPENDIX A.

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The Right Honorable 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 Honorable the Governor in Council,

H. E. GOLDSMID,  
Secretary to Government.

*Bombay Castle, 23rd May 1851.*

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No. 104 OF 1851.

To

H. E. GOLDSMID, Esquire,

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 Mahratta and Canarese Notice, embodying the Government sanction for giving  $\frac{1}{2}$  per cent. of village lands for plantations called for in the 2nd paragraph of the Government letter above quoted.

I have the honour to be, &c.

G. WINGATE,

Supt. Rev. Survey and Assessment, S. M. Country.

*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 has sanctioned the Rules of July 1849 regarding grants of small pieces of ground in hereditary Enam 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 Enams 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.

No. 17.

## 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 Kogulgeery, 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 Wywat, 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 Enams for Sunundies 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 Koorun grounds of Chas Kuman, 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 Enam, 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 Jambool plantations in Gor-Nehr, these have been and continue to be a Government preserve. It may

be necessary to state that the Jambool 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 Wywat or in ground said to be Meeras.

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 Meeras 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 Meerasdar 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 Wywat? 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 Deckan and the Conkan:

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

Mr. Pelly, the first Collector of the Conkan.

Mr. Dunlop, who followed him.

Mr. Reid, ditto.

To the arguments and proofs adduced by Mr. Coles, the present Collector of the Southern Conkan, and to the existing practice in all countries at present or lately under Native rule, as Sawunt Waree, Sattara, &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 sissoo, 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 Koorun or Babool preserves set apart by Government, in 1847, on the Bheemtharri and Moota Moola 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 Aligam (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 Nuggur Zillah in particular, such as that North of Patas, successive encroachments have nearly destroyed the vestige of a Koorun.

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 all 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 10th 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 the honour to be, &c ,

G. WINGATE,

Supt. Rev. Survey and Assessment, S. M. Country.

*Superintendent's Office, Camp Soorloor,*  
 24th January 1851.

No. 114 OF 1851.

*Meeanee, Sindh,*  
24th February 1851.

To

CAPTAIN WINGATE,  
Supt. Revenue Survey, S. M. Country.

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 Ahmednuggur shall in like manner be attended to at the earliest possible date.

I have the honour to be, &c.,

A. GIBSON,  
Conservator of Forests.

The Right Honorable 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 Honorable the Governor in Council,

H. E. GOLDSMID,  
Secretary to Government.

*Bombay Castle, 26th May 1851.*

To

W. W. BELL, Esquire,  
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 Koolkurnees 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 Koolkurnees 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.

3. 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.

4. 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.

5. The Patel and Koolkurnee 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 ornaments of whole villages, will be destroyed to gratify some feeling of spite or jealousy.

6. 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.

7. On first perusing the Rules, it never struck me that the mean-

ing 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 Koolkurnee of a village, in the Khode Talook, of having sold two trees growing near a village in a piece of uncultivated Government land ; the Koolkurnee 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.

8. 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 Mamlutdar or Mahalkurree, and then only on payment of a fair price, to be determined by the Mamlutdar or other Officer deputed to dispose of the tree, or by public auction.

9. 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 the honour to be, &c.

W. A. GOLDFINCH,  
1st Assistant Collector.

*Seegaum, 12th November 1850.*

(True copy)

W. W. BELL, Collector.

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No. 133 OF 1851.

To

E. H. TOWNSEND, 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 Sholapoor. It would appear, from the correspondence connected with the Rules of 12th February 1847, that they had in view more particularly the circumstances of the Sholapoor Collectorate, and that the privilege of cutting trees on waste fields, with the permission of the village Officers was accorded, in order to enable the cultivators to obtain, without inconvenience or delay, the wood required for the repair of their agricultural implements. This wood is chiefly babool, of a small size; and from the circumstance of the Rule requiring the permission of the Mamlutdar or Mahalkurree 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 provisions 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 permission of the Mamlutdar or Mahalkurree; 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 the honour to be, &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 Meeras, Joodee, or Enam lands, holding the same from Government,\* must obtain permission to cut down trees, and will, in event of permission being given, be required to plant two trees for every one cut, unless exempted from this condition by order of the Collector. Permission to cut young babool 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 Koolkurnee 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 obtained from the Mamlutdar or Mahalkurree, but for cutting any large

\* have permission to cut down babool, date, and all young timber trees, with the exception of those growing on the boundaries, which are to be preserved as landmarks, and fruit or large timber trees, none of which 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.

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 Collector, however, may, at his discretion, require a fair price to be paid for any trees permitted to be cut under this Rule.

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## APPENDIX B.

## RULES FOR BOUNDARY MARKS.

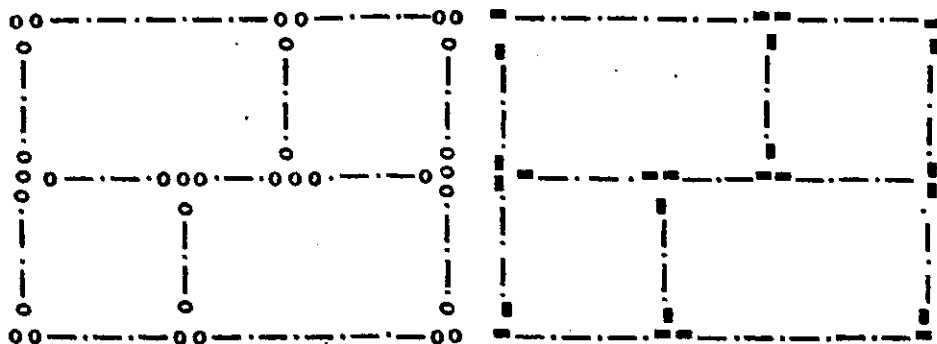
The following Rules (of which 1 and 16 were drawn up by Captain Wingate, Revenue Survey Commissioner), for the maintenance and repair of Field Boundary Marks in Districts where the Revenue Survey Assessment is being administered, have been passed by Government, after obtaining the opinions of the several 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  $\frac{3}{4}$  cubit at top,  $2\frac{1}{4}$  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 Goonta



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 nulla, 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  $1\frac{1}{2}$  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  $2\frac{1}{4}$  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  $2\frac{1}{4}$  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 recognisable 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, Ahmednuggur, the Canarese Talooks of Sholapore, the Baramuttee Kurryat of the Indapoor Talook, part of the Donja Petha of the Havellee Talook, the Mamlutdar's division of Poorundhur Talook, and the entire Sewnere, Kheir, and Mawul Talooks of the Poona Collectorate.

12. In the Mahratta Districts of Sholapore, the Talooks of Indapoor (exclusive of the Baramuttee Kurryat), Bheemthuree, Havellee (exclusive of part of Donja Petha), Pabhool, and the Soopa Petha of Poorundhur, 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 every where 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 Khalsat 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 Khal-sat uncultivated lands, the Collector is authorised to deduct from the amount for which the grazing farms of each Talook or portion of a Talook 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 Talooks 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 authorised 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 Ryuts 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 Talook, 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 Dufterdar 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 C.

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Memorandum framed by Captain Anderson, Superintendent, Southern Mahratta Country Survey, and approved by Government, for the guidance of Revenue Officers in deciding questions regarding Occupancies and Subtenancies. (See Rules 7 and 9 of the Joint Report.)

1. The person whose name is entered in the accounts to any Revenue Survey Number, is called the Khatedar or occupant of that Number, and is solely responsible to Government for the revenue.

A person, cultivating as a subtenant, under the Khatedar by right of inheritance, is called a "Warusee Pot Kurda."

A person, cultivating under the Khatedar, without any right of inheritance, is called a "Pot Kurda."

2. Whatever rights the Khatedar of a Number himself possesses he can transfer by resignation of Khate to any other person, so long as he transfers an entire Revenue Survey Number, or his entire occupancy (Khate) in any Number, the transfer of a part only of his occupancy (Khate) in any Revenue Survey Number is not permitted.

3. A Khatedar may sublet, lease, or mortgage land occupied by him on any terms he pleases, the Revenue Authorities will aid him in recovering any arrears of rent from his subtenants, so long as petition for the recovery of such arrears is made within the year in which they fall due.

4. If a Khatedar dies leaving more sons or more heirs in equal degree than one, the name of the eldest son, or next heir alone, shall be entered in the accounts to the entire occupancy of the deceased. By the (Native) law, all sons can claim a share of their father's holding. With the enjoyment of such legal shares by co-heirs of the Khatedar, the Khatedar can, in no way, interfere. The names of the younger sons or other persons inheriting as co-heirs may only be separately entered in the

accounts to any whole Revenue Survey Number, or parts of Numbers constituting an entire occupancy, if the eldest son or next heir as Khatedar gives his written Razeenama, according to Rule 9, in person to the District Authorities.

5. Should a Khatedar proceed under Rule 9 of the Joint Report to transfer to any third person a Khate, including the share of a person holding by right of co-heirship, the circumstances are to be reported to the Collector for orders. Any transfer by the Khatedar of a share of his occupancy, held directly or indirectly, by a subtenant, under right of co-heirship, in no way affects the rights of that co-heir or any rights derived from him.

6. A Khatedar can treat as an ordinary subtenant any co-heir cultivating a part of his own (that is the Khatedar's) individual share of an inheritance.

7. A co-heir may sublet, lease, mortgage, or hand down to his heirs his inheritance, his rights over land, and the rights derived from him are equally strong with those of the Khatedar himself, though no name but that of the Khatedar appears in the accounts.

8. If a person holding land by right of co-heirship without the Khate should die without heirs, his lien over his share lapses to the Khatedar.

9. The claim of a subtenant cultivating without any written agreement is considered to expire at the end of each year.

10. If a subtenant cultivating under a Khatedar without any written agreement declines to vacate on the requisition of the Khatedar, the Collector will, on the petition of the Khatedar, within six months of the beginning of the year, place the Khatedar in possession, on his paying at a valuation effected by Panchayet or by mutual consent, for any improvements of a permanent nature effected, or for any standing crops.

11. If a subtenant holds land under a Khatedar by written agreement, the Revenue Authorities will not aid the Khatedar in interfering with such subtenant, so long as it appears to them that the terms of the agreement are observed, and there are reasonable grounds for believing the agreement to be genuine.

12. The rights of a subtenant under a written agreement cannot be interfered with by the Khatedar, and should the Khatedar transfer his Khate under Rule 9 to any third person, that third person has no more power over the subtenant than the original Khatedar.

13. If a Khatedar sublets land by written agreement without mentioning any precise period for the duration of such agreement, the claim of the subtenant only holds good during his (the Khatedar's) life-time; if, however, only a specific number of years is mentioned in the lease or agreement, such lease or agreement is binding on the persons originally concerned and their heirs till the period of the lease is completed.

14. If a Khatedar resigns a Khate to Government, which he has sublet, the lessee under him shall have a claim prior to that of any other person to have his name entered to the Khate resigned.

15. The mere production of a paper stated to be a written agreement is not to bar proceedings according to paragraph 9; should there appear after investigation reasonable grounds for doubting the genuineness or applicability of the paper in question, the Khatedar will be placed in possession according to paragraph 9, and the subtenant left if he chooses to sue in a Civil Court on the paper in question.

16. In case of lease or mortgage, no transfer of the Khate is to be made to the lease-holder or mortgagee without a Razeenama in the regular form being given.

17. No transfer of a Khate is allowable unless it include an entire Revenue Survey Number, or the entire Khate of one person in one Revenue Survey Number.

18th. A Razeenama transferring a Khate to any named person under Rule 9 of the Joint Report, may be given at any period of the year; the person to whom the land is transferred becoming responsible for whatever balance of the current year's revenue may be due upon the Khate.

19. The number of Khatedars entered in the Laonee Pheisul Putruk to any one Revenue Survey Number cannot be added to without breaking some Rule. The number of Khatedars in any one Revenue Survey Number may be reduced under the

operation of Rules 7, 8, and 9 of the Joint Report, and once reduced cannot be again increased.

20. Under the operation of the Joint Report Rules, and of the above interpretations, no Revenue Survey Number can be part occupied and part unoccupied, all must be either occupied or all unoccupied.

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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 appear to me an object of such paramount importance, as far to outweigh the hardship