

GENERAL RULES

IN FORCE IN THE

REVENUE DEPARTMENT

UNDER THE GOVERNMENT OF BOMBAY.

COMPILED BY

THE REMEMBRANCER OF LEGAL AFFAIRS.

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PREFATORY NOTE.

THE object of this compilation is to bring together the Rules which have been made from time to time under Acts of the Government of India and of the Government of Bombay, and which are at present to be found scattered throughout the *Government Gazettes* of years. Numerous additions and amendments have also been made to many of the Rules by Notifications published in the *Gazettes* from time to time. The Rules contained in this compilation have been carefully revised and corrected as near as can be up to date.

To facilitate reference, the compilation is divided into Parts, and a General Index of the whole has been added. In some of the Parts, a few important Resolutions of Government and Rulings of the High Court have been introduced, which are in themselves entitled to be observed as Rules.

The Rules are printed half-marginally to enable Revenue Officers to make all necessary alterations and amendments as may from time to time prove necessary.

The Rules made under Acts are, for greater distinctness, printed in larger type than Rules not made under any Act, as also Resolutions, Rulings, Notifications, Appendices, &c.

EDWARD CORDEAUX, LL.M.,

Acting Legal Remembrancer.

Poona, March 24th, 1882.

Additional copies of the compilation being required by Government, opportunity has been taken to revise the first edition up to date. It is requested that officers who have already been furnished with the first copies that were printed will cause all necessary corrections and additions to be made therein in their offices.

EDWARD CORDEAUX, LL.M.,

Acting Legal Remembrancer.

Poona, November 1st, 1882.

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APPENDIX A. (See Rule 5.)

Form of Annual Statement showing the results of inquiries made as to the sufficiency of the Security furnished by Revenue Officers in the District of _____ of _____ 18 .

Consecutive No.	Names and designations of Officers required to give Security.	Amount of Security given.	Nature of Security given.	Names of Sureties, if any, and dates of their Bonds.	Names of new Sureties, if any, substituted for former ones who have died or withdrawn, or whose fitness is considered doubtful.	Amount of Security, if any, for which each Surety is liable on account of other Officers, whether in the same or in any other Department.	Opinion of Head of Office as to sufficiency of present Security.
1	2	3	4	5	6	7	8

APPENDIX B. (See Rule 11.)

Forms of Sanads for revenue-free grants of land for Religious or Charitable purposes.

FORM No. I.

To A.B.

WHEREAS Government have been pleased to grant to you, A.B., the below-mentioned piece of land situated in the village of _____ in the _____ taluka of the _____ district, for the

purpose of* _____ revenue-free (namely)—
 All that piece of land bounded on the North by _____, on the South by _____, on the East by _____, and on the West by _____, and measuring from North to South _____, and from East to West _____, comprising _____ square in superficial area, and numbered No. _____ in the _____

It is hereby declared that the said land shall be continued for ever free of all claim on the part of Government for rent or land revenue to whoever shall from time to time be the lawful holder or manager of the said _____ on the condition that neither the said land nor any building erected thereupon shall at any time, without the express consent of Government, be diverted either temporarily or permanently to any other than the aforesaid purpose, and that no change or modification shall be made of the object for which the said _____ is founded, and that in the event of any such unauthorized diversion, change, or modification being made, it shall be lawful for Government, on causing six months' previous notice in writing to be given to the said holder or manager, to take either of the two following courses (namely), either—

(1) to require that the said land be vacated and delivered up to Government free of all claims or incumbrances of any person whatsoever, or

(2) to impose thenceforward such annual rent for the occupation of the said land until the same is vacated and delivered over to Government as to Government shall seem fit, which said rent shall be recoverable under the law at the time in force for recovering an arrear of land revenue.

This grant is made subject to the reservation of the right of the Secretary of State for India in Council to all mines and mineral products and of full liberty of access for the purpose of working and searching for the same, with all reasonable conveniences.

* The purpose and the extent of the public interest in it should be clearly set forth, as, for instance, "building a dharmshala for the free and unrestricted use of all classes of the community."

This sanad is executed on behalf of the Secretary of State for India in Council by order of His Excellency the Governor in Council of Bombay, by the Collector of _____, this _____ day of _____ 18 _____



(Signed)

Collector.

FORM No. II.

To

A. B.

WHEREAS, in consideration of your having built (or undertaken to build, as the case may be,) a temple, with a dharmshala annexed thereto, for the use of the Hindu community (or otherwise as the case may be) on the piece of land hereinafter mentioned, which is your property (or which has been granted to you by Government for this purpose, as the case may be,) Government have been pleased, at your request, to exempt the said piece of land from liability to rent or land revenue.

It is hereby declared that so long as the said piece of land continues to be devoted to the purpose aforesaid, it shall be continued free of all claim on the part of Government for rent or land revenue to whoever shall from time to time be the lawful holder or manager of the said temple and its appurtenances (or otherwise as the case may be).

The piece of land herein referred to is situated in the village of _____ in the _____ taluka of _____ district, and is bounded on the North by _____, on the South by _____, on the East by _____, and on the West by _____, and comprises about _____ square _____ in superficial area, be the same more or less, and is numbered No. _____ in the _____

* This grant is made subject to the reservation of the right of the Secretary of State for India in Council to all mines and mineral products, and of full liberty of access for the purpose of working and searching for the same with all reasonable conveniences.

This sanad is executed on behalf of the Secretary of State for India in Council by order of His Excellency the Governor in Council of Bombay, by the Collector of _____ this _____ day of _____ 18 _____



(Signed)

Collector.

APPENDIX C. (See Rule 27.)

Form of Agreement for exchange to be executed by villagers removing to a new village-site.

† AGREEMENT executed the _____ day of _____ 18 _____ by A. B., resident of _____ in the _____ Taluka of the _____ District.

WHEREAS Government have been pleased to sanction a change being made in the position of the site of the village of _____ in the Registration Sub-District of _____ of the _____ District, and in pursuance of such sanction the following plot of ground has been allotted to me in the new site in exchange for the ground held by me in the old site, namely, the piece of land bounded as follows, that is to say, on the North by _____, on the South by _____, on the East by _____, on the West by _____, measuring _____ in length from North to South, and _____ in width from East to West, and comprising about _____ square _____ in superficial area and numbered No. _____ in the _____

I do hereby agree, in consideration of the allotment to me of the new piece of land aforesaid, as follows (namely):—

(1.) That all my right, title and interest in any land whatsoever, situate within the old site of the said village, shall be deemed to be, and is hereby, surrendered to

* This clause is to be inserted only when the land is being granted under the sanad.
† The proper stamp-duty for this agreement is four annas. See Act I. of 1879, Schedule 1, Art. 5 (b).

Government, together with the trees standing thereon, and all rights over or other benefits arising out of, or enjoyed by me in respect of the said land;

(2.) That I shall hold the piece of land aforesaid in the new site from the date of this agreement as the occupant of the same, free of land revenue for such period as Government may be pleased to continue such exemption, but subject nevertheless to the payment of land revenue of such amount, if any, as may hereafter at any time, or from time to time, be lawfully imposed under the orders of Government thereupon.

In witness whereof I have hereto set my hand the day and year aforesaid.

Written by

(Signed) A. B.

Signed and delivered by _____ in our presence

APPENDIX D. (See Rules 32 and 75.)

Form of agreement to be passed by persons intending to become registered occupants.

*AGREEMENT.

To the Mámlatdár (or Maháikari) of

I, A. B., inhabitant of _____ in the _____ District, hereby accept, on behalf of myself and of my co-occupants, present and future, the occupancy of the land comprised in Survey No. _____ (or of the building-site hereinbelow described, or otherwise as the case may be,) in the village of _____ in the _____ Táluka of the _____ District, and I pray that my name be entered in the Government records as the registered occupant of the said land.

The said occupancy has been granted to me subject to the provisions of the Bombay Land Revenue Code, 1879, and of the rules in force thereunder, in perpetuity (or for the period of, as the case may be,) from the _____ day of _____ 18 ____; and I undertake to pay the land revenue from time to time lawfully due in respect of the said occupancy (or I undertake, whenever Government shall see fit to discontinue the exemption of the said land from payment of land revenue, to pay such revenue as may be lawfully imposed, under the orders of Government, thereupon, or otherwise as the case may be).

Dated the _____ day of _____ 18 ____ at _____

Written by

(Signed) A. B.

We declare that A. B., who has signed this agreement, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) C. D.

E. F.

‡ We declare that to the best of our knowledge and from the best information we have been able, after careful inquiry, to obtain, the person who has passed this agreement is a fit person to be accepted by Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Signed) G. H., Patel.

J. J., Village Accountant.

APPENDIX E. (See Rule 34.)

Form of written permission to occupy land to be given by a Mámlatdár or Maháikari under Section 60.

Permission is hereby given to A. B., inhabitant of _____ in the _____ Táluka of the _____ District to occupy _____ (or the building-site hereinbelow described, or otherwise as the case may be,) in the village of _____ in the _____ Táluka of the _____ District.

Dated the _____ day of _____ 18 ____ at _____

(Signed)

Mámlatdár (or Maháikari).

* This agreement is exempt from stamp-duty under the Government of India's Notification No. 2327 of 4th August 1880. (Bombay Government Gazette for 1880, p. 706.)

† When an occupancy is sold for a fixed period free of land revenue, the agreement should end here, and the second endorsement may be omitted.

‡ This endorsement is to be required only when the agreement is given under Rule 32.

APPENDIX F. (See Rule 57.)

Form of Register of Alienations.

Register of Alienated Villages and Lands in the District kept under Section 53 of the Bombay Land Revenue Code (Bombay Act V. of 1879).

Serial Number.	Number of Village.	Number of the present Aliance.	(1) Class of Alienation.	(2) Particulars of the Sanad.						(3) Number of Form of the Sanad annexed to the Register.	Duration of tenure, i.e., whether continuous permanently or hereditarily for more lives than one, or for life only or for what period.	Particulars of the villages or lands alienated.				(5) Land Revenue payable to Government.			Land Revenue alienated.	REMARKS.
				Number.	Date, month and year.	Name and Office of the Officer signing it.	Name of the Holder.	Name of the Taluka and District in which it is entered.	(3) Number of Form of the Sanad annexed to the Register.			Entire village.	If part only of the village, the Survey Number.	Area.	Survey Assessment.	(4) Amount of old <i>judi</i> or <i>salams</i> .	Additional Quit-rent, if any, payable under the Sanad.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

Notes:—

- (1) This column should show whether the sanad is for a political or other *saranjam*, or a personal *inam*, or a *devasthan*, or a *watan inam* or a district officer's *watan*, or a village servant's *watan*, and in the latter case whether the *watan* is (a) useful to the village community, or (b) useful to Government. If the alienation does not come under any of these classes, it should be appropriately described.
- (2) In those cases in which no sanad has been granted, the number and date of the decision confirming or continuing the alienation should be written across columns 5—10.
- (3) To avoid the necessity of copying out a sanad *in extenso* in each entry, a sample form of every kind of sanad registered should be annexed under the Collector's signature to the Register, and numbered, and the number of the form should be entered in column 10 of each entry.
- (4) If the amount of *judi* actually paid has been less than the maximum amount fixed by the *Inam* Commission or otherwise, the former amount should be entered in column 16, and the latter, with an explanatory note, in column 21.
- (5) When columns 16—18 are inapplicable, the amount of land revenue payable should be shown in column 19 only.

APPENDIX G. (See Rule 74.)

Form of Notice* of Relinquishment.

No. 1. † Absolute Relinquishment.

To the *Mámlatdár* (or *Mahalkari*) of

I, A. B., inhabitant of _____ in the _____ taluka of the _____ district, the registered occupant of Survey No. _____ the building-site hereinbelow described (or otherwise as the case may be), in the village of _____ in the _____ taluka of the _____ district, hereby give notice, under section 74 of the Bombay Land Revenue Code, 1879, that it is my intention to relinquish absolutely the occupancy of the said Survey No. (or building-site, &c.,) at the end of the current year.

Dated this _____ day of _____ 18 _____ at _____
Written by _____

(Signed) A. B.

* The Court-fee payable on these notices has been remitted. (Vide Government of India's Notification No. 3421 in the Bombay Government Gazette of 28th December 1876, page 1230.)

† These notices must be given before the 31st March, or such other date as Government prescribe, under section 74, for each district.

We declare that *A. B.*, who has signed this notice, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) *E. F.*
G. H.

No. 2. Relinquishment in favour of some other person.

To the Mámlatdár (or Mahálkari) of

I, A. B., inhabitant of _____ in the _____ táluka of the _____ district, the registered occupant of Survey No. _____ (or of the building-site hereinbelow described, or otherwise as the case may be,) in the village of _____ in the _____ táluka of the _____ district, hereby give notice, under section 74 of the Bombay Land Revenue Code, 1879, that I have relinquished the occupancy of the said Survey No. (or building-site, &c.) in favour of *C. D.*, inhabitant of _____ in the _____ táluka of the _____ district; and I request that the necessary mutation of names be made in the records.

Dated this _____ day of _____ 18 _____, at _____

Written by _____

(Signed) *A. B.*

We declare that *A. B.*, who has signed this notice, is, to our personal knowledge, the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) *E. F.*
G. H.

APPENDIX H. (See Rule 87.)

Notice to a Defaulter.

To *A. B.*, residing at _____

You are hereby required to take notice that the sum of Rs. _____ s. _____ p. due by you on the _____ as the (* instalment of) land revenue on (Sub-No. _____ of) Survey No. _____ (or otherwise as the case may be) in the village of _____ in the _____ táluka of _____ in the _____ district, has not been paid, and that, unless it is paid within ten days from the date of this notice, together with the sum of _____ annas, being the fee chargeable for this notice, compulsory proceedings will be taken according to law for the recovery of the whole of the revenue still due by you for the current year on the said land.

Dated the _____ day of _____ 18 _____

(Signed) Mámlatdár (or Mahálkari).

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 _____ táluka of the _____ district, the following notification is published for the information of the landholders and village officers in the said táluka :—

1. The survey rates as fixed under this settlement will remain in force without increase for a period of _____ years, commencing from †
Duration of settlement. _____ and extending to † _____
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. 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.
Local Funds.
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§ and the special exceptions recorded in the settlement records.
Right to trees.

* "First" or "second," as the case may be.

† Here enter the Fasli and A.D.

‡ Should any other special cess, for the maintenance of irrigation works, such as the pát-fála in Khándesh, be levied, it should be here specified.

§ The names of reserved trees are to be specified in the margin.

APPENDIX K.

REVENUE DEPARTMENT.

The following Resolution by the Government of India is published in supersession of the Rules notified in the *Bombay Government Gazette*, dated 21st September 1871, page 1014:—

“ No. 117.

Extract from the Proceedings of the Government of India in the Department of Agriculture, Revenue and Commerce, dated Fort William, the 6th February 1872.

[LAND REVENUE AND SETTLEMENTS.]

READ again—

Financial Department Resolution No. 557, dated 25th January 1870.

Home Department Circular Resolution No. 229-39, dated 27th April 1870.

Financial Department Resolution No. 1452, dated 23rd June 1870.

Home Department Circular No. 427-36, dated 4th July 1870.

RESOLUTION.

In the Resolutions quoted above it was ruled that the sanction of the Government of India should be obtained to the alienation of all Government land, whether actually paying revenue or not, except grants of waste land made under the approved rules, and that Government land, whether paying revenue or not, should not be parted with save under the rules applicable to the expenditure of public money. It was also laid down that if the sale of small plots of escheated land for the benefit of local funds has not been duly sanctioned, it must be considered subject to the above restrictions.

2. Several local Governments and Administrations having represented the inconveniences arising from a strict adherence to these orders, the Governor General in Council has been pleased to modify them as follows:—

3. Lands to be disposed of will necessarily divide themselves into two classes:

First—Those which are the property of the State;

Second—Those which, under competent authority, have been constituted the property of a municipality or other local body.

4. Lands of the first class may be disposed of in various ways—

First—By sale at full market value;

Second—By sale on favourable terms—
to a public body or association, or to an individual, for a public purpose;

Third—By gift or grant to—

(a) a public body or association, or to an individual, for a public purpose;

(b) private individuals in remuneration for public services to be performed;

(c) private individuals for their private benefit, without reference to future services.

5. As regards lands falling into the second of the above classes, which have been, under a competent authority, constituted the property of a local body, the Government of India will exercise no interference. It will be the duty of local Governments and Administrations to satisfy themselves that the lands in question have been transferred under proper authority, and this having been ascertained, the sanction of the local Government or Administration will be sufficient for the disposal of the lands.

6. As regards lands, the property of the State, such of them as are governed by the rules for the grant of waste lands, will continue to be dealt with under the rules on this subject in force for the time being.

7. As regards lands, the property of the State, other than waste lands, which are sold for full value, no reference to the Government of India need be made where the full value does not exceed Rs. 10,000. Up to this amount the sanction of the local Government, or Administration will in all cases be sufficient. The amount realized by the sale of the land should invariably be credited to the general revenues, and the sale should be duly noticed in the proceedings of the local Government or Administration.

8. As regards the sale of lands on favourable terms, for a public purpose, in no case should the recipient pay less than half the full market value of the lands granted; and whenever such full value exceeds the sum of Rs. 1,000, the sanction of the Government of India should be previously obtained. The amount realized by the sale should in all cases be credited to the general revenues, and the sale should be noticed in the proceedings of the local Government or Administration.

9. As regards the gift or grant of lands, the previous sanction of the Government of India should be obtained in cases where the value of the grant exceeds Rs. 3,000, when

given as a site for the construction of Government schools, hospitals, dispensaries, or other public works, at the cost of recognized local funds; where it exceeds Rs. 500, when given for any other public purpose, or to a private individual for services to be performed to the State, or where it exceeds Rs. 100 when the services are to be performed to the community and in all cases of grants to individuals for their private benefit irrespective of any services to be performed.

* *N.B.*—This does not refer to cases in which the local Government may have been separately authorised to dispose of lands under special rules sanctioned by the Government of India.

public works, at the cost of recognized local funds; where it exceeds Rs. 500, when given for any other public purpose, or to a private individual for services to be performed to the

APPENDIX L.

No. 5215.

Extract from the Proceedings of the Government of Bombay in the Revenue Department, dated 29th September 1879.

Read the following letter from the Secretary to the Government of India, Home, Revenue and Agricultural Department, No. 2—11, dated 1st September 1879:—

In continuation of my circular Nos. 40 to 49, dated the 14th August 1871, making certain enquiries in regard to the mineral rights of Government, I am desired to forward, for the information of His Excellency the Governor in Council, a copy of the Proceedings of this Department for August 1872, Nos. 26 to 37, and of the marginally noted correspondence with the Government of Madras and the Solicitor to Government.

From the Government of Madras, No. 847, dated the 27th February 1877, and enclosures.
From the Government of Madras, No. 320, dated the 23rd January 1877, and enclosures.
To the Solicitor to Government, No. 1481, dated 5th December 1878.
Reply No. 83, dated 30th January 1879, and enclosures.
Despatch to the Secretary of State, No. 7, dated the 1st September 1879.

2. I am to explain that, on consideration of the papers which are recorded in the Proceedings for August 1872, it appeared that no immediate action was necessary, unless Government had been prepared to resort to legislation—a course the desirability of which did not seem to be sufficiently established at that time. No general legislative measure is now in contemplation, nor is it intended to institute in the Bombay Presidency any special enquiry as to the State's rights to minerals, unless, at any time, circumstances should arise which should render such an enquiry indispensable in the interests of those exclusive pre-eminent powers which belong to the State as representing the community at large. Such powers it is all the more necessary carefully to guard when there is reason to believe that they may be valuable. It is therefore thought expedient now to direct attention to the matter, and to request, first, that, subject to any instructions which may be received from the Secretary of State in connection with the reference that has been made to him by the Government of Madras in all future grants and leases of Government waste land for cultivation in the Bombay Presidency, full rights may be reserved to Government in respect of all minerals which may be discovered in or under such land; and, secondly that, in all cases in which minerals may be discovered in any place where there is ground for the belief the Government may be entitled to them, or may have a right to assess them to land revenue, a full enquiry may be made and the result reported. Rights of way and other reasonable facilities for working, getting and carrying away such minerals as may be found should also be reserved on behalf of Government or the assignees of Government in deeds of sale and leases of waste lands.

3. Whenever it is found possible to do so, the right of Government to the minerals should be asserted and reserved in all future settlements; and if in any case this is not possible, then, in such settlements, the reservation should take the form of a right to put a separate assessment on mineral produce. This last direction, however, is of course subject to any special peculiarities which may exist in the local revenue system.

4. It will be understood that, except in so far as the precautions above directed require, it is not intended in any way to anticipate future events. Should any case similar to that of the gold discoveries in the Wynaad arise elsewhere, it can be dealt with, as it occurs, on the analogy of the instructions which Her Majesty's Secretary of State may be pleased to give on the despatch of the 1st current.

RESOLUTION.—The instructions of the Government of India should be communicated to the Commissioners of Divisions and the Commissioner of Survey for information and guidance.

GOVERNMENT OF INDIA.

HOME, REVENUE AND AGRICULTURAL DEPARTMENT.

State rights in Minerals and Mining Leases.

From the Government of India to the Secretary of State for India,—No. 7, dated Simla, the 1st September 1879.

We have now the honour to reply to your Lordship's despatches marginally noted, concerning the rights of the State in minerals, and the terms that should be imposed on gold mining leases on Government lands in the Wynaad districts of Madras. There has been

No. 40, dated 10th May 1877.

No. 63, dated 10th October 1878.

delay in coming to a decision on these points, because we were obliged to take legal advice on some of the questions raised, and because we desired to ascertain the policy recently adopted in Australia regarding mining leases in the gold-fields of that continent.

2. Regarding the State rights in minerals, three distinct questions had first to be considered, namely:—

- (1) whether the royal prerogative, as it obtains in England in respect to gold and silver mines, prevails in British India; and whether grantees of waste land are entitled to mines of gold and silver found thereunder, when the deed of grant is silent as to such mines;
- (2) whether, apart from such prerogative, the Crown in India can assert a right to gold, silver, or other minerals on any other ground;
- (3) whether, if both these questions are answered in the negative, the mineral resources of the land can be taken into account in assessing land-revenue.

3. The Madras Government, in their letter No. 320, dated 23rd January 1877, concurred with their Advocate General, and expressed an opinion that the royal prerogative regarding gold and silver mines did not prevail in India. They held that it would be impolitic, even if it were legally possible, to assert any Government right in the mineral resources of lands sold under the Waste-Land Sale Rules, or in lands held by certain ancient proprietors of the Malabar district. The Governor of Madras in Council advised also that the claims of ryots to the mineral wealth of their holdings should not be disturbed; and on this point His Grace in Council differed from the view expressed by the Madras Board of Revenue. The Madras Government pointed out that, if large numbers of gold-workers were to come to the mines, police and other expenses would be thrown on the Government, to meet which a reasonable royalty might properly be imposed. The Governor of Madras in Council also recommended that, until the policy of Government with reference to mineral rights in the soil was settled, all sales of Government land under the Waste-Land Sale Rules should be made subject to the reservation of the State rights in minerals found underneath those lands.

4. We referred the three questions stated in the second paragraph of this letter for the opinion of our Advocate General, of our standing Counsel, and of one of the first lawyers in Calcutta. We submit copies of the opinions of these gentlemen for your Lordship's information. It will be seen that they all three agree that the prerogative of the Crown regarding gold and silver mines does not exist in India outside the presidency towns, and that grantees of waste land are entitled to mines of gold or silver found thereunder when the terms of the grant are silent as to such mines. While there is no doubt that all the prerogatives essential to the maintenance of the executive power, such as the right of making war, peace and treaties, are in force throughout British India, yet, as the right to mines of gold and silver is merely a fiscal prerogative, and is not essential to the maintenance of the executive power, it stands precisely on the same footing as the prerogative rights to whales and sturgeon wrecks, treasure-trove, waifs and estrays—cases in which no one would maintain that the Crown has any right in India apart from express legislation. Such prerogatives, in fact, belong to that part of the English Common Law which has arisen from, and is adapted to, merely local requirements, and is not therefore in force in this country. Moreover, since the Indian Legislature, in the Punjab Land-Revenue Act (XXXIII. of 1871) section 29, thought it necessary to declare that in the Punjab mines of metal shall be deemed to be the property of Government, and since, by the Ajmere Land-Revenue Regulation (II. of 1877), section 3, the Government is, with certain exceptions, presumed to be the sole owner of all mines until the contrary is proved, it would be inconsistent to contend that the prerogative right to gold and silver mines exists in India, as, if it did, there would have been no need for these express statutory provisions, or at least these particular metals would have been excluded in framing them. On these grounds, we consider that the opinion of the law officers may be finally accepted, and that whatever be the rights of the Government of India in the matter, no claim on the part of the State can be preferred on the ground of the prevalence in India of this royal prerogative outside the limits of the presidency towns. As to the right of grantees, the decisions in England are to the effect that mines of gold and silver will not pass by a grant from the Crown without express words granting them. We are, however, advised that the principle of such decisions is wholly inapplicable to India. When this principle was established in England, grants from the Crown of its land had the effect of impoverishing the Crown, being made from favour and without consideration moving from the grantee. But in India such grants have, it is believed, usually been made in consideration of a money payment, and have therefore had the effect of enriching the Crown. We are aware that this argument was used unsuccessfully before the Judicial Committee of the Privy Council in the case of *Woolley vs. The Attorney General of Victoria*, Law Reports, 2 App., Ca. 163, 165. But the reason why it failed was that the Common Law of England (including all the prerogatives and the consequences thereof) had been introduced into the Colony of Victoria, from which that appeal was presented. No such introduction, it is conceived, can be held to have taken place in this ceded and conquered country. The reason why in England grants from the Crown are

construed strictly against the grantee is generally said to be that prerogatives are conferred on the Crown for public use, and are therefore not to be understood as diminished by any grant beyond what it takes away by necessary and unavoidable construction. But where no such prerogative exists, of course that reason ceases. We therefore consider that grantees of waste lands (whether or not the grants expressly comprise "all products both above and below the surface") are, in the absence of any provision to the contrary, entitled to mines of gold and silver found thereunder.

5. In regard to the second question, whether the State possesses other general or special rights in minerals lying under lands which are private property, our Advocate General differs from the other two learned gentlemen who were consulted. Their opinions referred mainly to Bengal and the permanently-settled districts with the circumstances of which they were conversant. Mr. Paul considers that the State has rights in the minerals found in permanently-settled estates; while Messrs. Bell and Evans think that the State does not possess such rights. We consider that the latter is the opinion most likely to be taken by the Courts. And we are confirmed in this view by the practice of the past twenty years, whereby the Government or any private parties who desired to work coal or iron within the limits of a permanently-settled estate have been obliged to buy, or at any rate have bought, the right of so doing from the Zamindár of the lands underneath which such coal or iron might exist. Regarding the circumstances of other provinces, and the way in which State rights in minerals had been asserted or waived, enquiry was made from Local Governments in the year 1871. The replies to that enquiry are recorded in the Proceedings of the Revenue, Agriculture and Commerce Department for August 1872, Nos. 26 to 37, copies of which are now submitted for your Lordship's perusal. It appears from these papers that in most parts of the country no established law or practice was known upon the subject; and that, as no mines had been opened, no occasion had arisen to determine the rights of the State in respect to such property. In the North-Western Provinces, however, it had been ruled that, where the surface land had been declared private property, the ownership extended, in default of some distinct and special reservation, to what was below the surface. In newer provinces, on the other hand, such as the Punjab, there was no settled judicial precedent making mines and metal private property. And accordingly opportunity was taken to declare by legislation (section 2 of Act XXXIII. of 1871) that mines of metal in the Punjab and also in Ajmere (section 3 of Regulation II. of 1877) should be deemed to be the property of Government. Similarly, in the Central Provinces, at the time when proprietary right in their lands was conferred upon the landholders, the full right of Government to minerals was reserved under the provisions of the Settlement Code. So also in Berar, a notification issued by the Resident in 1868 concerning the settlement then in progress declared that "the prior right to all valuable things below the surface belonged to the State."

6. On the third point, namely, whether minerals belonging to private proprietors can be taken into account in assessing the estates of those proprietors to land-revenue, the Advocate General and the other learned gentlemen consulted are, in the main, agreed that when temporarily-settled estates, come under resettlement, the minerals, just like the other resources of such estates, constitute assets on which land-revenue may fairly be assessed. This practice has been already partially followed in provinces where miscellaneous items are reckoned into the village assets for the purposes of the assessment of land-revenue.

We have already noticed (paragraph 3 of this despatch) the views of the Madras Government and of the Madras Board of Revenue regarding the rights of ryots to all mines and minerals in their holdings. Seeing that different classes of tenure may be grouped under the generic term of 'ryotwári tenure,' we hesitate finally to accept, without further enquiry, the view that all holders of ryotwári lands are entitled to all mines and minerals under the holdings. Probably the *jennies* of Malabar, whose tenure is ancient, may be so entitled. But we shall ask the Madras Government to consider further the question of the rights of ordinary ryots in the minerals under their holdings.

7. Such being the opinions of the Law officers, and such being the reports or recommendations of the several Local Governments, we would advise your Lordship to answer the three questions summarised above (paragraph 2) thus:—

- (1) The Crown has in British India no special prerogative over gold and silver mines outside the presidency towns; and grantees of waste land are entitled to mines of gold or silver found thereunder when the deed of grant is silent as to such mines.
- (2) No general rule, applicable to all provinces, can properly be laid down, either that minerals and metals found in proprietary lands belong to Government, or that they do not so belong. Even in different parts of the same province, the law and the fact on this matter may be different. When the question arises in each province, it will have to be answered for that province only, in accordance with the practice of the Government and with judicial (or other) precedent. But in any province where proprietary rights have been a recent creation of the British Government, where their precise nature and extent are still unsettled, and where custom or practice about mines has not had time to grow up, advantage should be taken of favourable opportunity to declare by legislation that mines of metals in such provinces are State property.

- (3) Mineral resources of temporarily-settled lands, where the proprietors are held to be the owners of such resources, may be taken into account at any resettlement as assets on which the public demand for land-revenue may be assessed.

Further, we should have no hesitation in proposing legislation, if necessary, to provide for raising from mining communities the expenses of special police, special communications, regulating the water-supply, or other special administrative arrangements which might be necessary for the protection or welfare of such communities. Such legislation would be in accordance with the principle adopted in section 14 of Act V. of 1861, where provision is made for enlisting special police for the protection of, and at the cost of, any manufactory or public work.

8. We have considered the proposal of the Madras Government that in future sales of waste lands the State should reserve full rights and property in all metals and minerals which may be found in such lands, and also all reasonable conveniences for working such minerals or metals, either by itself, or through other parties. We agree that it is expedient henceforward to sell or grant on lease waste lands subject to these reservations. We solicit your Lordship's sanction to our modifying the Waste-Land Sale Rules accordingly; and we enclose copy of a circular order we have issued, directing that, until your Lordship's orders are received, sales or leases of waste lands shall be made subject to such reservation of full State rights in mines and minerals, together with all convenient powers for getting the same.

9. Lastly, there remains the practical question, which requires early decision, namely, on what terms shall mining leases on Government waste lands in the Wynaad, Coorg, or adjacent auriferous tracts be given. We recognise the fact that it is of great importance to India that these gold sources should be worked to the best advantage; we admit that, if gold should be produced in large quantities, the effect of such production on the exchanges between England and India would be of great value; and we think that the terms as to royalty, area of mining leases, and the mode of working should be as liberal as may be possible without encouraging undue speculation. We learn from Mr. Brough Smyth that the most approved system of mining leases in Australia now is to let the land at a moderate rent (ten shillings) per acre, the lessee being bound to employ per acre, or per running yard of reef, a certain minimum quantity of labour on *bond fide* mining operations of an approved kind. If the lessee fails to fulfil this condition, he forfeits his lease; and the terms of the mining lease make the Governor of the Colony the final arbiter, on such evidence as may be laid before him, whether a particular lessee has, or has not, failed to fulfil the condition. In the early days of gold-mining industry in Australia, heavy fees (£3 and £2 per month) were charged for mining licenses. Subsequently an export duty was levied on gold taken from the colony; but latterly the Colonial Government of Victoria has found that the largest indirect advantages to the Colony are secured by making the mining leases simple and liberal, subject to the one condition that a certain quantity of labour is employed on *bond fide* mining operations for each acre leased.

10. Plans for levying a royalty on the ton of quartz raised, or for establishing a local office of assay and levying a royalty on the gold, have been proposed. But we consider that, for the present, while the industry is undeveloped, our object should be to make the terms of mining leases of Government lands as simple and liberal as possible. In order to prevent large areas falling into the hands of speculators, it has been suggested that a certain limit of available capital, or a certain quantity of (stamping or other) machinery, should be required per acre of land leased. But we are advised that these conditions have been tried, and have been found inoperative and unsatisfactory in Australia, and that the simple condition that a certain quantity of labour shall be employed per acre in *bond fide* mining has been found to work best. For the present, therefore, we would propose to authorise the Government of Madras to grant gold-mining leases of Government lands, in lots of from one to thirty acres, for a term of ten to twenty years, and at a rent of five rupees an acre, subject to the condition that not less than five labourers are regularly employed per acre on *bond fide* mining operations in such manner as the Government may approve. The leases should be liable to forfeiture on failure of this condition, or failure to pay rent, as soon as either failure had continued for a period of six months; and should be renewable, at the lessee's option, on such terms as the then Government may settle, at the expiration of the original term. The Governor of Madras in Council would be declared to be in each case the final arbiter, whether the lessee had, or had not, fulfilled the conditions of his lease.

We would propose thus to leave wide discretion to the Local Government with reference to the term of each lease and the area comprised therein. We do not propose to levy any royalty or other tax, for the present, on the industry, because we deem it most important to attract capital to the Wynaad gold-fields. The cost of bringing machinery for quartz-crushing to the spot will be heavy; the pioneers of the undertaking will have to buy their experience in many directions; and it is very undesirable that the first ventures now to be made should be unsuccessful.

11. If your Lordship approves the foregoing sketch of the terms on which gold-mining leases of Government lands might be granted, we shall authorise the Government of Madras to act thereupon, and we shall cause draft leases to be drawn up by our legal advisers.

12. There is apparently ground for believing that some of the best gold reefs that are known in India lie in the estates of the Rája of Nellambor and of other private proprietors. The Alpha Gold Company's works were opened in the Nellambor lands. As yet the Rája has made his own terms with companies intending to carry on gold-mining; and at present we are not prepared to urge the Madras Government to undertake legislation with a view of compelling private landowners to give gold-mining leases on any particular terms, or against their will.

13. We shall be glad to be favoured with early instructions from your Lordship, not only on the subject of the terms on which mining leases should be granted in the Wynaad, but also on the three questions raised in paragraph 2 and answered in paragraph 7 of the present despatch. And we solicit your Lordship's confirmation of our orders directing that, in all future sales or agricultural leases of waste lands in any part of India, mines and minerals found on such lands shall be reserved to the State, together with all convenient powers for working and getting and carrying them away.

From the Secretary of State for India to the Government of India,—No. 35 (Revenue—Minerals) dated India Office, London, the 25th March 1880.

I have considered in Council your letter, with accompaniments,* dealing with the important questions of the general rights of the State to minerals in India, of modifications of the Waste-Land Rules necessary to secure these rights, and of the terms on which applications to mine in Government waste lands in auriferous tracts shall be complied with.

2. You point out that, regarding general State rights in minerals, three distinct questions have to be considered. In the first place, you hold, and I concur in your view, that the royal prerogative, as it obtains in England in respect to gold and silver mines, does not prevail in British India, at least outside the presidency towns. You proceed to infer that grantees of waste lands, whether or not the grants expressly comprise all products above and below the surface, are, in the absence of provision to the contrary, entitled to mines of gold and silver found thereunder. If this proposition be limited to grantees of waste lands "in fee simple" under the rules framed in different provinces in accordance with the instructions given by my predecessor, Sir C. Wood, in his despatch No. 14 of 1862, I do not dispute it. But I must point out that the expression "grantees of waste land," used without limitation, might be held to include persons who have received, under ordinary terms of settlement, the proprietary rights in lands formerly waste and unoccupied; and to such grantees this view does not apply.

3. As regards the second question, whether, apart from the prerogative, the Crown in India can assert a right to gold, silver, and other minerals found in proprietary lands, you are disposed to agree with Messrs. Bell and Evans that, in the permanently-settled districts, the State does not possess such right. This was the view arrived at by my predecessor, Sir C. Wood, after consideration of Mr. Millet's reports, dated 26th March 1842. But, without weighing this opinion against that of your learned Advocate General, I am disposed to think that, even if the legal right to minerals in permanently-settled estates could be established, it would not be desirable to enforce it. I agree with you that the indirect advantages resulting from making available the mineral resources of India are likely to be more valuable to the State than any direct returns; and I therefore consider that it would not be desirable to enforce the right of the State, supposing that such right can be established to mines in permanently-settled estates. Industries requiring skilled and scientific management and the extensive application of capital have flourished under the permanent settlement: and I apprehend that, speaking generally, the landholders of the Lower Provinces are sufficiently alive to their own interests either themselves to develop the mineral resources their estates may contain, or to afford facilities to others to do so.

4. This, however, does not apply to many other parts of India. I look upon it as pretty certain that the mineral resources of their lands will not be effectually worked by the present proprietors themselves of Madras or Bombay, or by the village communities of Northern India: and I apprehend that other promoters of mining enterprise would be likely to meet with considerable obstacles from intricacies of tenure and the difficulty of dealing with numerous small landholders. I consider, therefore, that care should be taken to reserve all State's rights to minerals which still exist. And I am of opinion, especially with reference to the views of the Madras Government mentioned in paragraphs 3 and 6 of your letter, that, in the absence of any distinct judicial precedent or of established law or practice, such rights should be presumed still to exist throughout India. I take it that the notion that payment of an assessment based on the agricultural value of land, and intended to cover the right of cultivation, conveys property in minerals below the surface of the soil is essentially a modern one, and would never have occurred to the Native Governments to which our own succeeded. I approve therefore of the instructions you proposed (paragraph 6 of your letter) to give to the Government of Madras on this subject. With regard to the other provinces, you state that no general rule, universally applicable, can be laid down, either that minerals

found in proprietary lands belong to the State, or that they do not so belong. But, speaking generally, in the North-West Provinces it was ruled, but not, as it appears, by judicial authority, that when the surface is private property, the ownership extends, in default of special reservations, to what is below the surface. The precise degree of authority possessed by this ruling should, however, receive further consideration. In the Central Provinces and Berar the full right of Government to minerals has been reserved at settlement, while in the Punjab and Ajmere, and, it may be added, in the Bombay Presidency,* it has been declared by legislation that mines are the property of Government. You conclude therefore that whenever the question as to the right of the State to minerals found in proprietary lands actually arises, it will have to be answered for that locality in accordance with practice and precedent. But that where the nature and extent of proprietary rights are still unsettled, and where custom and practice regarding mines has been established, opportunity should be taken to declare by legislation that mines are State property. With these views I fully concur.

5. With regard to the third question, you consider that where proprietors of lands temporarily settled are held to be the owners of the minerals they may contain, such mineral resources may be taken into account for assessment on resettlement. In this view I concur; but request that care may be taken not to confer proprietary rights in minerals by including them among assessable assets where such ownership has not been proved previously to exist.

6. Upon the second point discussed in your letter,—the modification of the Waste-Land Rules suggested by the Government of Madras,—I agree with you that, in future, sales and leases of waste lands for agricultural purposes should be generally made subject to reservation of the full right of the State in mines and minerals, and of right of access and other reasonable conveniences for working them on behalf of Government, or the assignees of Government. I approve the circular you have issued on this subject, and sanction the necessary modification of the Waste-Land Rules.

7. Regarding the last subject discussed in your letter,—the terms on which applications to mine in Government waste land in Wynaad and similar auriferous tracts shall now be granted,—you point out that, if gold should be largely produced in India, the effect on exchanges would be highly beneficial, and that it is consequently of great importance that the gold sources in India should be worked to the best advantage. You consider therefore that the mining terms granted by Government should be as liberal as possible without encouraging undue speculation, and you deem it of importance thus to attract capital to the Wynaad gold-fields. You have ascertained that Australian experience is that the largest indirect advantage to the State is secured by making mining leases simple and liberal, on the one condition that a certain quantity of labour is employed per acre on *bonâ fide* mining operations. You propose therefore to authorise the Government of Madras to grant gold-mining leases of Government lands, in lots of from 1 to 30 acres, for terms of 10 or 20 years, at a rent of Rs. 5 per acre, on condition that not less than five labourers per acre are regularly employed on *bonâ fide* mining operations, in such manner as Government may approve. Power will be given to the Government of Madras to enforce fulfilment of these conditions, and the leases are to be renewable at the expiration of the original period on such terms as the Madras Government may then settle. You thus leave to the Government of Madras wide discretion with reference to the term and area of each lease, and you do not propose for the present to levy any royalty or other tax on the industry.

8. These arrangements appear to me to be judicious, and I approve them. With reference, however, to the last sentence of the preceding paragraph, and also to the last clause of paragraph 7 of your letter, I am of opinion that it should be made clear that for the term of leases now granted there will be no liability to any future royalty or other tax in addition to the rent, with the exception of any taxation which may hereafter be found necessary to provide, at the expense of mining communities,—the expenses of special police, communications, water-supply, sanitation, or other similar administrative arrangements needful for their own protection or convenience.

9. Finally, I have to observe that the arrangements you now propose appear to refer to mining operations in Government waste lands only. Should, however, it be decided that mineral rights in any owned or occupied lands in Madras are vested in Government, and should gold be discovered in any such lands, I presume that, with due regard to the rights of the cultivating proprietors, mining privileges will be granted on terms similar to those now approved for Government lands.

From the Officiating Secretary to the Government of India to all Local Governments and Administrations,—No. 1-40—48 (Mineral); dated Simla, the 15th May 1880.

In continuation of my Circular No. 2-11—19, dated the 1st September 1879, I am desired to forward copy of a despatch No. 35, dated 25th March 1880, from the Secretary of State for India, regarding rights of Government to minerals in this country. The policy of

the Government of India, as already announced, is generally approved, subject to certain additions to be noticed below.

2. The most important declaration contained in the despatch is that expressed in the fourth paragraph. Hereafter, except in permanently settled estates, it will be presumed throughout India that, in the absence of any distinct judicial precedent or proof of established usage, the State has a right to minerals.

3. Attention is invited to paragraph 2 of the despatch, under which the ruling that grantees of waste lands, whether or not the grants expressly comprise all products above and below the surface, are, in the absence of provision to the contrary, entitled to mines of gold and silver found thereunder, is limited to grantees of wasteland "in fee simple," made in accordance with the rules framed upon the instructions given in Sir C. Wood's despatch No. 14 of 1862. Should any question hereafter arise in respect to grants of waste land made on other terms, Local Governments and Administrations will have to consider, in each class of cases, what is the specific effect of the form of grant regulating them as touching rights to minerals. The general ruling above quoted must be held not to apply to ordinary cultivating leases made in the course of settlement operations, or in the routine of district revenue work.

4. The direction in paragraph 5 of the despatch, to avoid conferring proprietary rights in minerals by including them amongst the assessable assets where such ownership has not been previously proved to exist, will be duly observed in making temporary settlements. The view of the Government of India, that where proprietors of temporarily-settled lands have been judicially held to be owners of minerals contained therein such mineral resources may be taken into account for assessment on resettlement, has been accepted by the Secretary of State. But, as explained in paragraph 2 above, in the absence of a judicial decision, the presumption will be that such landholders are not owners of the minerals underneath the surface of their lands.

5. With reference to paragraph 6 of the despatch, I am to request that the rules regarding the sale and lease of waste lands for agricultural purposes in force in _____ may be modified, so far as may be necessary, to make leases and sales under them subject to reservation of the full right of the State in mines and minerals, and of right of access and other reasonable conveniences for working them on behalf of Government or the assignees of Government. Full publication should be given to the modifications of rule made under these instructions; and copies of such orders as may be passed by the _____ on the matter should be forwarded to this Department for information.

APPENDIX M.

FORM OF PROCLAMATION.

(Under Section 165 of Bombay Act V. of 1879.)

Whereas the property of _____ hereinunder specified has been attached on account of the Government assessment Rs. _____ due by the said _____; and whereas it is necessary to recover the said amount by sale of the said property, together with all lawful charges and expenses resulting from the said attachment and sale:

Notice is hereby given that on the _____ day of _____ 1888 at _____ o'clock A.M., _____ A.B., _____ the Mámlatdár of _____ (or other person appointed), will, at _____ in _____ Táluka _____ in this District, sell by auction to the highest bidder and without reserve, the right, title and interest of the said _____ in the property hereinunder specified, and every power of disposing of the same or any of them or of the profits arising therefrom which the said _____ may now consistently with the law exercise for his own benefit.

Moveable Property.

1	2	3	4	5	6
Lot No.	Number and description of articles.	Where attached.	Where now placed.	When to be viewed.	Whether the sale is subject to confirmation or not.

Immoveable Property.

1	2	3	4	5	6	7	8	9
Lot No.	Description of Lot, including local situation, supposed or estimated rent or annual value, and, if leased, for how long, on what terms and to whom.	Survey number, Municipal number and other fiscal designation.	Government Revenue, including any Local Cess, any other known fiscal charge resting on the Lot.	Present occupant.	(Here enter any other particulars the Collector may see fit.)			

N.B.—No guarantee is given of the title of the said rights, charges or interest claimed by third parties.

or of the validity of any of the

Collector.

APPENDIX N.

Partition of Estates by the Collector.

1. In the division of an estate ordered by the decree of a Civil Court paying land revenue to Government, the Collector is bound by the rules laid down in section 113 of the Land Revenue Code whenever they are applicable. If a Court assigns rights in specified areas in survey numbers of less extent than the minima prescribed under section 98 of the Code, these rights cannot be registered in the Government accounts, or be otherwise recognized by Government. (G. R. 7052 of 23rd November 1881.)

2. When the division or separation of a share of an undivided estate paying revenue to Government is made by the Collector, under the orders of a Civil Court, in accordance with the provisions of section 265 of the Code of Civil Procedure, 1877, the following fees shall be levied (in addition to those prescribed at page 129 of the High Court Circular Book) as remuneration for travelling expenses *bond fide* incurred by subordinates in the Revenue establishment employed on such division or separation of estates :—

For Clerks and Karkuns of Collectors, for each day actually on tour.

Rate of salary per mensem.	Europeans and Eurasians.			Natives.		
	Not exceeding					
	Ra.	s.	p.	Ra.	s.	p.
On Ra. 100 and upwards	1	7	0	1	4	0
On Ra. 75 to less than Ra. 100	1	1	0	0	14	0
More than Ra. 50 to less than Ra. 75	0	13	0	0	10	0
On Ra. 30 to Ra. 50	0	10	0	0	8	0
Less than Ra. 30	0	8	0	0	6	0

For Mamlatdars' Karkuns.

	Not exceeding		
	Ra.	s.	p.
On Ra. 30 and upwards	0	7	0
On less than Ra. 30	0	5	0

For Peons.

Not to exceed one anna per diem.

(Bombay Government Gazette of 1876, p. 255.)

APPENDIX O.

No. 4213.

REVENUE DEPARTMENT.

Bombay Castle, 21st July 1881.

In exercise of the powers given by Section 55 of Bombay Act V. of 1879, the Governor in Council authorizes the Commissioner in Sind to fix rates for the use by landholders and others of water the right to which vests in Government, for the cultivation of rice on any land not assessed and entered in the Survey Registers as rice land.

2. The amount of such rate shall be subject to the approval of Government, and shall, after sanction, be notified in the office of the Mukhtyárkar of the táluka in which the land on account of which the rate is levied is situated.

3. Any person desiring to grow rice in land not assessed as rice land shall make an application in writing to the Mukhtyárkar or other officer duly authorized to receive such application, for permission to make use of the supply of water needful for growing rice, stating if he requires it for one year only or permanently; and if any person cultivates rice in such land without such permission he shall be charged with double the rate he would otherwise have been required to pay had he applied for and obtained permission.

4. All persons who now hold or may hereafter apply to take up lands assessed and recorded in the Survey Registers as rice lands, shall, as soon as possible after the publication of these Rules or on application to take up such lands, be tendered a list of such rice lands then being or about to be in their occupation, and rice shall not be grown on any number not included in such lists except on payment of the extra rate.

(52a)

APPENDIX Q.

Form of security bond to be taken from treasurers or other officers of Government entrusted with the charge of public money.

KNOW all men by these presents that _____ (Principal)
of _____ (1st surety) _____ (2nd surety),
are held and firmly bound unto the Secretary of State for India in Council
in the sum of Rs. _____ to be paid to the said Secretary of State in Council, his
successors or assigns, or his or their certain attorney or attorneys for which payment, well
and truly to be made, we bind ourselves, our heirs, executors, administrators, and represent-
atives jointly, and every two of us bind ourselves, our heirs, executors, administrators, and
representatives jointly, and each of us binds himself, his heirs, executors, administrators,
and representatives severally, firmly by these presents, sealed with our seals, dated this
_____ day of _____ 188 _____, and each of us the said _____ doth hereby for himself,
his heirs, executors, administrators, and representatives, covenant with the said Secretary
of State in Council, his successors and assigns, that if any suit shall be brought touching
the subject-matter of this obligation or the condition hereunder written in any court, sub-
ject to the High Court of Judicature at _____ other than the said High Court
in its Ordinary Original Jurisdiction, the same shall and may at the instance of the said
Secretary of State in Council, be removed into, tried and determined by the said High
Court, in its Extraordinary Original Jurisdiction.

WHEREAS the above bounden _____ was on the _____ day of
_____ 188 _____ appointed to and now holds and exercises the office of Treasurer at
_____ ; AND WHEREAS, by virtue of such office, the said _____ has, amongst other
duties, the care, charge, and oversight of and responsibility for the safe and proper storing
and keeping in the places appointed for the custody thereof respectively, of all money,
specie, bullion, coin, jewels, Government currency notes, stamps, and Government securities
of whatever description, gold, silver, copper, lead, goods, stores, chattels or effects stored
and used at, received into or despatched from the Treasury of _____ or paid,
deposited or brought into the said Treasury by any person or persons whomsoever and for
any purpose or purposes whatsoever ; AND WHEREAS the said _____ as such
Treasurer as aforesaid is also responsible that all such moneys, specie, bullion, coin, jewels,
Government currency notes, stamps, and Government securities of whatsoever description,
gold, silver, copper, lead, goods, stores, chattels, or effects (hereinafter together only called
"the said property") are and is of full measure and good quality when received into the
said treasury and until he has duly accounted therefor and for every part thereof in manner
hereinafter referred to ; AND WHEREAS the said _____ is bound
whenever called upon so to do to show to his superior officers that the said property and
every part thereof save so much thereof as he has duly accounted for is at all times intact
in the places aforesaid and is also bound to attend for the purpose of discharging his duties
aforesaid at such times and places as his superior officers may appoint ; AND WHEREAS the said
_____ is further bound to keep true and faithful accounts of the said
property and of his dealings under written orders of his superior officers therewith respect-
ively in the form and manner that may from time to time be prescribed under the authority
of Government, and also to prepare and submit such returns and such accounts as he may
from time to time be called upon to do ; AND WHEREAS the bulk of the said property remains
as well in the care, charge and custody of the Treasury Officer for the time being at
_____ as of the said _____ but as between himself and the said Secre-
tary of State for India in Council he the said _____ is alone responsible and
answerable therefor and for every part thereof ; AND WHEREAS the responsibility of the said
_____ for the said property and every part thereof does not cease until
the same has been duly used under the written orders aforesaid and accounted for or been
duly despatched from the said Treasury and delivered over to and a full and complete dis-
charge therefor obtained from such persons and places as the district officer of
_____ or other the person exercising his functions for the time being under the sanction of the
Government of _____ may direct, or hath used and accounted for and despatched
as aforesaid ; AND WHEREAS the said _____ in consideration of his
said appointment has delivered to and deposited with and endorsed over to
as such district officer as aforesaid Government securities to the extent of Rs. _____ of
which the numbers, amounts and other particulars are set forth and specified in the Schedule
hereunder written for the purpose of in part securing and indemnifying the said Secretary of
State in Council, his successors and assigns, against all loss and damage which he or they
might or may in any way suffer by reason of the said property, or any part or parts thereof
being in any way consumed, wasted, embezzled, stolen, misspent, lost, misapplied or other-
wise dishonestly, negligently or by or through oversight or violence made away or parted
with by himself the said _____ or any person acting for him in his said office
during his absence or otherwise or by any sub-treasurers, servants, clerks, sircars, cash-
keepers, poddars, coolies or other persons, nominated or accepted by or serving under him
the said _____ or by any other person or persons whomsoever, whether in the

service of Government or otherwise; AND WHEREAS the said (principal) and the said (1st surety) and (2nd surety) as his the said sureties in that behalf have entered into the above bond in the penal sum of conditioned for the due performance by him the said of the duties of the said office aforesaid and of other the duties appertaining thereto or which may lawfully be required of him and the indemnity of the said Secretary of State in Council and his servants against loss from or by reason of the acts or defaults of the said and of all and every the persons and person aforesaid: Now the condition of the above written bond is such that if the said has whilst he has held the said office of Treasurer as aforesaid always duly performed and fulfilled the said duties of the said office and other the duties aforesaid and if he the said shall, whilst he shall hold the said office, always duly perform and fulfil all and every the duties thereof aforesaid, and further if the said and do and shall indemnify and save harmless the said Secretary of State in Council, his successors and assigns, the Government of and all and every the person or persons who from time to time has or have held or shall hold or exercise the said office of district officer while the said has held or shall hold and enjoy the said office of Treasurer as aforesaid of and from all and every loss and damage, which, during the time the said has held, executed and enjoyed the said office, has happened or been sustained, or shall or may at any times or time hereafter during the time that he the said or his agent or agents, nominee or nominees, shall hold or exercise or act in the said office happen to or be sustained by the said Secretary of State in Council, his successors or assigns, the Government of or the said district officer, for the time being, by, from or through the means of the neglect, failure, misconduct, disobedience, omission or insolvency of the said or his said agent or agents, nominees or nominees, or of any of the sub-treasurers, servants, clerks, sircars, cash-keepers, poddars, coolies or other persons nominated, accepted by or serving under him the said or his said agent or agents, nominee or nominees, or by, from or through the consuming, wasting, embezzling, stealing, misspending, losing, misapplying or otherwise dishonestly or negligently, or through oversight or violence, making away or parting with the said property or any part or parts thereof, by any person or persons whomsoever, whilst he or the said has acted or shall continue to act in the said office of Treasurer as aforesaid, then this obligation to be void and of no effect, otherwise the same shall be and remain in full force and virtue. Provided always and it is hereby declared and agreed by the said and with the said Secretary of State in Council, that the Government Promissory Notes for Rs. so deposited as aforesaid respectively or such other Government security or securities to the same amount as the district officer for the time being of the Government of may consent from time to time to accept and receive and shall accordingly receive in lieu or exchange for the same and the interest thereof respectively shall be and remain with the said District Officer for the time being or the Government of as and for part and additional security to the said Secretary of State in Council, his successors and assigns, for the purposes aforesaid with full power to the said Secretary of State in Council, his successors or assigns, or his or their officers and servants, duly authorised in that behalf, from time to time as occasion shall require, to sell and dispose of the said Government securities or a sufficient portion thereof with the interest thereon and to apply the proceeds thereof in and towards the indemnity as aforesaid of the said Secretary of State in Council, his successors and assigns, as the case may require, but nevertheless the interest of the said Government securities may in the meantime be paid over as the same shall be realised by the said district officer for the time being or the Government of if they shall think fit to the said Provided further and it is hereby expressly agreed and declared between and by the said and the Secretary of State in Council that it shall be lawful for the said with the consent of the said district officer or of other the person exercising his functions for the time being under the sanction of the Government of first had and obtained to change and substitute for the said deposit of Government Promissory Notes for Rupees or any part thereof or for any substituted notes from time to time other notes of the same or other loans of the same or greater value without in any way affecting the obligation of the said bond or the liability of the said and as such securities as aforesaid.

The Schedule above referred to

NOTE.—It is not necessary or possible that all security bonds, to be executed in future, shall be drawn up in the exact form which is here prescribed. Modifications will no doubt be required to render the form of agreement suitable in particular cases, but it is important that there should be as little difference as possible in the nature of the obligation of the signatories to the bond, and the interests of Government must in every instance be fully secured.

Without the special sanction of Government, the only form of security to be taken from treasurers or other officers of Government who are entrusted with the charge of public money shall consist of Promissory Notes (including Stock Notes) of the Government of India.

The Revenue authorities are, subject to the orders of Government, responsible for seeing that adequate security is taken from any of their subordinates (including all officers in district and sub-treasuries) who may be entrusted with the custody of public money.

APPENDIX A.

[See paragraph 9 of Instructions.]

Form of Declaration under Section 4, Act X. of 1870.

Whereas it appears to the Governor of Bombay in Council that land is likely to be required to be taken by Government at the public expense for a public purpose, viz., for _____, in the village of _____, Taluka _____, Zilla _____; it is hereby declared that for the above purpose a piece of land measuring, more or less, _____ acres, _____ guntas, of standard measurement, bounded on the (*here specify the boundaries*), is likely to be required within the aforesaid village of _____

This declaration is made, under the provisions of Section 4 of Act X. of 1870, to all whom it may concern, who are hereby warned not to obstruct or interfere with persons employed on the land.

APPENDIX B.

[See paragraphs 11 and 14 of Instructions.]

Form of Declaration under Section 6, Act X. of 1870.

Whereas it appears to the Governor of Bombay in Council that land is required to be taken by Government at the public expense for a public purpose, viz., for _____, in the village of _____, Taluka _____, Zilla _____; it is hereby declared that for the above purpose a piece of land, measuring, more or less, _____ acres, _____ guntas, bounded on the (*here specify the boundaries*), is required within the aforesaid village of _____

This declaration is made, under the provisions of Section 6, Act X. of 1870, to all whom it may concern, who are hereby warned not to obstruct or interfere with persons employed on the land.

APPENDIX C.

[See paragraph 19 of Instructions.]

Form of Notice to be published under paragraphs 1 and 2, Section 9, Act X. of 1870, for land to be taken up.

Notice is hereby given that _____ acres, _____ guntas, more or less, of land situate in or near the village of _____, bounded as below, and recently marked out and measured, is about to be taken by Government for a (*here specify the purpose*) under Act X. of 1870, in accordance with a declaration No. _____, dated _____, published in the *Government Gazette* of the _____. All persons interested in this land are hereby called upon to appear personally or by agent on the (*enter a date not less than fifteen days from the date of the publication of the notice*) at the office of _____ at _____, to state the nature of their interest in the land, and the amount and particulars of their claims to compensation for the same.

Boundaries.

North.	|	East.
South.	|	West.

Collector.

APPENDIX D.

[See paragraph 19 of Instructions.]

Form of Notice to be issued under paragraphs 3 and 4, Section 9, Act X. of 1870, to occupiers of the land to be taken up, and other persons known or believed to be interested in it or to be entitled to act for persons so interested.

Notice is hereby given that _____ acres, _____ guntas, more or less, of land situate in or near the village of _____, bounded as below, and recently marked out and measured, is about to be taken by Government for a (*here specify the purpose*) under Act X. of 1870, in accordance with a declaration, No. _____, dated _____, published in the *Government Gazette* of the _____. If you have any interest in this land, or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the (*enter a date not less than fifteen days from the date of the publication of the notice*) at the office of _____, at _____, to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same.

Boundaries.

North.	|	East.
South.	|	West.

Collector.

APPENDIX E.

[See paragraph 19 of Instructions.]

Form of Requisition under Section 10, Act X. of 1870, to be added when necessary to Notice in Appendix D.

You are hereby required to furnish the undersigned with a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of _____ served on you, as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Collector.

APPENDIX F.

[See paragraph 35 of Instructions.]

Statement of Proceedings on Appeal.

1	2	3	4	5	6	7
Date of Appeal.	Date of decision of Appellate Court.	Amount finally awarded.	Amount of additional compensation.	Total (Columns 3 & 4).	Date from which abatement of revenue, if any, takes place.	REMARKS.

Collector.

APPENDIX G.

[See paragraph 35 of Instructions.]

Particulars of compensation awarded by _____ under Section _____, Act X. of 1870, to all the persons interested in the plot of land described below, situated in the village of _____, Taluka _____. The said plot is bounded as shown in the plan hereunto annexed, which has been prepared under Section _____, Act X. of 1870, and measures _____ acres, _____ roads, _____ poles, _____ chains.

1	2	3	4	5	6	7	8	9	10	11
Names of persons in whose favour the award has been made.	How interested in the land.	GROSS COMPENSATION AWARDED.			Additional compensation awarded under Section 41, payable in cash.	Amount of interest awarded under Section 42.	Costs decreed to Government.	Costs decreed against Government.	Net amount to be disbursed in cash (Columns 4, 6, 7, minus Column 8, or plus Column 9).	REMARKS.
		Value of abatement of Government revenue.	Amount payable in cash.	Total.						

Form.—The Collector will report on what grounds he determined whether a portion of compensation should or should not be paid in the form of abatement of Government revenue.

Collector.

APPENDIX H.

[See paragraph 2 of Special Instructions.]

Rules for taking up Land for Railway purposes (by the Government of India), issued 29th June 1861.

1. Land required for Railway purposes may be divided into 4 classes—A., B., C., and D. *First, Class A.*—Land which a Railway Company receives free of charge, under the contract with the Government for permanent occupation. *Second, Class B.*—Land also provided free of cost, but only for temporary occupation. *Third, Class C.*—Land which the Railway Company has to provide at its own cost. *Fourth, Class D.*—Land which does not come directly into the possession of the Railway Company at all.

2. Class A. will comprise the land acquired for the permanent works of a Railway, including the road with its bridges, &c., and all stations, workshops, permanent storehouses, and the like necessary for the line when opened, and which under the contracts is to be provided by Government, free of cost, to the Railway Companies. The occupation of this land by a Railway Company will be so far permanent that it will only cease when their contract is terminated or surrendered, and the whole lapses to Government. It is all provided free of charge.

3. Class B. will contain land essential for the execution of the permanent works of a Railway, but not required after the completion of the line in part or in whole. It also is provided free of charge—such as land for spoil banks, extra excavation to make banks, for river diversion, and for the storage of Railway materials held in stock by the Railway Company pending the construction of the line or their despatch to the works;* the occupation of this class of land will be temporary. On its restoration to the Government, the proper time for which will be settled in each case between the Railway Officers and the Consulting Engineer, it will be for the Revenue Officers to dispose of it to the best advantage of Government.

4. Class C. will contain the land which a Railway Company has to provide at its own cost. This is the land which is required for the provision or preparation of materials; for purposes contingent on the actual execution for the works on the line, or for other miscellaneous objects, which the Government recognizes as falling legitimately within the scope of the Railway Company's operations, though not giving the Company a claim to the provision of land free of charge. As a Railway Company is bound to pay for the construction of all works out of the Capital, receiving only from Government, without charge, the land on which the works stand, the provision of all materials, and the means of facilitating the execution of all works, are to be at the cost of the Railway Company.† It is proper to bear in mind, in fixing the rent, that this land will in part deteriorate by the use to which it is put and in part will not so deteriorate. In all cases, however, it will be most convenient to deal with the land, in the first instance, in the same manner. It will be taken possession of by Government, and handed over to the Railway Company for occupation at a fair rental. When the necessity for occupation ceases, the land will be given up again to Government by the Railway Company, the proper time for this being determined, as under Class B., by the Railway Officers and Consulting Engineer.

5. Class D. will contain that land which, being required in consequence of the works of a Railway, still does not come directly into the occupation of the Railway Company; it will be provided free of charge. It will be exclusively land for roads—either new roads leading to Railway stations, or to permanent storeyards or workshops, detached from the main works, diversions, or changes of old roads made necessary by Railway works.

* This last sort of land is allowed free under the Right Honourable the Secretary of State's letter No. 25 of 30th November 1858.

† The following words were also in the original rules :—

"In this class, therefore, will fall all land for brick-making, quarrying, ballast (1) for houses, for persons employed on the work, &c., so also land for houses for Engine-drivers, and the like on the line when opened, and for other similar purposes will come under Class C."

But H. M.'s Secretary of State for India thought that any particularization in the rule might raise questions as to the power of Government to alter or vary the terms of the contract (a power which the Government has no intention of claiming). It has, therefore, been thought best to give these words in a note, simply for the guidance of the officers of Government and parties interested, as to the construction which Government puts on the contract in regard to certain points of frequent practical application.

(1) In the original rules, the words "for roads to works in progress" here found place. They have now been struck out as calculated to mislead. It is clear a road may be required from a site used temporarily for storage of materials also itself in Class B. This would carry the road itself into the same class. A road from brickfield or quarry would be in the same category as the brickfield or quarry, viz., Class C. Whereas a road from a detached, but permanent, store-yard, although leading "to works in progress," would not the less come under Class D., should such road still be necessary after the completion of those particular works. Thus, generally, the circumstances of the tenure of land at the end of the road furthest from the railway will decide the class into which the road itself shall be placed.

6. Inconvenience is likely to arise if Railway Companies are permitted to hold land on their own account or otherwise than as above explained. By causing them to rent from the Government all land to which they are not entitled free, in the manner above explained, simplicity in the tenure of their property will be secured, which will be a matter of importance at a future time when the Railway may be transferred to Government. The determination of the value to be paid by the Government for any land not included in Class A., which might be held by a Railway Company, would certainly be, in such an event, a great embarrassment.

7. Houses, trees, tanks, or other property on land which is not provided free of charge, and for which special payment or compensation is necessary, will be paid for at once by the Railway Company. In the case of land provided free of charge, the materials, &c., derived from the "clearance" of the surface, which then will be at the expense of Government, will be disposed of by the Revenue Officers to the best advantage.

8. All land required for a line of Railway will be applied for in continuous portions; the plans will be drawn to a scale of 150 feet to the inch, and the measurements and areas will be recorded in accordance with the fiscal divisions of villages, estates, or mauzas, parganas, and zillas, in a schedule, of which a form is annexed, showing in detail the several classes to which the land belongs.

9. The several classes of lands will be coloured pink, yellow, purple and green, respectively, in the plans, and the exact purpose to which each parcel of land is to be devoted will be noticed in the schedule.

10. Detached portions of land should be referred to some fixed point on one of the main sheets, with such distances and compass or other bearing as will enable the land to be identified at once. A corresponding entry should also be made on the main sheet to draw attention to the detached portion.

11. The general correctness of the plans and schedules of the Railway Engineers being attested by the Consulting Engineer to Government, the application will be forwarded to, and dealt with as may be necessary by, the Revenue authorities under the orders of the Local Government. The Revenue Officers are to be held strictly responsible for the regular adjustment, by Railway Companies, of all charges on account of land to be determined in the manner above explained.

12. A complete set of land plans should be recorded in the Chief Engineer's Office of each Railway, and a copy forwarded to the Consulting Engineer to Government, by whom a duplicate will be given to the Revenue Board, which, in turn, will supply Collectors of districts with transcripts of parts included in their respective zillas. When it may be found expedient, in order to expedite the making over of the land, to employ a special Land Commissioner for this duty, the Railway Engineers should supply an additional copy of the land plan for the use of the Land Commissioner.

13. The Consulting Engineer to Government and local Revenue authorities will, respectively, be held responsible for the punctual fulfilment of the foregoing orders in the several departments, and for the careful record of plans in their respective offices.

14. All contemplated changes in the land in possession of a Railway Company should be promptly reported by the Railway Agent to the Consulting Engineer to Government, who will notify the same to the Local Government. It will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records, and for carrying out all further proceedings that are requisite on such an occurrence.

15. It will be necessary for the Local Government to see that a correct register and record of title of all Railway lands is maintained, for the whole of such lands will one day revert to the Crown. Also, that all rents or payments for clearances, &c., chargeable on behalf of Government against the Railway Company are duly realized.

16. It is essential that there should be for each Railway one set of plans in a regular sequence to show all the land, and that the plans of each Railway Company's estate after they have once been prepared, should constantly be corrected, and always be maintained complete.

FORM OF SCHEDULE.

Plan. Sheet No. _____
 Railway _____
 District _____

Schedule of land required for the use of the Railway in—
 Village, _____
 Pargana _____
 District _____

Number on Plan.	Purpose* for which re-quired.	PAYABLE BY GOVERNMENT.			PAYABLE BY RAILWAY COMPANY.
		A. (Pink.)	B. (Yellow.)	D. (Green.) :	C. (Purple.)
		Land for permanent occupation by Railway Company.	Land for temporary occupation by Railway Company.	Land to be occupied by Government permanently.	Land for occupation by Railway Company, permanently or temporarily.

Consulting Engineer to Government.

Chief Engineer, _____ Railway.

Extracts from Circular No. 27 of 23rd September 1869.

PUBLIC WORKS DEPARTMENT.

(RAILWAY.)

(Modifying the Rules issued in Circular No. 55 of 29th June 1861.)

RENT FOR CLASS C. LANDS.

1. The Government of Bombay represents that the rules laid down by the Government of India, as to the mode in which the rents for C. Lands should be calculated, will, if acted upon, lead to some loss of Government money, and recommends that rent should not, in all cases, be determined by the same rule.
2. The Bombay Government is of opinion that, for Government land leased for house building, a fixed rent, irrespective of the classification of the soil and district, or locality should be charged, and that, where money has been paid for the surrender of a lease, 5 per cent. on the amount of compensation should be added to the rent.
3. For land taken up for houses, from private owners, 5 per cent. per annum on the purchase-money is considered by the Bombay Government to be a fair arrangement.
4. For land required for ballast pits, quarries, &c., the Government of Bombay thinks that the Company should be called upon to pay the full amount spent for the acquisition of the property, plus a nominal yearly rent during occupation, the proceeds from the sale of the land, when surrendered, being credited to the Company. For Government land, a yearly rent should be charged to cover deterioration, in addition to the cost of resumption, if any. The Chief Commissioner of Oudh also points out that any possible deterioration of the C. Lands, by reason of the purposes to which they may be put, does not appear to have been provided for in the rules last issued. This was referred to in the Circular Orders of 1861, on the subject of Railway lands, and was not provided for in the last rules through inadvertence.
5. The references may be met by an additional rule, and the following rules should accordingly, be promulgated in supersession of those issued with Circular No. 2 R. of 1869 :—
 - I.—The annual rent on lands in Class C. occupied by a guaranteed Railway Company, shall be fixed at 5 per cent. on the outlay incurred by Government in taking up the land, plus any revenue or rent payable to Government in respect of the said land.
 - II.—But in the case of land already belonging to, and in the occupation of the Government, the rent shall be fixed at 5 per cent. on the value of the land as estimated by the Collector.

III.—In the event of the land being required for purposes through which its letting value will be diminished, the Railway Company, on relinquishing it, shall pay, in addition to any rent paid during the occupation of the land under the previous rules, the estimated difference between the actual value of the land when relinquished and the value that the land would have had if the rent remained at the amount that was paid during the occupancy of the Company.

IV.—When land presented in free gift by a private individual for the purposes of a Railway is made over to a guaranteed Railway Company in Class C. no rent shall be charged by Government beyond the jama or revenue previously paid to Government for the land.

6. With reference to Rule III., it is observed that the real value of the land to the Government, before it was handed over to the Company, would be properly estimated on the basis of the rent charged for it. But when land has been actually paid for by the Company already, as in Bombay, no re-opening of the old transaction should take place, and the adjustment can be made when any land is given up.

7. Compensation paid for surrender of a lease, or any other charge, should be considered in fixing the rent. If the land is not in the occupation of the Government, and cannot be transferred to the Company without charge of any sort, it comes under Rule I.

8. It is optional to the Government of Bombay to fix the rent under Rule II. at Rs. 5 per acre for agricultural land occupied by houses of the Company's staff, or at any other amount it may deem desirable.

APPENDIX K.

Extract from Circular No. 21 of 12th October 1881.

PUBLIC WORKS DEPARTMENT.

(RAILWAY.)

(Modifying Circular No. 10 B., dated 25th August 1878.)

RULES FOR ACQUISITION OF LAND FOR STATE RAILWAYS.

I. The general course of procedure laid down in the Public Works Code, Chapter XV., paragraph 92, is to be followed on State Railways.

II. Railway officers shall not obtain possession of land whether by purchase, lease or on simple toleration, except through the proper Revenue authorities.

III. Engineers in preparing land plans for submission will divide their applications under two heads, viz. :—

(a) *Land required permanently, or land necessary for the railway when it is opened for public traffic, and when the works of construction are finished.*—Such lands are the sites of bridges, embankments, cuttings, fences and other works, the cess or berm introduced for the sake of safety between the limit of the works and the adjacent spoil bank, *básár* or side cutting; roads permanently required, such as those immediately in the neighbourhood of stations, over-bridges, under-bridges, or level-crossings on the railway; land or water required for the water-supply; land wanted for the preparation and reception of such materials as are used in maintenance, as ballast pits; land for the permanent diversion of water-courses; and all space permanently required at the stations, whether for traffic, storage, workshops, dwellings or recreation.

(b) *Land required temporarily or land necessary to be taken up, but not permanently wanted.*—Such land will be for loads for access to works while in progress, but which will subsequently be abandoned; land for side-cuttings and spoil banks occupied during construction; for the preparation and reception of materials used in constructing the railway, as brick fields, quarries, ballast pits, or the temporary diversions of streams and highways. The sites of such dwellings as will be occupied only during construction will also come in this class.

IV. The land to be taken up permanently for the through line of railway will be in the first instance, sufficient for a double line, so as to allow of a cart road to exist parallel to the railway *inside* the fence. This road will be useful not only during construction for service purposes, but afterwards for access to the stations, for maintenance purposes, and for stacking materials.

V. The boundary of the railway land permanently acquired is in every case to be considered as the outside edge of the ditch. Beyond the ditch a clear space or berm of not

less than 6 feet must be left free from the spoil bank or side-cutting nearest to the railway, the cutting or bank being sloped off at an angle of not less than 2 to 1 to prevent any encroachment on this berm from the effects of weather. It will be seen from the section that the width of land to be permanently acquired for a line on the 5 feet 6 inch gauge will be for embankments 70 feet, for cuttings 76 feet, in addition to the width required in each case for the bases of the slopes. For a line on the metre gauge the widths will be embankments 64 feet, for cuttings 70 feet, in addition to the slopes.

VI. Land to be taken up temporarily will be principally for side-cuttings and spoil banks, and will generally adjoin the land required permanently; it will as a rule be also permanently taken up by Government and subsequently disposed of when no longer required.

Embankments under 3 feet in height will only require side-cutting on one side of the railway. Slopes of side-cutting will be generally 2 to 1 all round, but care must be taken to provide for exceptional cases when a flatter slope may be needed. Similarly, the contents of cuttings under 3 feet high will be laid to spoil on one side only. Side-cuttings should not be too deep;—a depth of 6 feet may be estimated for in calculating the width of land required for side-cuttings. They should be formed into well-defined tanks of moderate length; and should not as a rule be connected with each other or with adjacent water-courses. Valuable land should not be taken up for side-cuttings or for temporary purposes. A sufficient water-course should be provided at right angles to the centre line of railway for each culvert or bridge, and on either side of this water-course land will be left clear of the side-cuttings sufficient to prevent the water from the river running into the side-cuttings. The precaution of leaving land uncut in this manner is necessary to prevent the formation of a dangerous stream parallel to the railway.

VII. In the neighbourhood of towns or other places where land is above the ordinary value, the width of land to be taken for slopes, fence, &c., must be specially considered to secure economy.

VIII. All land will be applied for in continuous portions and shown when practicable mile by mile, or village by village, on each sheet. The plans will be drawn to a scale of 400 feet to an inch; the centre line of railway will be shown divided into chains of 100 feet, and all dimensions will be figured in feet. The name of each zilla, pargana and mouza will be shown on each sheet. On curves the tangential point on the centre line will be marked, and the radius of curvature given. The areas in acres, roods and poles will be recorded in accordance with fiscal divisions in a schedule in the form appended to these Rules, showing in detail the class to which the land belongs and the purpose to which it is to be devoted. Land required permanently will be colored pink; temporary land will be colored yellow.

IX. Detached portions of land should be referred to some fixed point on one of the main sheets with distances and compass or other bearings, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land:—a corresponding entry should be made on the main sheet to draw attention to the detached plot.

X. As a general rule, three complete sets of land plans and schedules will suffice for record, viz.,—one for the Engineer in charge of the railway; one for the Local Government or Administration; and one for the Revenue authorities; but should more be required, they will be supplied by the Railway Engineers.

XI. The general correctness of the plans and schedules submitted by the Railway Engineer in charge being attested by the Engineer-in-Chief or Manager of the State Railway, the application will be forwarded to the Revenue authorities, and will be dealt with by them under the orders of the Local Government or Administration.

XII. The land plans and schedules will be rectified from time to time as changes occur, and Local Governments will see that a correct register of all railway lands is maintained.

XIII. When land is no longer required for the Railway, it will be re-transferred to the Revenue authorities and disposed of by them. All contemplated changes in the land occupied by a railway should be reported to the Local Government; and it will be for the latter to see that the necessary steps are taken by the Revenue authorities for entering such changes in their records and for carrying out all further requisite proceedings.

XIV. In Native States all land will be obtained through the Political Agent, and the distinction of temporary and permanent need not be observed; but this will not make it the less incumbent on the officials concerned to see that all land not permanently required for the purposes of the railway is restored when no longer wanted, and to keep as complete records of the land retained for railway purposes in Native States as in British territory. Such plans and schedules as the Political Agent may require will be supplied by the Railway Engineers.

FORM OF SCHEDULE REFERRED TO IN RULE VIII.

Plan No. _____

District _____

Schedule of land taken for the use of the Railway in Zilla _____

Pargana _____

Mouza _____

No. of PLANS.	PURPOSE FOR WHICH REQUIRED.	CLASS A. (COLOURED PINK.)			CLASS B. (COLOURED YELLOW.)		
		Occupation, permanent.			Occupation, temporary.		
		Land for the regular works of the Railway, including land for high roads and rivers, &c., &c.			Land for excava- tions, spoil, and for contin- gencies of con- struction, for dwelling-houses, &c., &c.		
		Acres	R.	P.	Acres	R.	P.
Total...							

Superintending Engineer._____
Consulting Engineer to Government.

APPENDIX L.

No. 206.

REVENUE DEPARTMENT.

Bombay Castle, 13th January 1879.

The following letter from the Officiating Secretary to the Government of India, Home Department, Public, No. 2—27, dated 4th instant, is published for general information:—

"A case has recently been brought to the notice of the Government of India, in which the Civil authorities had proposed to cut a railway embankment with the object of letting off flood waters, the overflow of which threatened to cause much damage and loss. It seems desirable that district officers should be instructed not to order the destruction of any railway embankment or bridge, or other large work, whether it be the property of the State or of a private company, without first taking the advice of some responsible professional officer. As a rule, the engineering authorities charged with the control of the work concerned should be consulted.

2. I am accordingly directed to request that, with the permission of His Excellency the Governor in Council, you will be good enough to cause all Civil officers to be instructed in the sense of these remarks. In any case of difference of opinion respecting the property of the State, the point at issue should, if time permit, be promptly referred to the Government of India for decision."

APPENDIX A.

(Form for Mortgage of Land under Rule 9 of Rules under Act XV. of 1880.)

Whereas I _____ have this day received an advance of Rs. _____ from the Collector of _____ on behalf of the Secretary of State for India in Council, for the purpose of _____ repayable with interest at _____ in equal half-yearly instalments within _____ years from this date;

I do hereby mortgage to the said Collector on behalf of the said Secretary of State for India in Council the occupancy right which is at present in my possession and enjoyment, Survey number _____ measuring _____ acres _____ gunthas situated in the village of Táluka _____ of this District;

as security for the repayment of the said advance of Rs. _____ with interest; the said occupancy right to continue in my possession and enjoyment, on condition that, on my failing to pay any one instalment within _____ months of the date on which such instalment becomes due,

or on my transferring by sale, mortgage or gift the said occupancy right to any other person, the said occupancy right shall forthwith become forfeited to Government.

In witness whereof the said _____ has signed this deed.

Dated _____

Signed by _____
in the presence of _____

(Signature).

APPENDIX B.

(Form of Agreement under Rule 9 of Rules under Act 15 of 1880.)

Whereas I, _____ have this day received an advance of Rs. _____ from the Collector of _____ on behalf of the Secretary of State for India in Council for the purpose of _____ I do hereby bind myself and do agree to repay the said sum with interest at _____ in equal half-yearly instalments within _____ years from this date; and in the case of my making default therein I hereby bind myself to forfeit to the Secretary of State for India in Council the sum of Rs. _____

In witness whereof the said _____ has signed this agreement.

Dated _____

(Signature)

(Form of Security to be subjoined to the Bond of the Principal.)

We _____ hereby declare ourselves Securities for the above said _____ that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Secretary of State for India in Council the sum of Rs. _____

Date _____

(Signature)

APPENDIX C.

No. 5222.

Extract from the Proceedings of the Government of Bombay in the Revenue Department, dated 28th August 1877.

READ an order of the Government of India in the Financial Department, forwarding, for information, copy of the Resolution No. 2206, dated 28th July 1877.

Read again the following Proceedings in the Financial Department:—

- Accounts, October 1869, Nos. 56 & 57.
- " " 1873, No. 30.
- " " 1875, Nos. 27 to 31.
- " February 1876, No. 56.
- " March 1876, No. 9.
- Accounts and Finance, May 1876, No. 45.
- " " June 1876, No. 1.
- " " July 1876, Nos. 47 to 50.
- " " October 1876, Nos. 3 and 4.
- Resolution No. 1522, dated 16th March 1877.
- " " 1170, " 18th June 1877.

Read—

A letter from the Government of Madras, No. 1542, dated the 24th April 1877, soliciting sanction to certain advances of small amounts made to the ryots of Bonvanka and Vundeyoor, in the Ganjam and Madura Districts, for rebuilding houses destroyed by fire; also requesting that general powers may be granted to that Government to make similar advances, subject to such restrictions as to amount and report, as may be deemed necessary.

Read—

Takávi proceedings in the Revenue Department, April 1877, Nos. 1 to 24.

Read—

Despatch from the Secretary of State, received in the Revenue Department, No. 42, dated 10th May 1877.

Read—

A letter from the Government of Madras, No. 1728, dated 18th June 1877, asking confirmation of its orders authorising the Collector of Nellore to make advances to the newly established Municipality of Ongole, to be adjusted when the municipal taxes are realised: and for general sanction to such advances subject to adjustment within the year.

RESOLUTION.—By Resolution in the Financial Department No. 3649, dated 30th September 1869, the Governor General in Council decided that the particular sanction of the Supreme Government for each takávi advance was not necessary, and that it would suffice for the Local Government to obtain sanction for the disbursement of lump sums from time to time on this object.

2. These advances will, in future, be regulated by the Rules framed under the Land Improvement Act, 1871. The rate of interest under these rules is one anna in the rupee or 6½ per cent. per annum.

3. By Resolution in the Financial Department No. 191, dated 12th January 1876, the Government of India decided that, without the special sanction of the Government of India in the Financial Department, no loan of public money shall be made under the provisions of any special law bearing a less rate of interest than 4½ per cent., and no such loan shall be made otherwise, bearing a lower rate of interest than 6 per cent.

4. By orders in the Revenue Department No. 10, dated 21st March 1876, the Government of the North-Western Provinces was authorised to make advances, in any case of emergency for such purposes as the purchase of seeds, grain, &c., without interest, reporting the matter simultaneously to the Government of India.

5. By Resolution in the Financial Department No. 1291, dated the 30th June 1876, it was declared that:—

1st, no advances should be made without the general or special sanction of the Government of India, unless, in any case, the Local Government is empowered by law to make such advances without reference to the Imperial Government;

2nd, regular provision should be made in the estimates for all advances, and no advance should be made without the special sanction of the Government of India, unless funds have been duly provided in the estimates and sanctioned by the Governor General in Council.

6. By Resolutions Nos. 1451, dated the 9th July 1873, 5206, dated 26th August 1874, and 465, dated 26th May 1876, Local Governments were authorised, under certain defined circumstances, to advance money without interest to public servants to enable them to build houses.

7. By Resolutions No. 3687, dated 30th September 1875, and No. 1870, dated 18th June 1877, provision was made for the immediate report to the Supreme and Local Governments of any defaults in the payment of interest upon a loan of public money or in the repayment of its capital amount, and for the levy of compound interest at 6 per cent. upon overdue instalments. A Local Government receiving intimation of such default was also required to explain to the Government of India at once the causes of the default and the steps taken to remedy it.

8. The Governor General in Council considers it expedient now to substitute the following amended and consolidated order for these scattered Resolutions, and, at the same time, to dispose of the two pending references from the Government of Madras, recited in the preamble.

9. Advances made under the *Land Improvement Act*, 1871, are regulated by rules passed by each Local Government with the approval of the Governor General in Council under authority of the Act. Provision for these advances may be made in the estimates of each year, without further sanction by the Government of India, as follows :—

Governments of Madras, Bombay and the North-Western Provinces and Oudh, each	...	...	...	2,00,000
Government of the Panjáb	...	...	...	1,50,000
Governments of Bengal, Mysore and the Central Provinces, each	...	...	...	1,00,000
Governments of Assam, British Burmah and Berar, each	...	...	...	50,000

If any Local Government or Administration wishes to make a larger provision than this, the previous sanction of the Government of India must be obtained. Sums thus provided in the estimates may be disbursed without any further orders by the Government of India than may, in any case, be required by the Local Rules under the *Land Improvement Act*. The yearly rate of interest fixed by these Rules is one anna in the rupee, or 6½ per cent; but the Local Government may, if in any case it considers it expedient for special reasons, reduce this rate to 4½ per cent., or remit due interest in excess of this rate.

10. The powers of the Local Government under the *Local Public Works Loan Act*,* 1871, are regulated by Rules published under the Act by Notification No. 3761, dated 18th October 1873.

11. Besides advances under the *Land Improvement and Local Public Works Loan** Acts, it sometimes becomes necessary to make loans of public money for the relief of persons suffering from some temporary calamity, as for instance, the destruction of houses, or crops, or seed grain, or agricultural stock, by some calamity of season; or by fire, or flood, or for some miscellaneous object, such as that described in the letter from the Government of Madras, No. 1728, dated 18th June 1877, now read. The Local Governments are authorised to advance money in such cases at their discretion within the following limits :—

			LIMITS OF	
			each advance	all advances during the year.
Governments of Bombay and Madras	...	...	2,500	25,000
Lieutenant-Governors	...	...	1,000	10,000
Chief Commissioners	...	...	500	5,000

The yearly rate of interest upon such advances should ordinarily be, as for advances under the *Land Improvement Act*, one anna in the rupee, or 6½ per cent.; but the Local Government may, at its discretion, for special reasons, make such advances at a lower rate of interest, or even without interest, or remit any part of the interest due upon such advances. It is not necessary generally to make any provision in the estimates for this class of advances the amount of which is never likely to be large, and cannot, ordinarily, be foreseen.

12. The following general Rules should apply, as far as the law and existing Regulations allow, to all the advances to which reference is hereinbefore made :—

(a) The advances should be re-paid in not more than twenty equal half-yearly instalments including interest, the first instalment of principal to be re-paid six months after the loan is completely taken up.

(b) Temporary advances to Municipalities should be re-payable in not more than twelve months.

(c) A penal rate of compound interest not less than six per cent. should be enforced, as far as the law allows, upon all overdue instalments of interest, or principal and interest, and this should not be lightly remitted.

* Now *Local Authorities Loan Act*, 1879, and the Rules published in Part VI. of this compilation.

(d) Any default in the payment of interest upon a loan of public money or in the repayment of the principal, should be promptly reported by the Account Department to the Local Government, and, if the loan was sanctioned by the Governor General in Council, to the Supreme Government. A Local Government receiving such a report should, in the case of a loan sanctioned by the Governor General in Council, immediately explain the circumstances to the Government of India in the Home, Revenue, or Public Work Department, as the case may be, and the steps which it has taken to remedy the default.

13. No fresh orders are needed about building advances to public officers, which must be regulated, as heretofore, by the Rules in Resolutions Nos. 3123, dated 25th August 1871, and No. 5206, dated 26th August 1874.

APPENDIX D.

N. 6611.

REVENUE DEPARTMENT.

Bombay Castle, 6th November 1877.

Resolution of the Government of India, Financial Department, No. 3503, dated 5th October 1877 :—

“READ again :—

The Resolution in this Department No. 2206, dated the 28th July 1877, laying down, in supersession of all old orders on the subject, the procedure for making loans and advances of public money, and for their repayment.

RESOLUTION.

In paragraph 9 of this Resolution, Local Governments were empowered to remit, to a certain extent, *interest* on advances made under the Land Improvement Act, 1871, but not any portion of the capital sum advanced. The Governor General in Council is now pleased to rule that, wherever the remission would involve a charge upon Provincial and not Imperial Funds, the Local Government may remit, at its discretion, any portion of the advance made under the Land Improvement Act, 1871, which may be found to be irrecoverable.”

APPENDIX E.

No. 582A.

REVENUE DEPARTMENT.

Bombay Castle, 11th February 1879.

The following extract from the Proceedings of the Government of Bombay in the Revenue Department, No. 582, dated 3rd February 1879, is published for general information :—

Read the following Resolution of the Government of India, Financial Department, No. 184, dated 18th January 1879 :—

READ again—

The Resolution in this Department No. 2206, dated 28th July 1877, laying down the procedure for the grant and repayment of loans of public money.

RESOLUTION.—By paragraph 11 of this Resolution, Local Governments and Administrations were empowered to make, at their discretion and for special reasons, small advances at 6½ per cent. interest, with permission to allow even a lower rate sometimes for such objects as the relief of individuals suffering from calamities of season, or for the provision of seed-grain or agricultural stock.

2. In some instances, however, Local Governments have, in anticipation of the approval of the Government of India, made larger advances than they were competent to sanction and at a lower rate of interest than 6½ per cent.

3. His Excellency in Council consequently directs that no more such unauthorised advances shall thus be made in anticipation of approval, and that the rate of interest charged upon such loans shall not, without very special reasons, be reduced below 6½ per cent.

4. The Governor General in Council further is of opinion that in future all such loans shall be held to be made upon the security of the Provincial Revenues, which will be required to make good the principal and interest if the debtor do not pay.

APPENDIX A. (See Rule 2.)

Routes by which alone timber and other forest produce may be moved into or from any of the following districts (namely) :—

1.—*Thána District.*

1. G. I. P. Railway Line.
2. B. B. and C. I. Railway Line.
3. Bombay and Agra Road.
4. Bombay and Poona Road.
5. Panvel and Campooli Road.
6. Bhor Ghát.
7. Kusr Ghát.
8. Sanján Bandar.
9. Sowta Bandar.
10. Apti Bandar.
11. Dysur Bandar.
12. Manor Bandar.
13. Sayeli Bandar.
14. Morambe Bandar.
15. Battan Bandar.
16. Mori Bandar.
17. Joo Nandruk Bandar.
18. Pishi Bandar.

2.—*Kolába District.*

19. Pen and Campooli Road.
20. Páli and Nágothna Road.
21. Dharamtar and Pen Road.
22. Mahád-Waranda Ghát Road.
23. Mahád and Ratnágiri Road.
24. FitzGerald Ghát Road.
25. Alibág and Revas Road.
26. Pimpri Ghát.
27. Alibág Bandar.
28. Durshet Bandar.
29. Amba Creek.
30. Revdanda Creek.
31. Dige Creek.
32. Sávitri River

3.—*Ratnágiri District.*

33. Ratnágiri-Poládpur Road.
34. Harnai Bandar.
35. Khed—Amboli.
36. Chiplún—Kumbhár Ghát.
37. Amba Ghát—Ratnágiri.
38. Bhowra Ghát.
39. Phonda Ghát.
40. Vengurla—Belgaum.
41. Bánkot Bandar.
42. Anjarle Bandar.
43. Anjanvel Bandar.
44. Jaygad Bandar.
45. Ratnágiri Bandar.
46. Purangad Bandar.
47. Jaytápur Bandar.
48. Viziadrug Bandar.
49. Málvan Bandar.

4.—*Khándesh District.*

50. G. I. P. Railway Lines.
51. Bombay and Agra Road.
52. Taloda-Kukarmunda Road.
53. Shaka-Isarvari Road.
54. All roads upon which Forest Depôts may from time to time be established under Rule 15.

5.—*Násik District.*

55. G. I. P. Railway.
56. Bombay and Agra Road.
57. Bari Ghát Road.
58. Násik-Sangamner Road.
59. Chip Ghát.
60. Kanchan Ghát.
61. Sailbári Ghát.
62. Bábula Ghát.
63. Nándgaon—Aurungabád.
64. Dhond-Manmád State Railway.

6.—*Ahmednagar District.*

65. Dhond-Manmád State Railway.
66. Násik-Ahmednagar Road.
67. Násik-Poona Road.
68. Manmád-Dhond Road.
69. Ahmednagar-Poona Road.
70. Ahmednagar-Aurungabád Road.
71. Akola-Bari Ghát Road.

7.—*Poona District.*

72. G. I. P. Railway Line.
73. Dhond-Manmád State Railway.
74. Málsej Ghát.
75. Brámanwada Ghát.
76. Poona-Násik Road.
77. Poona-Panvel Road.
78. Poona-Pimpri Ghát.
79. Poona and Sátára Road by Kátraaj Ghát.
80. Poona and Sholápur Road.
81. Níra Bridge Road.
82. Supa-Dhond Road.

8.—*Sátára District.*

83. Poona-Kolhápur Road.
84. Shervat-Waranda Ghát.
85. Bhor-Pandharpur Road.
86. Sátára-Pandharpur Road.
87. Sátára-Bijápur Road.
88. Níra Bridge-Pusesávli Road.
89. Umraj-Pandharpur Road.
90. Amboli Ghát-Sátára Road.
91. Tivra Ghát-Sátára Road.
92. Chiplún-Karád Road.
93. Várna Valley Road.
94. Mála Ghát.
95. FitzGerald Ghát.
96. Koyna River.
97. Verna River.

9.—*Sholápur District.*

98. G. I. P. Railway.
99. Sholápur-Poona Road.
100. Sholápur-Secunderabad Road.
101. Sholápur-Bijápur Road.
102. Pandharpur-Bijápur Road.
103. Pandharpur-Pusesávli Road.
104. Pandharpur-Sátára Road.
105. Pandharpur-Phaltan Road.
106. Sholápur-Karmála and Ahmednagar Road.
107. Bársi-Yedshi Road.

10.—*Surat District.*

108. Tápti River.
109. Bándsa—Bilimora and Balsár Road.

110. Dharampur and Balsár Road.
 111. Auranga River.
 112. Ambika River.
 113. Peint, Párdi, and Umarsádi Bandar Road.
 114. B. B. and C. I. Railway.
 The roads on which the following Forest Depôts are established, viz. :

1. Wagai.
2. Jakria Bari.
3. Bábulna Ghát.
4. Karjai.
5. Amoonia.
6. Kanchan Ghát.
7. Chip Ghát.

11.—*Panch Maháls District.*

115. Dohad-Pate Road.
 116. Godhra-Baroda Road.
 117. All roads upon which Forest Depôts may from time to time be established under Rule 15.

12.—*Kánara District.*

118. Tinai Ghát Road.
 119. Majali Road.
 120. Mouth of the Kalinadi River, Sadáshivgad, Kodibág and Kudra Bandars.

13.—*Dhárwár, Belgaum and Kaládgi Districts.*

Every made road maintained from Imperial, Provincial, Local or Forest Funds, and, with the special permission of the Conservator of Forests, any other road,

APPENDIX B. (See Rule 25.)

Special Rules under Section 41 of the Act for the Province of Sind.

1. All words used in these rules and defined in Act VII. of 1878 (The Indian Forest Act) shall be deemed to have the meaning respectively attributed to them by the said Act.
2. No timber or charcoal shall be brought within the Municipal limits of the cities of Shikárpur, Sukkur, Rohri and Hyderabad except by the roads and landing-places below mentioned (namely) :—

<i>Roads.</i>	<i>Landing-places.</i>
Shikárpur, A'bad, Melani and Ruk road ...	On the Sind Canal at Lakhi Tor.
Sukkur, A'bad, Meláni, and Shikárpur roads.	Sukkur Bandar.
Rohri—Multan road ...	Rohri Bandar.
Hyderabad—Road over old Phuleli Bridge, road over new Phuleli Bridge, Hajipur road, Gidu Bandar road.	Gidu Bandar, and near Bridge, over the new Phuleli.

3. No person shall remove any timber or charcoal from any Reserved or Protected Forest without a pass signed by the Forest Officer in charge of such Forest, or otherwise than in accordance with the conditions of such pass.

Every such pass shall specify—

- (1) the quantity and description of the timber or charcoal which it covers,
- (2) the name of the person removing such timber or charcoal,
- (3) the name of the Forest from which it is removed, and
- (4) its destination.

4. No person who wishes to remove any timber sufficient to make a cart or camel-load from any land which is not included in a Reserved or Protected Forest, shall remove the same from or to any place within twenty miles from a Reserved or Protected Forest, without obtaining from the holder or manager of the land, or if such land be Government waste land, from the Tapedár of tapa, a written certificate setting forth the quantity and description of the timber to be removed and the date of its removal.

5. No person shall bring firewood or charcoal, the produce of any land not included in a Reserved or Protected Forest, for sale into the cities of Shikárpur, Sukkur, Rohri or Hyderabad without a pass signed by a Forest Inspector, or a Tapedár, and setting forth the quantity and description of the firewood or charcoal covered thereby.

121. Kárwár Bandar.
122. Belikeri Bandar.
123. Ankola Bandar.
124. Mouth of the Gangavali River, Munjgooni, Gangavali, and Gundbala.
125. Mouth of the Tudri River, Tudri, Agnashini, Mirjan, Hegde, Dewgi, Mouki and Oupinuttum Bandars.
126. Mordeshwar Bandar.
127. Mouth of the Venktápur River (Sherali and Venktapur Bandars).
128. Bhatkal River (Bhatkal Bandar).
129. Gersapa Ghát Road to Talgoopa (Gersapa and Honavar Bandars).
130. Siddápur Road to Sorub viá Warda.
131. Sirsi to Sorup viá Banvasi.
132. Sirsi to Sammasgi viá Dasankop.
133. Sirsi to Hángal and Bankápur viá Pála.
134. Katur to Marguddi.
135. Mundgod to Bankápur viá Sauvali.
136. Mundgod to Turrus viá Wargatti.
137. Yellápur to Hubli viá Kirvati.
138. Haliyál to Dhárwár viá Mavinkop.
139. Haliyál to Belgaum—Madanhali.
140. Unshi Ghát Road viá Supa and Shitovde to Belgaum.
41. Supa viá Jagalbet, A'mod and Hemarge to Khánápur.

6. Every person in charge of any timber or charcoal to which any of the last three rules is applicable, shall retain the pass or certificate relating to such timber or charcoal in his possession so long as the same is in transit, and shall, on demand, produce the pass or certificate for inspection by any Forest or Police Officer, and if such timber or charcoal is being conveyed into the city of Shikárpur, Sukkur, Rohri, or Hyderabad, shall produce the pass or certificate at the stations, called "Guard," established on the routes leading to those cities for examination.

APPENDIX C.

Memorandum on the Legal Position of Government in respect of Forests and rights to Trees as ascertained by the results of recent Suits.

The great principle which is recognized by the courts in all questions as to rights to trees is that the proprietary right to trees follows the property in the soil. Hence wherever it can be shown that land is the property of Government, the immediate inference is drawn that in the absence of any other circumstance which creates a proprietary right in the trees in the landholder the trees belong to Government.

2. Thus in the case of *Govind Purshotam v. the Sub-Collector and Deputy Collector of Forests, Kolába*, (C. Bom. H. C. R., 188, A. C. J.) Couch, C. J., said "this is a case between landlord and tenant. There is nothing to show that the tenancy confers any other right than that of occupying and cultivating the land for 30 years, as guaranteed by the settlement.

Occupant under ordinary survey tenure is not proprietor of the soil. * * * The trees are timber trees growing on Government land, and the proprietary right to the trees is derived from the property in the land." The plaintiff's land had been surveyed and settled before the passing of the Bombay Survey Act of 1865, and section 40. of that Act did not apply to his holding, because that section had no retrospective effect. It was not contended that he held the land on any tenure or on any special terms, which implied proprietary right to the trees, and although he relied on Dunlop's proclamation* and on No. 10† of the old Joint Survey Rules, it appears to have been considered that he was not entitled to the benefit of either of these. This case, which is the earliest of the reported ones of the Bombay High Court on this subject, was decided in 1869.

3. In an earlier case, that of *Ruttonjee Eduljee Shet v. the Collector of Thána and the Conservator of Forests* (10 W. R. 13, Pr. C.) the Privy Council followed the same principle. The plaintiff in that case held the village of Ghátkopur in the Island of Sálsette on a lease granted to him by the Collector of Thána in A.D. 1845, and he claimed the right under that lease to fell unassessed trees in the village, and to apply them to his own use. Their Lordships of the Privy Council said: "At the time when this lease was made, the whole of the land and all the rights connected with the land, subject to such claims as third parties might have upon it, belonged to the Government. The trees upon the land were part of the land, and the right to cut down and sell those trees was incident to the proprietorship of the land. The appellant (plaintiff) therefore * * * must ground his title to these trees and the right to cut them down either upon this, that it is a necessary incident of the lease by reason of the objects of the lease; or *secondly*, upon some positive law; or *thirdly*, under some custom to be incorporated in the lease; or *fourthly*, under the express terms of the lease." And as none of these circumstances, which might affect the general principle, appeared to their Lordships to have been established, they held that the case of the appellant entirely failed.

4. The first question that arises in every case of a disputed right to forests or trees is, therefore, whether the Government is the proprietor of the soil, or the alienee (inámdár) or landholder. In the case of alienated lands the determination of this question sometimes raises difficult issues.

5. The leading case on this point is *Váman Jamárdan Joshi v. the Collector of Thána and the Conservator of Forests* (6 Bom. H. C. R. 199, A. C. J.) In that case the plaintiff (an inámdár) claimed the right to deal as he pleased with the forests in his inám village on the strength of his original sanads from Angria and the Peshwa. It was held by Melvill, J. (Gibbs, J., concurring) that "in a contest of this kind it is surely most just that such a rule as that by which English Courts of Law are guided in the construction of grants from the Crown, should be applied in the most stringent possible manner; and that the plaintiff's sanads should not be construed as conferring a right to the forests, unless such right be conferred in clear and unambiguous terms," and that the sanads

* See *infra*, para. 17.

† See *infra*, para. 18.

ought to "show plainly and unequivocally that the proprietorship of the land of the village was granted to the plaintiff's ancestor." It was allowed, quoting Westropp J.'s learned judgment in another* case, that sanadi grants in inám, &c., are "generally speaking more properly described as alienations of the royal share in the produce of the land" (i.e., of the Government revenues) "than grants of land." The sanads in question contained no such words as necessarily indicated a grant of the property in the soil. They did not contain the words common in Maráthi sanads, when the property in the soil is granted, viz., "jal, taru, tran, páshán, nidhi nikskep," (i.e. water, trees, grass, wood stone and buried or concealed treasure.) It was therefore held that they conferred only a right to the revenues of the village, and did not operate as an alienation of the soil and therefore gave the plaintiff no right to the timber growing on the soil ("for," said Melvill, "the owner of the land is owner also of the timber which grows upon the land").

6. In the decision of the *Conservator of Forests v. Nágardás Subháyadás*, known as

* The same principle applied to the decision of a khot's claim to forests, when the khot based his title on a sanad.

the Pigonde Case (High Court's Printed Judgments for 1875, pp. 325—332), the same principle was followed. The plaintiff in this instance was a khot of the Kolába District, and he claimed a right to the trees and forests of the villages of Pigonde to the extent of his ½th share in the khotki. But although the

suit related to a khoti village, the plaintiff based his claim on certain sanads, and the khot, considering that his rights were "laid down with sufficient distinctness in the documents thus propounded by him" did not go into the question of the general rights of khots,† and found that the sanads relied upon did not contain any such words as those above alluded to and were not intended to convey any proprietary right in the soil. This decision has since been confirmed on appeal by the Privy Council (L. R. VII Ind. App. 55). In the judgment of Westropp, C. J., there is the following passage which states the opinion of the Court in very clear language:—

"In *Vykunta† v. the Government of Bombay* decided by my brother West and myself on the 1st May last, we pointed out that when the State grants a village *eo nomine*, without further words, the proprietorship in the soil does not necessarily, or even ordinarily, pass to the grantee, and that the latter only takes thereby the royal share in the produce of the village, or so much of that share as the sanad may purport to grant. Mr. Mountstuart Elphinstone is very clear on that point (see his *History of India*, 4th Edition, p. 74, note)."

There is no part of the judgment in the Kánara Land Assessment Case which states this point in these very distinct terms, but the parts of that judgment to which the Chief Justice has referred are stated by himself in a marginal note to be "12 Bom: H. C. R. App. pp. 1, 33, 34 and especially 39, 40."

7. In this judgment in the Pigonde Case, Westropp, C. J., further observed, with

Limitations of the rigid rule of construction of written grants laid down in the leading case.

reference to the rule of construction of grants from the Crown that he "adopted the rule laid down authoritatively on behalf of Her Majesty's Privy Council by Sir John Coleridge in *Lord v. the Commissioners of Sydney* (12 Moor P. C. 497).

that although their Lordships 'did not intend to differ from the old authorities in respect to Crown grants,' yet they held that 'upon a question of the meaning of words, the same rules of common sense and justice must apply whether the subject-matter of construction be a grant from the Crown or from a subject,' and that 'it is always a question of intention to be collected from the language used with reference to the surrounding circumstances.' If those guides to a satisfactory construction fail, but not otherwise, the ancient rule that 'if the king's grant can enure to two intents, it shall be taken to the intent that makes most for the king's benefit ought to be applied.'" In *Raoji Náráyan Mandlik v. the Mámlatdár of Ratnágiri* (L. L. R. 1 Bom. 523), it was held that "if words are employed in a grant which expressly or by necessary implication indicate that Government intends that so far as it may have any ownership in the soil that ownership shall pass to the grantee," it is not permissible to any body to say that the ownership did not so pass, "unless there are in the grant such detailed provisions as show that such words are limited in their operation." §

* *Krishnaráo Ganesh v. Rangráo* (4 Bom. H. C. R. I, A. C. J.)

† But although the general rights of khots were not considered in this case, Melvill, J., referring in his judgment in *the Collector of Ratnágiri v. Raghunáthráo bin Rámájiráo Sarve* (H. Ct.'s Printed Judgments for 1875, p. 324) to the decision therein said: "It has been decided in Regular Appeal No. 15 of 1869 (and in this decision we concur) that a khot has no right to cut timber, either as a khot, or by virtue of Mr. Dunlop's proclamation, unless he can prove the grant of a proprietary title in the land of the village."

‡ This is the celebrated Kánara Land Assessment Case reported in 12 Bom. H. C. R. App. 1—224.

§ The law officers of the Government of India have recently considered the applicability in this country of the English rule for the construction of Crown grants in connection with the question of the right of Government to mines and minerals. They hold it to be inapplicable (1) where grants have been made in consideration of a money payment, and (2) where the grants have not been made in exercise of a prerogative (see Government of India's letter to Secretary of State, No. 7, of 1st September 1879, para. 4, published in Supplement to *Gazette of India* of 22nd May 1880, p. 864).

These are all the important decisions hitherto passed on the question of the construction of sanads or other written grants. But it is important to note that it has been ruled that where there has been a formal adjudication of title, the right of the grantee depends, not upon the terms of the original grant, but upon the meaning of the order of adjudication. Thus in *Vásudev Pandit v. the Collector of Poona* (10 Bom. H. C. R. 471), West and Nánabhái Haridás, J.J., held that the plaintiff's title rested, not upon the sanad granting the inám, but upon the construction of the decision passed by the Inám Commissioner under Rule 1, Schedule B. of Act X. of 1852, for continuing the village; and the words in the decision "*baki darobast gáv chálvava*" (let the whole remainder of the village continue) were construed as "an adjudication of all proprietary rights free from exceptions of any kind, except those specified." Original sanads which have of late years been superseded by summary settlement sanads would also, no doubt, upon a similar principle, be left out of consideration, the title of the inámdár be held to depend entirely upon the meaning of the latter sanads. These summary settlement sanads continue inám villages and lands for ever as "the private property" of the holders and it was held in the last-named case (10 Bom. H. C. R., 471), that it was an invasion of the right of an inámdár whose lands had been recognized by Government as his private property to quarry stone or take sand from those lands without his permission or authority. What is there said of quarrying stone or taking sand would apply equally to cutting timber, all these rights being incidents of the general proprietorship of the soil.

9. Alleged proprietary titles are not always based upon written grants. In all cases, however, the spirit of the above rule of construction of grants would, no doubt, be observed in weighing the value of any evidence that might be adduced against the Government. In the Kánara Land Assessment Case (12 Bom. H. C. R. 214, 215, App.) it was said that "if it be the duty of the Court not to enforce the written grant of the Crown unless it be clear and unambiguous, it is not too much to say that at the very least, it is equally incumbent on the Court to ascertain beyond doubt that the Crown has intended to part with its prerogative to which it has succeeded by right of conquest, when the evidence offered in proof of such an alienation is not any grant or sanad or any entry in a Government book * * * but is sought to be spelt out against the Crown from the acts and statements of its officers."

10. The right to trees in lands not held upon any inám tenure but under one or other of the ordinary ancient tenures of the country depends upon the same question, viz., whether the property in such lands belongs to the sovereign power of the State or to the landholder. This question was very thoroughly considered in the Kánara Land Assessment Case. After a full review of the authorities, Westropp, C. J., and West, J., arrived at the conclusion in that case, that "the proprietary right of the sovereign derives no warrant from the ancient laws or institutions of the Hindus, and is not recognized by modern Hindu lawyers as exclusive or incompatible with individual ownership" (12 Bom. H. C. R. 53, App). Under the Muhamadans also the holders of cultivated lands were shown to have been regarded as the owners thereof (*ibid*, 53—57). Proprietorship in the soil was expressly recognized as existing in the bhágdári and narwádári villages in parts of Gujarát (*ibid*, p. 43)* and it was so strongly stated that there is reason to believe that the *mirási* tenure in the Bombay Presidency carries with it private property in the soil (*ibid*, pp. 46-7, 43, 50, 51 and 70) that there is little doubt that if the point had been directly in issue, it would have been held that mirásdárs also are proprietors† of their lands, just as it was held (*ibid*, p. 1, head note) that the *mulavargdár* in Kánara "enjoys an hereditary and transferable property in the soil."

11. But whatever may be the rights of ryots in respect of their cultivated lands, it is now clearly established that waste lands under the ancient Hindu and Muhamadan laws as well as under the British law now in force in this Presidency, belong to Government. This was clearly laid down in the Kánara Land Assessment Case (12 Bom. H. C. R., 57-9 App.), in Pendse's Case (High Court's Printed Judgments for 1879, p. 276), which will be more particularly referred to in the next paragraph, and in the Kánara Forest Case (I. L. R. 3 Bom. 583-4, 542 and 546-7). The two last-named cases are the two important suits in which respectively the rights of Government to trees in *warkas* lands in the Konkan and in *kumri* lands in Kánara have been recently contested.

12. In *Vásudeo Bháskar Pendse v. the Collector of Thána* (High Court's Printed Judgments for 1879, pp. 274—287) the plaintiff sued "to establish his rights as against the Government to cut down all trees growing upon certain lands held by him in the Narsápur

* Its existence in tálukdári villages is recognized by section 20, Bombay Act VI. of 1862, as regards villages which have been managed by the Tálukdári Settlement Officer, and a Government Resolution extended the same recognition to tálukdári villages which did not come under management.

† In Pendse's case (Printed Judgments for 1879, p. 275) Melvill and Kembal, J.J., said: "If he (the plaintiff) were a mirásdár, we should probably on the authority of Mr. Mountstuart Elphinstone (a) hold that he was proprietor of his estate and of all trees growing upon it."

(a) Revenue Selection, Vol. IV., pp. 159, 160.

or Karjat taluka of the Thána district." He claimed a proprietary right in his lands by virtue of his being a *sutidár*, and he alleged that a *sutidár* in the Konkan was equivalent to a *mirásdár* in the Deccan. Melvill and Kemball, J.J., who decided the case, felt "no doubt that there is such a tenure as a *suti* tenure," but were unable on the imperfect evidence before them to determine "whether a *sutidár* in the Konkan has the same proprietary title in the soil of his estate as a *mirásdár* in the Deccan."* But they deemed it unnecessary to decide this point,† because (owing to a mistake in the conduct of the suit in the District Court) the plaintiff's right to the trees in his rice fields had been conceded by Government, and it was clear that it "was only in respect of plaintiff's rice fields that any *suti* tenure could be set up," the "*warkas* land never being entered in the Government accounts as *suti*, but being carefully distinguished from it."

13. The judgment of the High Court in this case was therefore limited to a consideration of the respective rights of Government and of the plaintiff in his *warkas* lands. *Warkas* is defined in the judgment as being "land on which, in accordance with the mode of cultivation in use in the Konkan, the cultivators cut grass, brushwood and branches of trees to be burned as manure (*ráb*) on their rice fields. This and not cultivation is the use to which *warkas* land is ordinarily appropriated; but patches of such land or from time to time used for raising scanty crops of inferior grain." The important points determined with respect to such lands are:—

(1) that *warkas* lands must be regarded to all intents and purposes as waste lands and, therefore, according to the settled law concerning waste lands, belong to the State;

(2) that neither the use, with the acquiescence of Government, of defined portions of such lands for obtaining manure, nor the occasional and sporadic cultivation for several generations of patches of such land can be held to create a proprietary title.

14. The claim in the Kánara Forest case (I. L. R., 3 Bom. 452—785) although of very much greater magnitude in its extent, was very similar in its nature to the above. Kumri cultivation consists in the clearing and cultivating of spots in the jungles or forests, which after a season or two are again abandoned for other similar spots. The judgments recorded by Green and West, J.J., in the case are extremely lengthy and complicated, and as the suit related principally to questions of a purely local nature, they have been summarized in a separate memorandum. But the following points of general applicability may be noted as having been determined in it (*viz.*):—

(1) That under British rule the principle from which we must start is that waste lands belong to Government (*ibid*, p. 584).

(2) That the levy of a tax does not necessarily make a proprietor, but that to levy money from a ryot on account of any land implies a knowledge that he is there and in some way beneficially connected with it (*ibid*, pp. 578, 586).

(3) That for whatever purpose land may be used, tacit acquiescence by Government in its occupation wherever definitely invited and plainly manifested, has the effect of creating decisive test of ownership (*ibid*, 578-79).

(4) That mere temporary occupation of spots in a forest "without appropriation of any spot for more than some months or a year" is not necessarily a property or possession (*ibid*, 581).

(5) That as there must be certainty in a grant as to the area conferred, so there must be certainty as to area, or at least as to the identity of the object occupied, if the occupation is to raise the presumption of a grant, or of acquiescence in a definite occupation. There must be the "essential elements of possession, a fixed, a definable, an exclusive occupation, * * * present to the perception of the parties" (*ibid*, 585).

(6) That the acquiescence of Government in the levy by another person of fees for the cultivation of land within limits which that person claimed as his own, and the fact of Government's refraining from levying such fees direct and assessing such person's income from the fees levied by him, must be held to mark Government's recognition of such person's ownership (593, 636).

(7) That "a property in the soil must not be understood to convey the same rights in India as in England." Under one system an ownership may subsist unimpaired side by side with a limited right in exercise of which acts may be done which under another system would be regarded as contradictions of any ownership (*ibid*, 715).

* The plaintiff also made some attempt to establish his proprietary title on the ground of his being a "*pánderpasha*;" but the Court held that *pánderpashas* had no greater proprietary rights than any other occupant, the only privilege they enjoyed being a certain remission of the Government assessment, and even that privilege had been discontinued since A.D. 1864.

† In a later case, however, between private parties, *Wáman Bhiwáji v. Vináyak Rámchandra Lakshmanji* (High Court's Printed Judgments for 1879, p. 429) the same Judges said that "*sut*" is a "term which may be taken to be equivalent to the '*mirási*' in the Deccan, and to 'mean and of which the holder is proprietor subject to the payment to Government of a certain defined share of the produce.'

15. Failing proof of absolute ownership of the soil, an attempt is sometimes made to establish a prescriptive or customary right to the trees on Government lands. This, however, it has now been ruled, cannot be done. In *Váman Janárdan Joshi v. the Collector of Thána and the Conservator of Forests* (6 Bom. H. C. R. 201, 202, A. C. J.), Melvill, J., held (Gibbs, J., concurring) that the plaintiff could not acquire by prescription a right to dispose as proprietor of all timber growing on another's land. Again in *Vásudeo Bháskar Pendse v. the Collector of Thána* (High Court's Printed Judgments for 1879, p. 278) the same Judge, (Kemball, J., concurring) said, it is clear upon authority that if the soil be the property of another, the plaintiff cannot, either by custom or prescription, acquire an unlimited right to cut down trees growing upon that soil. "A *profit a prendre* in another's soil cannot be claimed by custom, however ancient, uniform and clear the exercise of that custom may have been" and "an unlimited *profit a prendre* on another's soil cannot be claimed by prescription."

16. West, J., held to the same effect in his judgment in the Kánara Forest Case (I. L. R. 3, Bom. 640-641), but he pointed out that "the right to cut timber is" nevertheless "separable as a legal notion, from the residual ownership with which it is usually joined in England; and in this country the reserve of the forests or of timber trees of special value by the State in a grant of land is a general and well understood incident of the estate thus granted. In Gujarát it is not unusual for the owner of trees and the owner of the soil in which they grow to be different persons. This custom may have sprung from the Mahomedan law. It does not necessarily follow, therefore, from the cutting of trees by the Government that the Government asserting an unqualified ownership of the soil, extruded every private claimant." That particular rights over, or in respect of, the trees in certain lands may exist without carrying with them an absolute right of property over the whole is illustrated in the Pigonde Case (High Court's Printed Judgments for 1875, p. 332), in which the Chief Justice said: "A practice for the khot to charge fees to other persons for cutting firewood does not, in my opinion, afford any solid ground for contending that he had any right to teak or other valuable trees. It might as well be contended that a right to firebote in England conferred upon the tenant a right to cut down oak and other valuable trees."

17. Both in the South Konkan and the Kánara Districts, certain proclamations (in the South Konkan Dunlop's proclamation of A.D. 1824, and in Kánara Harris' proclamation of A.D. 1823) are relied upon by the landholders as giving them rights to timber. The two proclamations which are very similar are to be found quoted at 8 Bom. H. C. R., 2 A. C. J., and I. L. R., 3 Bom. 728, respectively. With respect to the former it was admitted for the plaintiff in the Pigonde Case and the principle of the admission was endorsed by the Court (see Kemball, J.'s judgment., p. 327) that unless a khot was proprietor of his land, it neither conferred upon, nor confirmed to, him any rights in the timber trees; and it was also held in the Kánara Forest Case that the latter related only to timber in proprietary estates (I. L. R., 3 Bom. 690-691). In *the Collector of Ratnágiri v. Venkatráo Náráyen Sarve* (8 Bom. H. C. R., 1 A. C. J.), it was argued on behalf of Government that Dunlop's proclamation had been cancelled by a subsequent Government notification issued in 1851; but it was held "that Government cannot, by issuing a subsequent proclamation, resume a grant made by a previous proclamation, inasmuch as it cannot, any more than a private person, without the consent of the donee, revoke a gift actually made."

18. In *Vásudeo Bháskar Pendse v. the Collector of Thána*, when it had been held in the first place that the *warkas* lands in dispute were the property of Government, and therefore that the trees standing on them were *prima facie* also the property of Government, the plaintiff endeavoured to establish his title in virtue of "special grants and recognitions made by Government from time to time." The decisions recorded by the Court upon the various points thus raised are only applicable to the district of Thána, and some of them, perhaps, to certain *tálukas* only of that district, but as indicating the nature of the questions which arise in such cases, it may be useful briefly to state them here. The Court held that—

- (1) in the Thána district, previous to the introduction of the Revenue Survey—
 - (a) the felling of teak trees was universally prohibited and the right of Government to do this was never questioned;
 - (b) the right to all other trees standing upon, or to be afterwards planted upon their own lands was conceded to the occupants;
 - (c) *warkas* lands were treated as Government waste and not as private lands;
 - (d) the right of cultivators to take "*ráb*" from *warkas* lands for manuring their rice fields was recognized; but
 - (e) they were prohibited from felling trees of certain specified descriptions, although permitted, as a favour, to cut common wood for domestic use but not for trading purposes;

(2) there is considerable confusion about the introduction of the Joint Survey Rules into the Konkan, but Captain (now Colonel) Francis' order for introducing them must either be held to have been unauthorized and invalid, or else that order and a subsequent order issued by him for modifying Rule X.* must be taken as constituting a single proceeding, so that either Rule X. was not introduced into the Konkan, or it was introduced with a reservation of the rights of Government in certain trees ;

(3) the present intentions of Government and of the Legislature appeared from Government Resolution No. 6646, dated 27th November 1875, and from the Bombay Land Revenue Code Bill (a) to be to reserve teak and black-wood trees only, and therefore that the plaintiff's title to cut trees in the *warkas* land of which he is survey occupant extends to all trees except these ;

(a) See section 40 of the Revenue Code, which has since become law.

(4) as regards *warkas* land in the plaintiff's occupation but not included in any survey number, he is not entitled to cut down any trees.

19. In unalienated lands which are not the property of their holders and which have been subjected to a survey settlement, the rights to trees are now defined by section 40 of the Bombay Land Revenue Code.

Applicability of section 40 of the Revenue Code.

J. R. NAYLOR,
Remembrancer of Legal Affairs.

APPENDIX D.

Two questions have been submitted to Government for decision :—

First—Whether any land other than forest land or waste land which is the property of Government or over which the Government has proprietary rights or to the whole or any part of the forest produce of which the Government is entitled can be constituted a reserved forest under the provisions of Chapter II. of Act VII. of 1878 ?

Secondly—Whether the rights referred to in Section 9 of that Act include right of way or right to a water-course ?

2. On the first question it is quite clear that Chapter II. relates to forest land or waste land described in Section 3 and to no other land.

3. Section 3 specifies what land it shall be lawful for the Government to constitute reserved forest ; namely, forest and waste land belonging to Government. The words "any land" in Section 4 cannot include any other land than what it is lawful for the Government to constitute a reserved forest. The Government cannot notify cultivated lands, whether alienated or unalienated, as forest reserves, except by first acquiring all the rights of ownership and converting them into waste lands. The object of Section 10 is to meet the case of any claim that may possibly be made of private ownership in or over such forest land or waste land or any portion thereof as is notified under Section 4, and to empower the Forest Settlement Officer to exclude such land from the proposed forest or obtain a surrender of it from the claimant or acquire it under the Land Acquisition Act, 1870.

4. With regard to any land other than forest land or waste land belonging to Government, if required for the purposes of the Forest Act, 1878, Section 83 provides that it can be treated as required for a public purpose and dealt with under the Land Acquisition Act, 1870. When such land has been so acquired it becomes with all rights in or over the same public property, subject always to the right of way and all other rights of the public or of individuals legally subsisting. If Government does not dispose of it in any other way or for any other purpose, it becomes waste land belonging to Government, and may be constituted a reserved forest in the manner provided in Chapter II of the forest Act.

5. On the second question right of way and right to a water-course are included in the rights referred to in Section 9.

6. The Forest Settlement Officer is appointed to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the specified limits of the proposed forest, and to deal with

* No. X. of the Joint Survey Rules was as follows :—

" Proprietors of *inam*, *judi* and *miras* lands, having possession of the same, have the right of 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."

Captain Francis' order for modifying this rule in the Konkan was as follows :—

" Clause 10 provides that the proprietor of a field has the right to cut down trees growing in the field. Such right must be understood to exist in this *peta* : but this clause does not authorize the felling of trees which are under the conservation of Dr. Gibson, the Conservator of Forests ; they should be preserved as hitherto."

the same as provided in Chapter II. He has, therefore, two principal duties to attend to; first, to make a proper inquiry; and, secondly, to dispose of the claims in accordance with the provisions of the said chapter.

7. His enquiry is to be made not only into all claims duly preferred, but he is to search for the *existence* of any rights which are not claimed by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.

8. The rights so contemplated are classed as follows :—

- (1.) Right of pasture.
- (2.) Right to forest produce.
- (3.) Right of way.
- (4.) Right to water-courses.
- (5.) All other rights in or over any land.

9. Section 10 provides how the Forest Settlement Officer shall deal with the last class of rights.

10. Sections 11, 12, 13, 14 and 15 provide how the Forest Settlement Officer shall deal with the first and second classes of rights.

11. The third and fourth classes relate to certain incorporeal hereditaments or easements attaching to the land which is the property of Government. It is obvious that when once after due inquiry a claim to any such right is admitted, or when once the existence of any such right is discovered, the fact of the right is sufficiently established.

12. Where no claims are preferred in respect of these rights, it is undoubtedly the duty of the Forest Settlement Officer not to overlook their existence and not to neglect to make every possible enquiry to ascertain whether any such rights do exist. It depends on the Forest Settlement Officer to prevent any hardship occurring to villagers living near proposed forests in respect to the use of public pathways or of water-courses in the forests; and it is not likely that any such rights, where they are clearly defined and ascertainable, will become extinct through the operation of Section 9. Any right of this description which is so obscure as not to be claimed at the proper time, or to come to knowledge after careful search has been made, cannot be of much worth.

13. It is clearly the intention of the Legislature that all existing rights of way or to water-courses should be carefully ascertained and preserved intact unless it is found convenient to stop such ways or water-courses and substitute others for them, as provided by Section 24.

14. Any person who shall enter a forest except by such public or private way will be a trespasser. An unlawful entry on another's land is a trespass; but it is not an offence punishable under the Penal Code, which only contemplates the offence called "criminal trespass," *i. e.*, trespass with intent to commit an offence or to annoy the person in possession. But unlawful entry on a reserved forest is a forest offence punishable under the Forest Act, 1878. (G. R. 3112 of 31st May 1881.)

APPENDIX E.

(Rules for the assignment of land for Kumri cultivation).

- (1) The period of fallow should never be less than ten years after cultivation for two.
- (2) Personal inspection should annually be made both by the Collector and the Assistant Collector with a view to ascertaining that the prescribed limits of the Kumri assignment in each case have not been exceeded.
- (3) Kumri assignments should, as far as possible, never be allowed within 100 yards of streams running as late as December, and on the upper third of the slopes of hills.

(See G. R. 5319 of 9th August 1882.)

APPENDIX No. I.

CANAL

Form of Application for Water for Irrigation.

To The EXECUTIVE ENGINEER for IRRIGATION, _____ DIVISION.

I, A.B., resident of _____ Taluka _____, in the _____ District, make this application for the supply of water from the above canal for the purpose of irrigating the undermentioned crop on the land hereinafter described _____, (namely):—

Survey Number.	Village.	Mile.	Distributing Channel Number.	Area of Field to be irrigated.		For what Crop required.	Date from which water is required.	In how many months from such date crop should come to maturity.	Crops sown on this land during the previous year.	Order of the Executive Engineer as to whether the application is granted or not.	Water-rate to be charged per acre if application is granted.
				Acres.	Gunthas.						
1		3	4	5		6	7	8	9	10	11

Dated the _____ 188 _____
Witnesses.

(Signed) _____ Applicant.
(Signed) _____ Executive Engineer.

Columns Nos. 1 to 9 to be filled up by applicant. Nos. 10 and 11 by the Executive Engineer.
Application to be made in duplicate—one for applicant, the other for Executive Engineer.

NOTE.—Under Rule III. of the Canal Rules no application for water will ordinarily be entertained unless the field to be irrigated is demarcated by a clearly distinguishable boundary and has been prepared for irrigation.

APPENDIX No. II.

No. _____
नंबर } _____

{ CANAL.
{ कालवा.

Form of Register of authorized Deductions from Water-rates, Kharif (or Rabi) Season, 188 -8

Taluka.	Village.	Survey Number.	Person to whom allowance made.	Remissions.		Free Grants.		Total Deductions.	REMARKS.
				Acres.	Water rate.	Acres.	Water rate.		
तालुका.	गांवाचें नांव.	सर्वे नंबर.	ज्या इतमाला द्यावयाचें त्याचें नांव.	एकर.	पाण्याचा दर.	एकर.	पाण्याचा दर.	एकंदर कमी केलेला पैसा.	शेरा.

{ 18
{ १८
{ Executive Engineer, Division.
{ एक्सिक्यूटिव्ह इंजिनियर. दिव्हिजन.

PLAN V.]
(110)
IRRIGATION.

APPENDIX No. III.

Form of Return of Measurement and Assessment.

No. }
नंबर. } _____

_____ } CANAL.
_____ } कालवा.

Village }
गावाचे नांव } _____

Taluka }
तालुका } _____

District }
जिल्हा } _____

} Kharif (or Rabi) Season, 188 -8 .

Number. नंबर.	Survey Number. सर्वे नंबर.	Distributing Channel. पाट.		Registered Occupant or Holder. मालक.	Cultivator. लागवड करणारा.	Measurement (Field). शेताची मोजणी.				Produce. उत्पन्न.	Water Rate per acre. पाण्याचा दर प्रत्येक एकरास.	Water Rate for each Field. पाण्याचा दर प्रत्येक शेता- करिता.	Amount due by each Cultivator. प्रत्येक लागवड करणाराकडे झालेली रकम.	REMARKS. शेरा.
		Mile. मैल.	Number. नंबर.			Length. लांबी.	Breadth. रुंदी.	Area in Acres. क्षेत्रफळ एकर.						
								Flow. प्रवाहाने.	Lift. मोटने, राहाटाने, वगैरे.					

NOTE.—Return for Kharif to be printed in blue ink. Return for Rabi to be printed in red ink.

CERTIFICATE BY EXECUTIVE ENGINEER REGARDING MEASUREMENT TESTS. }
मोजणीविषयी एक्झिक्यूटीव्ह इंजनीअरकडून खात्रीचा दाखला. } _____

18

१८

Measurer.
मोजणारा.

Overseer.
आम्हरसीयर.

Executive Engineer.
एक्झिक्यूटीव्ह इंजनीअर.

(Division.
डिविजन.)

Executive Engineer.
एक. एंजि.

(Division.
डिविजन.)

IRRIGATION.]

(III)

[PART V.]

Form of Statement of Demands for Water-rates for Irrigation.

No. of the Measurement Statement.	Village.	Táluka.	Water-rate.			Deductions.			Net amount to be realized by Collector.		
			Rs.	a.	p.	No. †	Rs.	a.	p.	Rs.	a.	p.
1	2	3	4			5			6		
		Total ...									

* Refer to Register No. II. for details.

† Refer to Return No. III. for details.

Forwarded to the Collector of _____ for No. _____ of 188 realization in accordance with Canal Rule 28, together with copies of the Register No. II. and the Return No. III. herein referred to. _____ 188 Executive Engineer for Irrigation, _____ Division.

Form of Annual Return of the Area of Irrigation and Water-rate to be collected in the _____ District.

No. of Return No. II.	Village.	Táluka.	AREA IN ACRES.			WATER-RATE.			Remissions and free grants.	Net amount to be realized by Collector.	REMARKS.
			Flow.	Lift.	Total.	Flow.	Lift.	Total.*			

Forwarded to the Superintending Engineer for Irrigation _____ No. _____ of 188 and Examiner of P. W. Accounts in accordance with Canal Rule 36. _____ 188 Executive Engineer, Irrigation, _____ Division.

PART V.]

(112)

IRRIGATION.

Form of Annual Return of Revenue from all sources during the Official year 188 -8 .

B 514-29

IRRIGATION.]

1	WATER RATES FROM IRRIGATION REALIZABLE BY COLLECTOR.			* MISCELLANEOUS RECEIPTS.										
	Net to be realized.	Remissions and free-grants.	Total.		Sale of Water.	Water-supply of Towns.	Plantations.	Other Canal Produce.	Water Power.	Navigation.	Rents of Buildings.	Fees.	Miscellaneous.	Total.
2	3	4	1	2	3	4	5	6	7	8	9	10	11	
Rabi (Dry-crop) Assessment for 188 -8				Assessments by Ex. Engineer, realizable by Collector during the official year										
Kharif (Monsoon crop) Assessment for 188 -8				Assessments by Ex. Engineer, realizable by himself during the official year										
				Balance as per last Return Assessments during the year.										
				Total										
Increase on previous year				Realizations by Ex. Engineers, Taluka										
Rabi				Do.										
Kharif				Do.										
				Do.										
				Do.										
				Total										
Decrease on previous year				Balance unrealized on 1st April										
Rabi														
Kharif														

(118)

No. of 188 .

* Per details on the reverse.

Forwarded to the Superintending Engineer for Irrigation and the Examiner of Public Works Accounts, Bombay, in accordance with Canal Rule 56.

Executive Engineer for Irrigation, Division.

188

Details of Miscellaneous Receipts.

Sub-heads and Particulars.	To be realized by Collector.	To be realized by Executive Engineer.

PART V.

APPENDIX No. VII.

Khari (or Rabi) Season, 188 -8

CANAL

Form of Annual Return of Realizations of Water-rates and Miscellaneous Receipts during the Official Year 188 -8 .

No. _____ of 188 .

Forwarded to the Examiner, Public Works Accounts, Bombay, and the Superintending Engineer, Irrigation, _____ in accordance with Canal Rule 37.

_____ 188 .

Collector of _____

Particulars of the demands of Miscellaneous Receipts assessed by the Collector during the Official Year 188 -8 .

Sub-heads and Particulars.	Amount.	Sub-heads and Particulars.	Amount.

Kharif (or Rabi) Season.

_____ CANAL.

Annual Return of Realizations of Water-rates and Miscellaneous Receipts during the Official Year 188 -8 .

WATER RATES.				MISCELLANEOUS RECEIPTS.											
Demands, Collec- tions, and Balances.	Balance of former demands.	Demands received during the Official Year.	Total.	Demands, Collec- tions, and Balances.	Sale of Water.	Water-supply of Towns.	Plantations.	Other Canal Produce.	Water Power.	Navigation.	Rents of Buildings.	Fines.	Miscellaneous.	Total.	Grand Total.
				Balance of former demands											
				<i>Demands during the year.</i>											
				By Executive En- gineer											
				By Collector											
				Total											
				<i>Realizations.</i>											
				April 188											
				May											
				June											
				July											
				August											
				September											
				October											
				November											
				December											
				January 188											
				February											
				March											
				Total											
				Balance unrealized.											

* The realizations made during the year against "Balance of former demands" and "Demands received during the year," should be shown under the respective columns.

Collector of _____

IRRIGATION.]

(115)

[PART V.

Detail of Remissions authorized in the Revenue Department.

Táluka.	Village.	Collection.	Amount.		Cause of Remission and Authority.

Memo. of Recoveries by Tálukas.

	WATER RATES.			MISCELLANEOUS RECEIPTS.				Grand Total.	
	Balance of former demands.	Demands received during the Official Year.	Total.						Total.
Total ...									

Collector of _____

APPENDIX No. VIII.

Form of Annual General Return of Consolidated Revenue.

No. _____

_____ 188 .

Statement of Consolidated Revenue for the year 188 -8, in respect of the _____ District, forwarded to the Examiner of Public Works Accounts, Bombay, and to the Superintending Engineer for Irrigation, in accordance with Canal Rule 38.

_____ DISTRICT.

_____ Collector.

Statement of Consolidated Revenue from Irrigation Works for the Year 188 .

Number.	NAME OF WORK.	Total Acres assessed under the Settlement.		Total Acres cultivated during the year.		Assessment of the year.			Remissions during the year.			Total Consolidated Revenue during the year.	Irrigation Share.	Land Share.	Remarks as to how the shares have been arrived at and the authority under which calculated.	
		Kharif.	Rabi.	Kharif.	Rabi.	Kharif.	Rabi.	Total.	Kharif.	Rabi.	Total.					

Notes.—Percentage of the cost of Collecting Establishment during the year of the Collectorate is _____

Annas and pies and fractions of an acre omitted.

Land share Rs.

Irrigation share „

Rs.

_____ 188 .

_____ Collector.

APPENDIX No. IX.

Form of Annual Return of Water-rates, &c., recovered by the Revenue Department.

Kharif (or Rabi) Season.

No. _____

_____ 188 .

Return for the year 188 -8 in respect of the _____ District _____, forwarded to the Examiner of Public Works Accounts, Bombay, and the Superintending Engineer, Irrigation, in accordance with Canal Rule 8.

Collector.

Kharif (or Rabi) Season.

Return of Arrears and Assessments, &c., in respect of (1) Water-rates, (2) Miscellaneous Receipts from Canals, &c., in the _____ District, Sind, during the year 188 -8 .

CANALS.	WATER-RATE FROM IRRIGATION.								MISCELLANEOUS RECEIPTS.										REMARKS.		
	Assessments.					Remissions during year.			Actual Receipts during year.	Owner's Rates on Irrigated Land.	Sales of Water.	Water-supply of Towns.	Plan-tations.	Other Canal Produce.	Water Power.	Na-viga-tion.	Rents of Build-ings.	Fines.		Miscel-laneous.	Total actual Receipts during year on account of distinct Water-rates and Miscel-laneous Receipts.
	Unrealized Balance at the end of last year.	Assessment during current year.		Total.	Unrealized Balance at the end of current year.	Remissions during year.															
Amount.	Acres.	Amount.	Amount.	Amount.	Acres.	Amount.															
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	

188 .

Collector.

Part V.]

(118)

IRRIGATION.

APPENDIX A.

Government Selections CXXXII, New Series, contains Colonel Etheridge's interesting narrative of the Bombay Inám Commission, dated 21st April 1873, which Government ordered to be published as a valuable work of reference, and gives a good deal of useful information on the subject of summary settlements.

See also Colonel Etheridge's Preface to his List of Saranjáms.

The following extracts are taken from the Judgment of the High Court, dated 12th June 1882, in a suit for partition of saranjám property, and will be found useful for reference :—

In *Krishnarav Ganesh vs. Rungrav et al.* (b) Westropp, C. J., said, "Sanadi grants in inám, saranjám, jaghir, vazifa, wakf, devasthán, and sevasthán, are, generally speaking, more properly described as alienations of the royal share in the produce of land, *i. e.*, of land revenue, than grants of land, although in popular parlance, and in this judgment, occasionally so-called." This observation has frequently been quoted with approval, and the principle involved in it was the foundation of the decision in *Vaman Janardhan Joshi vs. The Collector of Thána* (c), which has been followed in many subsequent decisions. In *Rouji Narayan vs. Dadaji Bapuji* (d) Westropp, C. J., repeated his former observation as being undoubtedly true, though he qualified it by adding that "if words are employed in a grant, which expressly, or by necessary implication, indicate that Government intends that so far as it may have any ownership in the soil, that ownership may pass to the grantee, neither Government nor any person subsequently to the date of the grant deriving under Government, can be permitted to say that the ownership did not so pass." He then added "In the *sanad* in evidence here, whosoever framed it, was apparently determined that no ambiguity should exist as to what the force of the term "village" might be; and in order to be explicit, he added to the grant of the village in inám the words "including the waters, the trees, the stones, (including quarries), the mines, and the hidden treasures therein." Consequently, in that particular case the Chief Justice refused to hold the Pensions' Act applicable; remarking that "an enactment of a character so arbitrary as Act XXIII of 1871, which purports to deprive the subject of his right to resort to the ordinary Courts of Justice for relief in certain cases, ought to be construed strictly, and the Court should not extend its operation further than the language of the Legislature requires." But the principle that grants in inám are ordinarily to be regarded as grants of land revenue, and nothing more, is in no way weakened by the decision in that case.

If this principle be true as regards grants in inám generally, it appears to us to be specially applicable to grants in jaghir or saranjám.

Of these two terms Colonel Etheridge says in the Preface to the List of Saranjáms published by him as the same stood on the 1st August, 1874, "Under the Mahomedan dynasty such holdings were known as *Jághír*, under the Marátha rule as *Saranjám*. If any original distinctive feature marked the tenure of *Jaghir* and *Saranjam*, it ceased to exist during the Marátha Empire: for, at the period of the introduction of the British Government, there was no practical difference between a *Jághírdar* and a *Saranjámddár*, either in the Deccan or Southern Marátha Country. The terms *Jaghir* and *Saranjam* are convertible terms in these districts. The latter is now almost universally adopted. These holdings, being of a political character, were not transferable nor necessarily hereditary, but, as a rule, were held at the pleasure of the Sovereign. On succession a *Nazrána* was levied. When of a personal nature, they were termed *Jat Saranjám*, when for the maintenance of troops *Fouj Saranjám*."

Colonel Etheridge's observation that jaghírs were not necessarily hereditary hardly conveys a correct idea of the fact. It would have been more correct, if he had said that jaghírs were not necessarily grants for life only, but might occasionally be hereditary.

(e). Ind. Law Rep., 3 Bom., 186. This is how the fact is stated by the Judicial Committee in *Gulabdas Jagjivandas vs. The Collector of Surat* (e), where, their Lordships say that a *jaghir* must be taken *primá facie*, to be an estate only for life, although it may possibly be granted in such terms as to make it hereditary. Similarly, in the Fifth Report from the Select Committee on Indian Affairs (page 86) it was said: "With regard to the *jághírs* granted by Mahomedans, either as marks of favour, or as rewards for public service, they generally, if not always, reverted to the State on the decease of the grantee, unless continued to his heir under a new *sanad*; for the alienation in perpetuity of the rights of Government in the soil was inconsistent with the established policy of the Mahomedans, from which they deviated only in the case of endowments to the religious establishments and offices of public duty, and in some rare instances of grants to holy men and celebrated scholars."

The circumstance that grants of this kind were ordinarily of so temporary a nature raises a presumption even stronger than that which exists in regard to ináms generally that the grants were ordinarily grants of the land revenue, and not of the soil. And the best authorities on the subject agree in so defining the nature of *jághírs* and *saranjáms*. Colonel Etheridge, in the Preface to which we have already referred, says: "It was the practice under former Governments, both Mahomedan and Marátha, to maintain a species of feudal aristocracy for State purposes by temporary assignments of revenue, either for the support of troops for personal service, the maintenance of official dignity, or other specific reason. Holders of such grants were entrusted at the same time with the powers requisite to enable them to collect and appropriate the revenue, and to administer the general government of the tract of land which produced it. Under the Mahomedan dynasty such holdings were known as *jághír*; under the Marátha rule as *saranjám*." Professor Wilson in his Glossary defines *saranjám*s as "temporary assignments of revenue from villages or lands for the support of troops, or for personal service, usually for the life of the grantee; also grants made to persons appointed to civil offices of the State to enable them to maintain their dignity. They were neither transferable nor hereditary, and were held at the pleasure of the Sovereign." The term *jághír* he defines as "a tenure common under the Mahomedan Government, in which the public revenues of a given tract of land were made over to a servant of the State, together with the powers requisite to enable him to collect and appropriate such revenue, and administer the general government of the district." Mr. Steele (Hindu Castes, page 207) says: "Grants by the Native Government in *Jághír* were either *Fauj Saranjám*, subject to the performance of military service, or *Jat Saranjám*, personal *Jághír*. The subject of these grants were the whole or particular portions of the revenues of villages belonging to the Sirkar * * * * *. Usually the grants depended on the pleasure of the Sovereign, and the fidelity of the grantee * * * * *. They were not in general hereditary; sanads seldom exist; on the first grant it was usual to give the grantee a *Khat* or order addressed to the Government officers of the district." Mr. Neil Baillie, in his Essay on the Land Tax of India, says (page xlv) "The *Jághír* is, properly speaking, an order upon the *Khíraj* of particular lands, which are said to be granted by way of *Jághír*. Two examples of it are given in the Appendix; and the terms in which they are expressed are worthy of attention. In both a sum of money, so many *lakhs* of *dams*, is said to be bestowed out of a particular Pergunneh, the officers and inhabitants of which are directed to account for their just rents and dues of the *Diváni* (that is of the Civil Government) to the agent of the *Jághírdár*, up to the sum specified, from which they are forbidden to withhold or deduct a single *dam*." He then goes on to say: "Though the *Jághír* was, in form, an order for the payment of the *Khíraj*, there is no doubt that the *Jághírdár* was treated, in some respects, as the *Zamíndár*, or holder of the land. Thus No. IV of the Appendix is a *Perwanneh*, addressed to the agent of a *Jághírdár*, in which he is required to do justice to a complainant; and though the purpose of the *Jághír* was to make a provision by an order on the revenue, yet this was said to be by way of *Jághír*, as if some holding or taking of the land itself was necessary to give due effect to this object. The *Jághír* is thus sometimes treated as an estate in land, not only in the Regulations, of the Indian Government but also in the decisions of the Courts of Justice, and in this sense it is considered to be, essentially, an estate for life. There is reason however to think this view of the *Jághír* to be erroneous. As an order for payment of the *Khíraj* to a particular person, it necessarily fell to the ground on his death, unless some other persons, by name or description, were included in the grant. Such other persons might be his children: and if a *Jághír* were granted to a man and his children, there seems to be no just reason why it should not pass to them at his death; much less is there any just cause for suspecting the genuineness of a document constituting a *Jághír*, because it contains such words as seems to have been done in the case above alluded to." We understand Mr. Neil Baillie as expressing in this passage a clear opinion that, although the etymology of the word *jághír* has sometimes given rise to the idea that the term involves a taking of land, or an estate in land, and although a *Jághírdár* has been treated as having some of the powers of a land-holder, yet, in fact, the grant is nothing more than an assignment of land revenue. And the case of *The East India Company vs. Syed Ali (f)* shows that it was upon this ground that the Madras Government justified the resumption of *jághírs*, when it assumed the Government of the Carnatic in 1801. At page 575 of the Report is the plea of the East India Company that "even when the language of the grants might seem to convey a proprietary interest in the soil, the grantees confessedly possessed no such interest, the subject-matter of the grant being a mere *Jághír*, or portion of public land revenue, together with the Government powers of collecting the same."

The authorities which we have quoted, (and none have been shown to us which support a different conclusion), may, we think, be taken as at least establishing that a grant in *jághír* or *saranjám* is very rarely a grant of the soil, and that the burden of proving that it is in any particular case a grant of the soil lies very heavily upon the party alleging it. If it had not been that in the present case, in which there is no *sanad*, a Division Bench remanded the case for the taking of evidence, we should have been disposed to say that such a contention could not be made out by any evidence except such a *sanad* as was produced in *Ravji Narayan vs. Dadaji Bapuji* already referred to.

The history of the manner in which Deccan *saranjams* were dealt with by the Government of India and the East India Company, when it succeeded to the Government of the Peshwa, is succinctly stated in Colonel Etheridge's Preface. The correspondence cited by him shows clearly enough that, when on the advice of Mr. Mountstuart Elphinstone, then Commissioner at Poona, it was determined that all *saranjams* granted prior to A. D. 1751 should be considered hereditary; this concession was made, not as of right, but as an act of grace and State policy, and the Government reserved to itself the power of determining, whenever occasions might arise, the nature and extent of its own bounty. This reservation of the power of Government has been recognised in all the legislations on the subject since Mr. Mountstuart Elphinstone, as Governor of Bombay, framed his Code of Regulations Section 38 of Regulation XVII of 1827, provides that "land held exempt as *Jaghirs* shall be liable to resumption and assessment under the general rules at the pleasure of Government." This is explained in Clause 3, Section I, Regulation VI of 1833, which says "*Jaghirs* or other lands held on service tenure are declared to be resumable at the pleasure of Government, under the forms laid down in Clause First, Section 38, Regulation XVII, A. D. 1827, it being understood that the expression used in the said clause, *viz.*, "under the general rules" meant "such rules as Government may think proper to issue from time to time." Act XI of 1852, after providing for rules for adjudicating upon titles to exemption from payment of land revenue, says (Section 10): "These rules shall not be necessarily applicable to *Jaghirs*, *saranjams* or other tenures for service to Government, or tenures of a political nature, the title and continuance of which shall be determined, as heretofore, under such rules as Government may find it necessary to issue from time to time." So, in Bombay Act II of 1863, which was an Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government land revenue in those parts of the Bombay Presidency, which are subject to the operation of Act XI of 1852, Section 1, Clause 2, says: "The excepted cases, to which the authority of adjustment and guarantee vested in the Governor-in-Council by this provision shall not extend, are the cases of lands held as follows:—

1st. * * * * *

2nd. Lands granted or held as *Jaghirs* or *Saranjams*, or on similar political tenure."

And then, lest any question should be raised, (as was attempted to be raised in the argument in this case), whether the mere order of Government that land should be entered in the accounts under the heading "Political" is conclusive as to the political character of the grant, Section 16 of the Act goes on to say: "'Political tenure' is defined to be tenure created from, or dependent upon, political considerations, the existence of which shall be determined by the Government." So, in Bombay Act VII of 1863, which is a similar Act relating to districts not subject to the operation of Act XI of 1852, Section 2, Clause 2, provides that "lands granted or held as *Saranjam*, or on similar political tenure, shall be resumable or continuable in such manner, and on such terms as Government, on political considerations, may from time to time see fit to determine," and Section 32 contains a definition of the term "political tenure," similar to that which we have quoted from Bombay Act II of 1863. The Regulations and Acts which we have cited show beyond all question that it is for the Government to determine how *saranjams* are to be held and inherited, and that, if the Civil Courts had jurisdiction over claims relating to *Saranjams*, they would be bound to determine such claims according to the rules laid down by the Government. It would, therefore, be useless to refer, as in this case we have been referred, to evidence tending to show that, under the Native Government, the ancestors of the parties dealt with their *Saranjam* villages as if they were proprietors of the soil, and partitioned the villages among their families. The questions which the Courts would have to consider would simply be, what are the terms of the grant by which the British Government continued the *Saranjam*? and what is the rule of succession laid down by the British Government for *saranjams* in general, or for this *saranjam* in particular?

It would appear that, under "the *Saranjam* Rules" an hereditary *Saranjam* is considered by the Revenue authorities to descend entire to the eldest representative of the last holder, and that, if the eldest son predeceases his father, his son takes precedence of the next surviving son of the last holder.

We have been informed that the only rules are those contained in the Preface to Colonel Etheridge's List of *Saranjams*, to which we have so repeatedly referred. As the Regulations and Acts which we have quoted contemplate that *jaghirs* and *saranjams* should be continuable under general rules to be issued from time to time by Government, it seems strange that no rules should be forthcoming, bearing the authorisation of the signature of a Secretary to Government. We, must, however, take it that Colonel Etheridge speaks, under the authority of Government, when he says in the Preface to which we have been referred, that succession to *Saranjams* is restricted to lineal male heirs in the order of primogeniture; and that the eldest son is the heir in the first instance. Colonel Etheridge says that in *Saranjams* of the second class, if the eldest son of the first British grantee die before his father, but leave a son, that son, on his grandfather's death, is to be considered the second generation, and the whole *Saranjam* will be continued to him. But curiously enough, Colonel Etheridge does

not say whether the same rule of succession would be applicable to hereditary *Saranjams*; and on this point, therefore, we are left without any distinct rule. The rule to which the Revenue Commissioner referred in 1865 as giving to the son of a predeceased eldest son a preference over his uncle is not forthcoming in the Secretariat; nor does Mr. Nairne in his Handbook mention any such rule, except that which we have already quoted from Colonel Etheridge's Preface, as applicable to *Saranjams* of the second class. In the absence of a rule made by Government, the Courts would, if they had jurisdiction in the matter, be obliged to decide according to the ordinary rule of Hindu law applicable to impartible property; and although, as stated by Mr. Mayne in his work on Hindu Law (Section 461), there is rather a want of authority as to the rule to be adopted where an eldest son, who has never taken the estate, has died leaving younger brothers, and also a son, yet the Courts would probably hold that the grandson took in preference to his deceased father's eldest surviving brother.

As regards the question of the impartibility of a *saranjam*, the rule stated by Colonel Etheridge is in accordance with the orders conveyed in a despatch from the Court of Directors, No. 27, dated 12th December 1855. In para. 20 of that despatch they say: "We agree with you that *Saranjams* should not be sub-divided, but that the holders should be required to make a suitable provision for their younger brothers." A *jaghír*, to which service is attached, is certainly not divisible, but descends to the eldest son
 (g). 6 Cal. S. D. 169, 204. —*Hurlall Singh v. Jorasun Singh* (g), cited with approbation by Lord Kingsdown in 6 Moore's Indian Appeals, 125, and *Rajha Nilmoney Singh v. Bakranath Singh*, decided by the Privy Council, 10th March 1882. There is some evidence in the present case that the *saranjam* was originally given for the maintenance of a body of horse, and was, therefore, in its inception a *jaghír* held for service. But independently of this and of any Government rule, the same principle would probably be applied to all *saranjams*, on the ground stated by Mr. Mayne (Hindu Law, Section 393), that an estate, which has been allotted by Government to a man of rank for the maintenance of his rank, is indivisible as otherwise the purpose of the grant would be frustrated.

APPENDIX B.

No. 6018.

Extract from the proceedings of the Government of Bombay in the Revenue Department, dated the 25th October 1875.

READ the undermentioned papers:—

Letter from J. E. Oliphant, Esq., Acting Revenue Commissioner, S. D., to the Chief Secretary to Government, No. 5, dated 4th January 1875.

In continuation of my Memorandum No. 4307, dated the 24th November last, I have the honour to request you will favour me with the instructions of Government as to the course to be followed in cases in which the watan lands belonging to district hereditary officers and subjected to the summary settlement are purchased by parties (not members of the watan-dár's family) at auction sales under decrees of the civil courts. Such purchasers frequently make applications to have the lands entered in their names in the Government accounts, and the question for consideration is, whether or not their applications should be complied with.

2. As the right of Government to exact service from the lands in question has been commuted under the settlement effected by the late Mr. Gordon, I see no objection to enter the lands in the purchaser's names on their agreeing to pay in future the additional naz-rána of one anna for each rupee of the assessment, as prescribed for adoptions out of the family of watandárs.

Memorandum from Colonel A. T. Etheridge, C.S.L., Alienation Settlement Officer, S. D., No. 28, dated 15th January 1875.

Referring to Government endorsement No. 163 of 12th instant, Colonel Etheridge has the honour to observe that he is very doubtful whether a purchaser's name should be entered in the Government accounts, as suggested by the Revenue Commissioner, in the case of a district watan disposed of at an auction. It seems to the Alienation Officer that the terms of the sanads issued under Mr. Gordon's watandári settlement will scarcely admit of this course. As there is a doubt, the question might perhaps be referred to the Legal Remembrancer.

Report by J. R. Naylor, Esq., C.S., on special duty, No. 176, dated 8th May 1875.

Clause 2, section 15, Bombay Act III. of 1874 (the Hereditary Officers' Act), enacts that any settlement for commutation of service made with the holder of any watan before that Act came into force, shall have the same force as if made under that Act. And clause 1 of the same section enacts that such settlement may be made "upon such condition whether consistent with the provisions of this Act or not, as may be agreed upon." The effect of this appears to be to legalise any terms that may be, or may heretofore have been, mutually agreed upon between Government and the holder of a watan, even though such terms may not be consistent with the provisions of the Act. But watan property does not cease to be watan property, because the duties, for the performance of which it was originally acquired, have been commuted for a money payment, and unless there be something in the terms of the commutation settlement inconsistent therewith, the law ordinarily applicable to such property still applies to it, I think, notwithstanding that Government have dispensed with the necessity for service.

2. Under this view, I am of opinion that section 5 of Bombay Act III. of 1874, which enacts that "no watandár shall, without the sanction of Government, sell, mortgage, or otherwise alienate or assign any watan or part thereof, or interest therein, to any person not a watandár of the same watan," is applicable to the watans of district hereditary officers whose liability to service has been commuted for a money payment, because, as far as I am aware, there is nothing in the settlements entered into with them to the contrary. I say as far as I am aware, because I find from Colonel Etheridge's narrative* of the Inám Commission (latter part of para. 69) that the sanads which have been issued "are not only not the same throughout the Presidency, but are not the same in all respects in the same division."

3. The only form of sanad which has come to my notice is that sanctioned originally by Government Resolution No. 2871, dated 25th August 1863, in the Revenue Department, for Poona and Sátára. The former portion of it has been since somewhat changed on the recommendation of the Legal Remembrancer, but the essential portion would appear from the standard form (Sanad 14), recently printed at the Central Press, after being sent to me for revision (*vide* Government Memorandum No. 4958, dated 16th September 1874), to have remained intact. It is as follows:—

*Bombay Government Selections, No. CXXXII., New Series, p. 50.

"It is hereby declared that the said lands and cash allowances shall be continued hereditarily by the British Government, on the following conditions: that is to say, that the said holders and their heirs shall continue faithful subjects of the British Government, and shall render to the same the following fixed yearly dues:—

	Rs.
Mámul Judi
In lieu of service
Total	_____

"In consideration of the fulfilment of which conditions—

"1st.—The said lands and cash allowances shall be continued without demand of service, and without increase of land tax over the above fixed amounts, and without objection or question on the part of Government as to the rights of any holders thereof, so long as any male heir to the watan, lineal, collateral, or adopted, within the limits of the watandár family, shall be in existence.

"2nd.—No nazrána or other demand on the part of Government will be imposed on account of the succession of heirs, lineal, collateral, or adopted within the limits of the watandár family, and permission to make such adoptions need not hereafter be obtained from Government.

"3rd.—When all the sharers of the watan agree to request it, then the general privilege of adopting at any time any person (without restriction as to family) who can be legally adopted, will be granted by Government to the watan, on the payment from that time forward in perpetuity of an annual nazrána of one anna in each rupee of the above total emoluments of the watan."

The above conditions, so far from being inconsistent with the provisions of the Hereditary Officers' Act, are, it seems, in strict accordance with section 5 of it, which prohibits a transfer of the watan property to any person not being a watandár of the same watan. And if the same conditions are contained in all the sanads alluded to by Colonel Etheridge, the variances being in other details only, I am of opinion that no portion of watan to which any such sanad applies can be alienated to any person other than a watandár of the same watan without the sanction of Government, and that the Collectors may lawfully, in case of any such alienation in the future, have recourse to the powers given to them by Sections X. and XI. of the Act, and in the case of alienations effected before the Act was passed otherwise than by the intervention of the courts, to the powers given them by Section IX. of the Act.

4. It cannot, I think, be said that the property of any watan to which a sanad containing the above conditions has been given, has been thereby converted into *private property* in the usual wide sense of that term, and if I am correct in supposing that similar conditions have been inserted in all such sanads, I would respectfully suggest that the latter part of the 1st para. of Government Resolution No. 4248, dated 24th July 1873, might perhaps be modified with a view of removing possible misunderstanding. The closing part of the Collector of Dhárwár's Memorandum of the 10th October 1872,* to which the Hon'ble Colonel Anderson took exception in para. 5† of his No. 970, dated 1st July 1873 (*vide* Compilation No. 1063 of 1873), appears also to have been correct, whilst

*"The above rules (proposed for the collection of judi on inám holdings) will apply to all kinds of ináms in this district with such few modifications as would be necessary according to the different conditions under which the ináms may have been continued; for instance, in the case of the district hereditary officers' lands, the same rules would apply, with this exception, that the transfer contemplated in the rules should not be permitted when the transferee is some person out of the watandár's family; this is necessary, as these watans have not been made transferable private property." (Mr. E. P. Robertson, Collector of Dhárwár's Memo. dated 10th October 1872.)

† "The rules proposed by the Collector of Dhárwár would act beneficially beyond all doubt, and with a definition of the share of each sub-inámdár, would give a much more secure and comfortable tenure to all inámdárs, freeing them from all chance of molestation from the misdeeds or machinations of their co-sharers; but Colonel Anderson cannot agree with the closing part of the Collector's memo. of the 10th October 1872, in making district hereditary officers' lands only an exception. It would appear very inexpedient to allow the permanent transfer to any person, not of the office family, of any lands now held on service tenure. When all liability for service has been commuted no such objection exists. It would be far preferable, considering their present status, to allow district hereditary officers to do what they please with their lands than to grant the same liberty to the patels and kulkarnis, which, however, does not appear to be objected to by the Collector of Dhárwár. To facilitate the scattering of patels' and kulkarnis' land would be a political as well as an administrative error, while it appears by no means certain that the same measure would not be a political advantage in the case of the district hereditary officers whose service is no longer required, and whose ancient family influence, which is still very great and little to the advantage of Government, would be decreased by the dispersion of their lands." (Colonel Anderson's Memo. No. 970, dated 1st July 1873.)

the latter's views are certainly not in accordance with those expressed in para. 4 of Government Resolution No. 3167, dated 19th September 1863.*

5. I should add that a similar question to that on which I am now reporting has been raised in the suit marginally noted, the defence of which was sanctioned in Government Resolution No. 5510, dated 17th October 1874, and in adverting to para. 9 of my Report No. 158, dated 13th October 1874, upon this suit, I must explain that Sections V. and IX. of Bombay Act III. of 1874 have placed the law as to the inalienability of watan property in a much clearer light than the vague provision of clause I., Section 20 of Regulation XVI. of 1827 did.

IN THE DISTRICT COURT OF POONA.

Original No. 2 of 1874.

Náro Dámodar Ghugri.

vs.

The Collector of Poona.

Memorandum from Aderji Jamsetji, Esq., Acting Alienation Settlement Officer, N. D., No. 306, dated 14th June 1875.

The queries put in Government Memorandum No. 2824, dated 17th May 1875, to the Revenue Commissioner, N. D., are:—

- (1.) Whether the same conditions have been entered in the sanads issued to the watandárs in the districts of the Northern Division as those stated by Mr. Naylor?
- (2.) Whether the entry of the names of purchasers of watans is not permitted in the Northern Division?

2. As regards the first query, the undersigned begs to append a memorandum showing the conditions of the sanads issued to the watandárs in the different Collectorates of Gujarát.

3. In the remaining Collectorates of Khándesh, Násik, Thána and Kolába, the conditions of the sanads issued to the watandárs of those districts are the same as those stated by Mr. Naylor.

4. With respect to the second query, the undersigned begs to state that the entry of the names of purchasers of watans in the districts of Surat, Broach and Kaira has been permitted. A specimen of such entry is given below:—

“Haridás Navalráam, purchaser of Dhanshankar Lakhmishankar's hak.”

5. Applications for the entry of the name of a purchaser or mortgagee of the watans mentioned in para. 3 of this memorandum have been rejected by this department.

6. The conditions of the sanads issued to the watandárs of the Ahmedabad District admit of a purchaser's name being entered, provided the watandárs have agreed to the payment of an annual nazrána of one anna in each rupee of the total emoluments of the watan.

Conditions of the Sanad granted to the District Hereditary Officers of Surat and Broach as per Government sanction No. 3929, dated 14th November 1867.

“The watan, of which the share specified in the schedule below given is a part, as now confirmed, shall be continued (subject to the condition of loyalty to the British Government on the part of the holders thereof) by the British Government without demand of service, and without any further deduction therefrom on that account, or any objection or question on the part of Government as to title, to whomsoever shall from time to time be the lawful holders thereof, but without affecting the rights and interests of other parties.”

* “With reference to paragraphs 26 to 29 (of the Watan Commissioner's report), the Governor in Council agrees with Mr. Hart (*vide* extract † para. 4 of his report given below) in accordance with whose views the point therein referred should be disposed of. With a view to give practical proof of the desire of Government to increase rather than to diminish the share which those officers have hitherto had in the efficient administration of the country, Government will be glad to receive from the Commission list of any of these Hereditary Officers whom they, after consultation with the Collectors, would recommend to be gazetted as Honorary Magistrates, together with a draft of any rules they may think it desirable to lay down for regulating the proceedings of such officers in the execution of their functions. Great care should be taken in the selection of officers with regard, not only to their personal character and social position, but their capacity to appreciate the honour done to them and their class by their selection.” Government Resolution No. 3167, dated 19th September 1863, para 4.)

† Extract para. 4 of Mr. Hart's Report above referred to:—“There is only one other point on which the Revenue Commissioner considers any remark beyond the notice of his general concurrence necessary, and this is not a point of any importance as regards the financial part of the settlement. In paragraph 25 of the Special Commissioners' letter, they mention the desire of the zamindárs, that in order to keep up the recognition of the consideration in which they have been hitherto held by the community, ‘they should be considered to have a right to sit in the kacheri.’ This ought not to be assented to in such terms as to recognise their rights to frequent the Mámlatdárs' kacheris, or interfere in the kacheri work, at their own pleasure, which might cause great inconvenience and abuses of various kinds, but that when they do attend, in pursuance of invitations such as are contemplated at the close of the Special Commissioners' 28th paragraph, or in pursuance of any legitimate business, they shall be treated with no less consideration in such matters, as being allowed to be seated, &c., than they have hitherto been. The Revenue Commissioner believes that this is what is intended by the Special Committee, but has considered it right to notice the matter, trivial as it may appear, more particularly than they have done.” (Mr. Hart's Memo. No. 2302, dated 24th July 1863.)

Conditions of the Sanad granted to the District Hereditary Officers of Ahmedabad as per Government sanction No. 234, dated 17th January 1867.

"1st.—The watan, as now confirmed, and below specified, shall be continued (subject to the condition of loyalty to the British Government on the part of the holders thereof) hereditarily without demand of service, and without any further deduction therefrom on account of service, and without objection or question on the part of Government as to the rights of any holders thereof, so long as there shall remain in existence any legal heir to the watan, whether lineal, collateral, or adopted, within the limits of the watandár's family, and whether descended in the male or female line.

"2nd.—When all the recorded sharers in the watan agree to request it, the general privilege of adopting at any time any person out of the watandár's family, who can be legally adopted, and of transferring the watan or any recognized share thereof, by sale, mortgage, &c., as private property, will be granted by Government to the watan on the payment from that time forward, in perpetuity of an annual nazrána of one anna in each rupee of the total emoluments of the watan as now confirmed, and from the date of the imposition of this nazrána the whole watan, or the recognized shares thereof, will be converted into private property, heritable and transferable in all legal modes."

Conditions of the Sanad granted to the District Hereditary Officers of Kaira, as per Government sanction No. 2376, dated 16th May 1872.

"This sanad is accordingly issued; and it is hereby declared that the emoluments of the said watan specified below shall, as now confirmed, be continued (subject to the condition of loyalty to the British Government on the part of the holders thereof) by the British Government in perpetuity, without demand of service or any further deduction therefrom on that account, and without any objection or question on the part of Government as to title, whether it shall have accrued in virtue of inheritance, adoption, transfer, or otherwise to whomsoever shall from time to time be the lawful holders thereof, but without affecting the rights and interests of other parties."

RESOLUTION.—The question raised by Mr. Oliphant is a very important one, and requires definite orders. But owing to the variety of agreements which has been made with watandárs and to other causes, no distinct ruling of general application has yet been laid down.

2. Government are inclined to think that the rule laid down for Surat and Broach in Government Resolution No. 4425 of 16th December 1867 (a copy of which will be found in the précis attached), is the one which should be adopted everywhere, viz., that Government will not question alienations by district hereditary officers who have accepted the settlement, but that this course does not prevent parties interested from suing to set aside alienations as illegal. In that case it would be as well to forego the right to claim a nazrána of one anna on alienations or adoptions in which this has been stipulated for in the sanads. The amount of nazrána to be lost will be very small. If this course were adopted, the rule would be that the Collector should enter the names of alienees, if not objected to by the watandárs, on which point inquiries should be made. If the watandárs object, the Collector would refuse to make the entry, and leave the parties to obtain decision from the Civil Court.

3. Government will, however, feel obliged by the Revenue Commissioners considering the important question at issue thoroughly, and favouring them with their opinion upon it. Government would wish to be informed, at the same time, how far the condition has already been enforced of payment of nazrána where such a provision has been inserted in the sanads, and whether any complications would follow the abandonment of it.

4. Mr. Naylor should be asked his opinion whether, if the question were decided in the manner indicated, it would be necessary to issue new sanads, or whether the decision would be a mere concession which the watandárs cannot object to; in other words, would an order merely directing the Collectors not to enforce certain stipulations in the sanads be objectionable?

5. Mr. Naylor should forward duplicate copies of his report to the Revenue Commissioners as well as to Government, in order that the Revenue Commissioners may have the benefit of his opinion when submitting their reports.

No. 3279.

Bombay Castle, 2nd June 1876.

REVENUE DEPARTMENT.

Letter from Mr. J. R. Naylor, C.S., on Special Duty, No. 21, dated 7th January 1876.

Letter from the Revenue Commissioner, S. D., No. 1333, dated 20th April 1876.

Letter from the Revenue Commissioner, N. D., No. 3133, dated 20th May 1876.

Replying to Government Resolution No. 6018, dated 25th October 1875—Calling for opinion on the question as to the advisability of permitting alienations or adoptions out of the families by district hereditary officers who have accepted the watan settlement, without payment of nazrána.

RESOLUTION.—His Excellency in Council does not think it would be expedient to forego the nazrána of one anna, and it seems to him that the method least likely to cause difficulty would be to adhere strictly to the terms of the sanads in each case.

APPENDIX C.

Extract from reports of the Legal Remembrancer, quoted in Government Resolution No. 2318, Revenue Department, dated 8th April 1882.

" Government have decided on several occasions that a daughter married out of a watan family is not by reason of such marriage divested of her rights and does not lose her status as watandár.

" 2. In the present instance it appears that the petitioner has already been recognized as representative watandár, and that under Section 51 of the Bombay Hereditary Offices Act, 1874, she appointed her husband to be her deputy. As Section 53 of that Act provides that none but a watandár shall be appointed as deputy the question is whether the petitioner's husband can be deemed to be a watandár, that is 'a person having an hereditary interest in a watan' within the meaning of that section.

" 3. The answer to this question must depend upon the decision of the other important question whether the watan property which a daughter inherits from her father is stridhan, and, therefore, transmissible to her heirs, or whether it is a limited and restricted estate only, that is to say, which she is entitled to enjoy for her life-time, and on her death devolves on the line of the last male owner, her father.

" 4. If the watan is regarded as stridhan it seems clear from the best authorities that on the death of the daughter her children are entitled to inherit it, and if she has no children, her husband will be her heir and on failure of him his nearest sapindás, which term includes, on the father's side, all blood relations within six degrees together with the wives of the males, and on the mother's side, those within four degrees. Consequently no objection could be taken to the appointment of the watandár's husband or one of his relations within those degrees as her deputy.

" 5. There is, however, a very great difference of opinion on the subject. The Bombay High Court have ruled that according to Hindu law on this side of India property inherited by a married woman from her father descends on her death to her own and not to her father's heirs (*see* I. Bombay High Court Reports, 209). Subsequently the same Court held that the property acquired by a married woman by inheritance, with the exception of property inherited by a widow from her husband, classes as stridhan and descends accordingly (*see* 6 Bombay High Court Reports, 1). Lastly it was decided in an elaborate judgment by Mr. Justice West (8 Bombay High Court Reports, 244) that the Mitákshara (which is the highest authority in this Presidency) recognizes only one class of stridhan and includes in that class *all* property acquired by a woman by inheritance, and if she has been married according to one of the approved forms, on her death childless, descends to her husband and his sapindás; but over stridhan acquired by inheritance her power of alienation is limited. So, too, in the latest case reported in Indian Law Reports (III. Bombay, 171) the Chief Justice (Westropp) held that the daughter had succeeded not to a qualified estate but to an absolute and several estate in her father's immoveable property.

" 6. On the other hand the rulings of the High Courts of Calcutta and Madras are quite opposed to the Bombay rulings, and have been entirely approved of by the Privy Council in *Chotay Lall v. Chimno Lall* (6 Law Reports Indian Appeals, 15). In commenting on Mr. Justice West's judgment the Chief Justice of the Calcutta High Court in this case pointed out that there was no substantial difference of opinion on the law between the Calcutta and Madras High Courts, and that they ought not to unsettle the law which had been received for the last fifty years on account of the opinion of a Judge of the High Court at Bombay, however learned he may be. The Privy Council observed that the question of the daughter's estate cannot be considered as 'res integra'; that the result appears to be that the Courts in Bengal and Madras have determined in a series of decisions that the daughter takes a qualified estate only, whereas in the Courts of Bombay there have been rulings and *dicta* in favour of the view that she takes the entire property. But 'their Lordships do not think it necessary, especially after their own decisions as to widows' estates, to go into an examination of the Indian cases. They agree in the conclusion of the Calcutta High Court affirming the law as stated by Sir William Macnaughton, that immoveable property acquired by a daughter by inheritance, on her death in default of issue male, goes not as stridhan to her husband or other heir but reverts to her father's heirs.'

" 7. It must be observed that this difference of opinion rests on a different interpretation of old and obscure texts. The original text of the Mitákshara, it is stated in the above judgment of the Privy Council, does not afford any foundation for the argument in favour of the right of the daughter to the entire interest in land acquired by inheritance, though the interpretation of the commentator, Vijnáneshvar, on which Mr. Justice West's reasoning rests, does. It seems, therefore, that there is a preponderance of decisions against the Bombay rulings. What would be the result of an appeal to the Privy Council from this Presidency it is not easy to say. Mr. Justice West observes that it is reasonable to suppose

that in such case his arguments would have much weight with their Lordships. In the Calcutta appeal, however, the Privy Council had an opportunity of weighing the Bombay rulings as they are carefully reviewed in the judgment of the Chief Justice Couch which was on appeal before their Lordships. The conclusion come to by their Lordships is that it was unsafe to open the question and unsettle a rule of inheritance affirmed by a long course of decisions.

" 8. The question of course now is whether Government should follow the law as stated by the Bombay High Court or as it is stated by the High Courts of Bengal and Madras, and recognize the female watandár's husband or his relative as having an hereditary interest in the watan.

" 9. In deciding this question it must be remembered that the Bombay rulings extend over a period of some twenty years and were laid down by Judges whose reputation for learning is beyond all question—Sir Mathew Sausse, Sir Joseph Arnould, and Mr. R. West, and have been followed and accepted as the law by the people of this Presidency. The Bengal and Madras rulings, though entitled to every respect, are not binding here, while the judgment of the Privy Council cannot be said to decide the question in its direct applicability to the people of this side of India.

" 10. On the next occasion of the question arising as it almost certainly will, the Bombay High Court Judges will have to decide it in the light of the Privy Council's decision, and it remains to be seen whether the High Court will adhere to its former view of the law as applicable to this Presidency or will alter it in accordance with the views of the Bengal and Madras Courts.

" 11. There is, therefore, no objection to the Bombay rulings being followed in the present instance, as it is clear the husband is otherwise fully competent to officiate as deputy for his wife. Government can safely leave it to the members of the original watandár's family on the death of the female representative watandár to contest with her husband or his relatives the question of the devolution of the watan estate now discussed.

" 12. In the case reported in the Indian Law Reports, Volume VI., Bombay Series, page 87, *Bulákhidás v. Keshavlál*, Mr. Justice Melvill says: 'In this Presidency, and especially in Gujarát from whence this case comes, the Vyavahára Mayukha is a principal authority, and on the strength of Chapter IV., Section 8, paragraph 10 of the Mayukha, it has become the established rule in this Presidency that daughters take by inheritance an absolute estate and not a limited interest as they would under the Mitákshara.' It seems from this remark that the interpretation of the Mitákshara which has been unhesitatingly adopted by the Privy Council must be accepted in this Presidency, but inasmuch as the Mayukha is a principal authority in this Presidency and more especially in Gujarát, we must fall back on the Mayukha which Mr. Justice Melvill declares to be a sufficient authority that daughters take not only absolute but several estates, and consequently, when not having any issue, may dispose of such property during life or may devise it by will." //

APPENDIX A. (See Rule 22.)

Form of Descriptive Roll.

Running No.	No. in the Alienation List or Pesa Khatiwahi.	Name.	Caste or Sect.	Residence.	Personal Identification.	Height.	Age at the date of preparing the Roll.	Monthly Quarterly, Half-yearly, or Yearly Amount.	How long controllable.	Signature of the party whose Descriptive Roll is prepared.	Signature of Witnesses of identification.	Signature of the Officer before whom the Descriptive Roll is taken.	Date of preparing the Roll.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

PAYMENTS.

When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.	When paid.	For what period.	Amount.	To whom paid.	Signature of the Disbursing Officer.

APPENDIX B. (See Rule 29.)

Form of Certificate.

Whereas *A. B.* of claim against *C. D.* of

is desirous of preferring a to establish his right to

(here state clearly the nature of the claim)

This is to certify that I, *E. F.*, Collector of _____, do hereby allow, under Section 6 of the Pensions Act, 1871, that the said claim may be tried by any Civil Court otherwise competent to try the same.

(Signed) *E. F.*,
Collector.

Dated at this _____ day of _____ 18 .



APPENDIX A. (See Rule 18.)

Account of.....Licensed Stamp Vendor at.....No.

DATE.	PARTICULARS.	GENERAL STAMPS.				TOTAL.
		Stamped Papers.		Hundis.		
		Number of Papers.	Amount.	Number of Papers.	Amount.	
	Balance					
	Received as per Indent of					
	Ditto ditto					
	Ditto ditto					
	Total					
	Sold during the month					
	Balance					

APPENDIX B. (See Rule 19.)

Know all men by these presents that we, *A. B.* resident of, and *C. D.* resident of, and *E. F.* resident of, are jointly and severally held and firmly bound unto the Secretary of State for India in Council in the sum of Rupees of good and lawful money current in Bombay, to be paid to the said Secretary of State, or his certain Attorney, agents, successors, or assigns, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us, and our respective heirs, executors, administrators, and representatives, by these presents. Sealed with our respective seals. Dated this..... day of in the year of Christ One thousand Eight hundred and

Whereas according to the provisions of the rules in this behalf framed under Section 55 of the Indian Stamp Act of 1879 the above bounden *A. B.* has been duly appointed to vend at in the certain stamps on the part of Government, and whereas the above bounden *C. D.* and *E. F.* have agreed to join with the said *A. B.* in the above written bond or obligation, subject to the conditions hereunder written, as the surety or sureties of the said *A. B.* for his strict observance, for and during all the time that he the said *A. B.* has been or shall continue to be such vendor of stamps, of the duties of his said office, and of all and every the rules authorised by or referred to in the said Act to be observed by all vendors of stamps according to the true intent and meaning of the said Rules and every of them, and also for his the said *A. B.*'s strict observance, for and during all the time that he shall continue to be such vendor of stamps, of such future acts, with such penalty, and after such form as may be required by the Collector of

Now the condition of the above written bond or obligation is such, that if the above bounden *A. B.* has, for and during all the time that he the said *A. B.* has been such vendor of stamps as aforesaid, well, truly, faithfully, and diligently done, executed and performed, and do and shall, for and during all the time that he the said *A. B.* shall continue vendor of stamps, well, truly, faithfully, and diligently do, execute, and perform all and every the duties belonging to the said office of vendor of stamps, and has faithfully, justly, and exactly observed, performed, fulfilled, and kept, and shall faithfully, justly, and exactly observe, perform, fulfil, and keep all and every the rules mentioned or referred to in the said Act to be observed by all vendors of stamps according to the true intent and meaning of the said rules, and every of them and also if the said *A. B.* shall well and truly observe, perform, fulfil, and keep such future acts, with such penalty and after such form as may be required by such Collector of according to the true intent and meaning of the said lastmentioned Act; and if the said *A. B.*, his heirs, executors, or administrators shall indemnify and keep and save harmless the said Secretary of State for India, his successors, and assigns of and from all loss and losses, damage and damages, which has or have happened or accrued to, or been sustained by him, the said Secretary of State for India, or which may or shall happen or accrue to, or be at any time or times sustained by him the said Secretary of State for India, his successors, or assigns, by, from, or through, or by the means of the neglect, default, insolvency, or misconduct of him the said *A. B.*, his executors or administrators or agents or his or their executors or administrators, not fully accounting for and paying to the said Secretary of State for India, his successors, or assigns, what may be justly due and owing to him by the said *A. B.* as vendor of stamps as aforesaid,

or through or by means of the neglect, misconduct, omission, or insolvency of the said A. B. as such vendor or stamps as aforesaid; and also shall well and truly pay or cause to be paid into the hands of the Collector of..... for the time being, or to such other officer or person as the Government of Bombay shall from time to time direct or appoint, any penalties, forfeitures, dues or other sum or sums of money which now have been, or shall, or may be at any time hereafter incurred, or any penalties which may become payable by the said A. B., as such vendor of stamps, under or by virtue or by reason of the said Rules, or by any of them or by any such future Rule or Act, Rules or Acts, as shall hereafter be in that behalf passed in due form of law, relating to the said duties of stamp vendors when and so often as all or any such penalties, forfeitures, dues and other sum or sums of money shall be so incurred or become payable by the said A. B., then this obligation to be void and of no effect, but otherwise to be and remain in full force and virtue.

Signed, Sealed, and Delivered at.....

In our presence

(Signed) A. B.
C. D.
E. F.

APPENDIX A. (See Rule 1.)

FORM OF BOOK No. I.

Register of Non-testamentary Documents relating to Immoveable Property.

Serial number of document.	Endorsement and certificate (Sections 52, 58, 59 and 60).	Copy of document.

APPENDIX B. (See Rule 1.)

FORM OF BOOK No. II.

Record of Reasons for Refusal to Register.

Serial number of refusal and nature of document.	Name of presenting party.	Name of Office in which registration has been refused, and date of refusal.	Reasons for refusal to register.	Copy of order of appellate authority or Civil Court directing registration (Sections 72 or 75 and 77).

- NOTES.**—(1.) Book No. II. is to be kept in this form both by Registrars and Sub-Registrars.
 (2.) In Sub-Registrars' Offices only the date of refusal need be entered in Column 3.
 (3.) In Registrars' Offices, when an appeal is brought under Section 72, or when an application is made under Section 73, the name of the office in which registration of the document has been refused and the date of such refusal should be entered in Column 3, and in Column 4 the Sub-Registrar's reasons for refusal should be copied *verbatim*. If the order of the appellate authority directs the registration of the document, it is to be copied in full in Column 5, both in the Registrar's Book No. II. and in that of the Sub-Registrar concerned.

APPENDIX C. (See Rule 1.)

FORM OF BOOK No. III.

Register of Wills and Authorities to Adopt.

Number.	Reference to Book No. V.	Endorsement and certificate (Sections 52, 58 to 60 and 45).	Copy of will or authority to adopt.

- NOTES.**—(1.) Only the Registrars issued to Registers should contain the second column.
 (2.) In Registrars' offices, when a Will is in the first instance deposited as a sealed cover the 2nd column will be filled in and the 3rd column left blank. In any other case Column 3 will be filled in, and Column 2 left blank.

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APPENDIX D. (See Rule 1.)

FORM OF BOOK No. IV.

Miscellaneous Register.

Serial number of document.	Endorsement and certificate (Sections 52, 58 to 60).	Copy of document.

APPENDIX E. (See Rule 1.)

FORM OF BOOK No. V.

Register of Deposits of Wills.

Number.	Year, month, day, and hour of presentation.	Name and addition of depositor.	Nature of document.	Names and additions of persons examined as to identity.	Superscription.	Inscription or seal.	Date of application for registration (Section 45).	Name and addition of person making applications.	Reference to Book No. III.	Date of return to depositor (Section 44).	Receipts of depositor on withdrawal.

APPENDIX F. (See Rule 5.)

FORM OF INDEX No. I.

Names of executing parties or, in case of decrees or orders of Civil Court, of defendants.	Place of residence.	Profession, trade, rank or title.	Names of persons claiming under document or, in case of decrees or orders of Civil Court, of plaintiffs.	Place of residence.	Profession, trade, rank or title.	Date of registration.	No. of Book.	Volume.	Page.	Serial number of document.

APPENDIX G. (See Rule 5.)

FORM OF INDEX No. II.

Name of village or town.	Tálnka.	Description of property.	Names of executing parties or, in case of decrees or orders of Civil Court, of defendants.	Names of persons claiming under document or, in case of decrees or orders of Civil Court, of plaintiffs.	Nature of document and value of consideration.	Date of registration.	No. of Bo.	Volume.	Page.	Serial number of document.

APPENDIX H. (See Rule 5.)

FORM OF INDEX No. III.

Name of testator or donor.	Place of residence.	Profession, trade, rank, or title.	Name of executor, guardian, &c.	Place of residence.	Profession, trade, rank, or title.	Name of person claiming under will or authority to adopt.	Place of residence.	Profession, trade, rank, or title.	Description of property to which document relates.	Date of death of testator or donor.	Date of registration of will or authority to adopt.	Volume of Book No. III.	Page.	Serial number of document.

APPENDIX I. (See Rule 5.)

FORM OF INDEX No. IV.

Name of executing party or defendant (in case of decree or order of Civil Court).	Place of residence.	Profession, trade, rank, or title.	Names and additions of persons claiming under document or, in case of decrees and orders of Civil Court, of plaintiffs.	Nature of document and value of consideration.	Date of registration.	No. of Book.	Volume.	Page.	Serial number of document.

APPENDIX J. (See Rule 7.)

TRANSLITERATION TABLE.

English.	Gujarāti.	Marāthi.	Kānarese.	Hindustāni.
a ā i ī ū ū e ai o ou am ah k kh g gh ng ch chh j jh ny t th d dh n t th d dh n p ph b bh m y r l w sh sh s h ksh dn	અ આ ઇ ઈ ઉ ઊ એ આઇ ઓ ઊઊ અમ અહ ક કઠ ગ ગઠ નગ ચ ચઠ જ જઠ ન્ય ત ઠ ઢ ઢઠ ન ઠ ઢ ઢઠ ન પ પઠ બ બઠ મ ય ર લ વ શ શઠ સ હ કશ ઢ	अ आ इ ई उ ऊ ए ऐ ओ औ अम् अह क क्ख ग ग्घ न्ग च च्छ ज ज्झ न्य त थ द द्ध न त थ द द्ध न प प्फ ब ब्भ म य र ल व श श्श स ह क्ख ढ	ಅ ಆ ಇ ಊ ಉ ಊ ಏ ಅಐ ಓ ಊಊ ಅಮ ಅಹ ಕ ಕ್ಕ ಗ ಗ್ಗ ನಗ ಚ ಚ್ಚ ಜ ಜ್ಜ ನ್ಯ ತ ಠ ಢ ಢಠ ನ ತ ಠ ಢ ಢಠ ನ ಪ ಪ್ಪ ಬ ಬ್ಬ ಮ ಯ ರ ಲ ವ ಶ ಶ್ಶ ಸ ಹ ಕ್ಕ ಢ	ا آ إ ई उ ऊ ए ऐ ओ औ अम् अह क क्ख ग ग्घ न्ग च च्छ ज ज्झ न्य त थ द द्ध न त थ द द्ध न प प्फ ब ब्भ म य र ल व श श्श स ह क्ख ढ

APPENDIX K. (See Rule 17.)
FORM OF INDEX TO BOOK NO. II.

Name of presenting party.	Page.	Number.

APPENDIX L. (See Rule 19.)
FORM OF DAY-BOOK.
Wednesday, 15th July 18 .

Number.	Description of Instrument and Value of property affected thereby—particulars regarding Fees levied.	Number of Folios.	Fees.		Reference to Register.	Whether Registration ordered or refused, or whether Deed has been Withdrawn.	Date of Registration or refusal, i.e., the date on which the Registration has been ordered or refused.	Date of return to presenting parties.	Signature of Recipient.	
			Copying.	Registration.						
1	Conveyance (Rs. 1,500) ..	24	Rs. a. p.	Rs. a. p.	Book No. I, Vol. 34, Pages 137 to 141, Serial No. 255-a.	Ordered ..	15th July 18	23rd July 18	A. B.	
	Fine under Section 24, under clause 1 of the Fine Table ..	....	.....	7 8 0				
	1 Copy to Registrar of ..	....	.....	.....			
	3 Memoranda under Section ..	....	.....	1 8 0				
	Will	12	.....	4 0 0					
2 Lease (Rs. 49)	7	1 1 6	0 4 0	Book No. I, Vol. 35, Pages 150 to 142, Serial No. 256-a.	Ordered ..	15th July 18	23rd July 18	C. D.	
			11 15 6	16 12 0						
			.....	11 15 6					
Total .. .. .	.....	.....	.....	28 11 6			
<i>Wednesday, 15th July 18, after close of Treasury.</i>										
4	Mortgage with Possession (Rs. 1,000) ..	17	Rs. a. p.	Rs. a. p.	Book No. I, Vol. 35, Pages 150 to 142, Serial No. 256-a.	Ordered ..	15th July 18	23rd July 18	C. D.	
	3 Memoranda under Section .. .. .	....	.....	.....			
				4 2 6						4 0 0
	Total						8 2 6

(Signed) X. Y.,
Sub-Registrar.

APPENDIX M. (See Rule 20.)
FORM OF MINUTE BOOK.

Daily No.	
	<i>Wednesday, 15th July 18 .</i>
1	A. B. of C. D. presents for registration a document purporting to be Mortgage deed of a field executed in his favour by E. F., also of C. D.; proceedings postponed pending issue of a summons to E. F.
	(Signed) X. Y., Sub-Registrar.
	<i>Thursday, 6th August 18 .</i>
No 1 of 15th July 18	Resumed proceedings in regard to document, Daily No. 1 of 15th July 18 . A person, calling himself E. F., attends in obedience to a summons served upon him, and admits execution of the document. He is identified by G. H., a Vakil, practising in the Court of the Munsif of _____, who is known to the undersigned, or who, in his turn, is identified by K. L., who is known to the undersigned Registrar (or Sub-Registrar). Registration ordered in Book No. I.

(Signed) X. Y.,
Sub-Registrar.

N.B.—In the case of consideration acknowledged after the words "admits execution of the document," add "and receipt of consideration." If any payment of money or delivery of goods is made in the presence of the Registering Officer with reference to the document that is presented for registration, a record to that effect in this book shall be made and signed by the Registering Officer, and shall also be endorsed on the document. Denial of receipt of consideration should also be noted.

APPENDIX N. (See Rule 21.)

FORM OF CASH-BOOK.

Wednesday, 15th July 18 .

For what Fees, &c., were realized.	Amount.
	Rs. a. p.
Amount of percentage now repaid by undersigned Sub-Registrar on Rs. 10, fee refund to <i>A. B.</i> on document No. , the registration of which was refused.	2 0 0
Amount of percentage now repaid by undersigned Sub-Registrar on Rs. 2-8, fee surcharged on document No. of , refunded...	0 8 0
Inspection of Register Book No. I. for 1873 allowed on application No. 1 of this date	1 0 0
Search of Registers for 1870 and 1871 on application No. 2 of this date	2 0 0
For personal attendance of Sub-Registrar at house of <i>A. B.</i> , to examine <i>A. B.</i> regarding special power of attorney executed by her	10 0 0
Attestation Fee levied in above case	2 0 0
Fine under Section 34 levied on resumption this day of proceedings, Daily No. 3 of 25th May 18 .	5 0 0
Copy granted of General No. 378 of 1871 on application No. 2 of 14th July 18 , 16 folios	2 8 0
Total of fees for registration and copying, &c., as shown in Day-Book of this day's date, before close of Treasury	28 11 6
Total	53 11 6
(Signed) <i>X. Y.</i> , Sub-Registrar.	
Received Rs. (53-11-6) fifty-three, annas eleven, and pies six only.	Details of above for guidance of Treasury Officer.
(Signed) <i>M. N.</i> , Officer in charge of Treasury.	(a) Registration fees. (b) Fines or penalties. (c) Fees for copies granted.
Fees for registration, copying, &c., as per Day-Book of this day's date, after close of Treasury	8 2 6
Thursday, 16th July 18 .	
Balance in hand from previous day	8 2 6
Total of fees for registration, copying, &c., as per Day-Book of this day's date	46 10 0
Total	54 12 6
(Signed) <i>X. Y.</i> , Sub-Registrar.	
Received Rs. (54-12-6) fifty-four, annas twelve, and pies six only.	
(Signed) <i>M. N.</i> , Officer in charge of Treasury.	* Details of above for guidance of Treasury Officer. (a) Registration fees. (b) Fines or penalties (c) Fees for copies granted.

* Fines under Section 24 or 34 to be shown under item (b) in this abstract; fees for copies granted, but not copying fee, to be shown under item (c). All other fees and realizations, except sale proceeds of dead-stock articles which should, in the rare instances of such being realized, be entered under a separate heading of their own, to be shown under item (a) as registration fees.

APPENDIX O. (See Rule 23.)

FORM OF BATTA-BOOK.

Dr.

Wednesday, 15th July 18 .

Cr.

Number in Day-Book of document in connection with which fee was received.	For what Fees was taken.	Amount.	How disposed of.	Amount.
		Rs. a. p.		Rs. a. p.
1 of 15th July 18 .	From A. B. for a summons to C. D. (in Court Fees Stamps)	1 0 0	Returned to O. P., batta received for remuneration of witness Q. R., on whom summons could not be served	0 8 0
	Ditto ditto E. F. ditto	1 0 0		
	From A. B. for batta for C. D.	1 12 0		
	Ditto ditto for E. F.	0 10 0		
2 of 14th July	From G. H. for a summons to J. K. (in Court Fees Stamps)	1 0 0	C. D. ... Rs. 2 12 0 E. F. ... " 1 10 0 J. K. ... " 2 4 0	6 10 0
	For batta to ditto	1 4 0		
	Batta returned by Magistrate, summons on Q. R. not having been served	0 8 0		
3 of 1st July	Total	7 2 0	Total	7 2 0

(Signed) X. Y.,
Sub-Registrar.

(Signed) X. Y.,
Sub-Registrar.

Received Rs. (6-10-0) six, and annas ten only.

(Signed) M. N.,
Magistrate.

APPENDIX P. (See Rule 26.)

List of Books, Papers, &c., destroyed under the provisions of Rule 26.

No. and date of the paper, &c., if any.		Subject of the paper, &c.	Date of destruction.	REMARKS.
No.	Date.			
				I hereby certify that these papers, &c., were destroyed in the presence of (Signature).

APPENDIX Q.

List of Documents destroyed under Section 85 and Rule 27.

Date of presentation.	Office in which presented.	Nature of document and value or amount of consideration.	Name of presenter.	Executed by	In favour of	Date of registration or refusal, as the case may be.	Date of order of destruction by the Inspector General.	Date of actual destruction.	Reference to Register.

APPENDIX R. (See Rule 31.)

* Form of Memorandum under Sections 64, 65, 66, and 67 of Act III. of 1877.

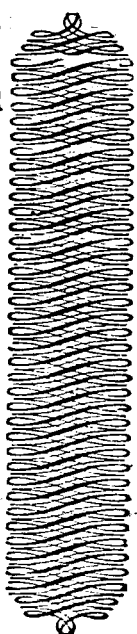
Serial Number.	Copy of endorsements and certificates, Sections 52, 58 to 60.	Nature of document.	Description and value of property affected by the document.	Situation of property.	Names of executing parties.	Place of residence.	Profession, rank, or title.	Names of claiming parties.	Place of residence.	Profession, rank or title.	Reference to Register.

Forwarded to the Sub-Registrar of _____ under Section _____ of the Indian Registration Act III. of 1877.
 Date of receipt _____
 † { Filed at Page _____, No. _____, Volume _____ Date _____
 of Supplement to Book No. I., Part I. Registrar or Sub-Registrar.
 Date _____ Sub-Registrar.

* The value of the stamp on the original should be shown on the Memorandum as also the stamp-vendor's endorsement.
 † This form of endorsement by the receiving and filing officer should be followed in the case of certificates filed in Supplement to Book No. I., Part III.

APPENDIX S. (See Rule 35, para. 1.)

Form of Miscellaneous Receipt.

Date		Date.....
Fee (or Travelling expenses) received for		Fee (or Travelling expenses) received for
Paid by		Paid by
Amount received		Amount received
Registrar (or Sub-Registrar).		Registrar (or Sub-Registrar).

APPENDIX T.

Form of Receipt under Section 52 and Rule 35, para. 2.

Daily No.

Date of 18

Nature of Document.

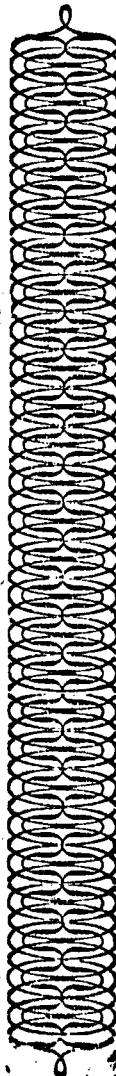
By whom presented.

Received fees as follows:—

Registration fee
 Copying fee (folios)
 Extra fee for registration by Registrar.....
 Extra registration fee for registration at private residence
 Attendance fee for ditto
 Fee for copies or memoranda under Sections 64, 65, 66 and 67
 Fine under Section 24.....
 Do. under Section 34.....

Total Rs. ...

Registrar (or Sub-Registrar).



Daily No.

Date of 18

Received for registration (or deposit) from

Received fees as follows:—

Registration fee
 Copying fee (folios)
 Extra fee for registration by Registrar.....
 Extra registration fee for registration at private residence.....
 Attendance fee for ditto
 Fee for copies of memoranda under Sections 64, 65, 66 and 67.....
 Fine under Section 24
 Do. under Section 34

Total Rs. ...

Registrar (or Sub-Registrar).

APPENDIX U. (See Rule 42.)

Form of Endorsement and Certificate under Sections 58 to 60.

A. B., executing party, Merchant, resident at Thána, admits execution, and acknowledges or denies receipt of consideration, as the case may be. *A. B.* is personally known to the undersigned Registrar (or Sub-Registrar).

(Signed) *A. B.*,

(„) *X. Y.*,

Registrar or Sub-Registrar.

15th July 18 .

Or *O. D.*, Writer, resident at Thána, examined as to identity of *A. B.*, *O. D.* is personally known to the undersigned; or *O. D.*, in his turn, identified by *E. F.*, who is personally known to the undersigned Registrar (or Sub-Registrar).

(Signed) *O. D.*,

(„) *E. F.*,

(„) *X. Y.*,

Registrar or Sub-Registrar.

15th July 18 .

E. F. (Agent of *G. H.*, executing party), Vakíl, resident at Thána, admits execution by *G. H.*, and acknowledges or denies receipt of consideration, as the case may be. He is personally known to the undersigned Registrar (or Sub-Registrar), or as above.

(Signed) *E. F.*,

(„) *X. Y.*,

Registrar or Sub-Registrar.

July 18 .

A. B., Collector, executing party, resident at Thána, is exempt from personal appearance under Section 88 of the Indian Registration Act. III. of 1877. His signature and seal are identified by *O. D.*, Clerk, resident at Thána, who is personally known to the undersigned Registrar (or Sub-Registrar).

(Signed) *O. D.*,

(„) *X. Y.*,

Registrar or Sub-Registrar.

July 18 .

Or the signature and seal of *A. B.*, Collector, are known to the undersigned Registrar (or Sub-Registrar).

(Signed) *X. Y.*,

Registrar or Sub-Registrar.

July 18 .

* Registered No. 4 at page 12, Volume 11 of Book No. I.

L. S.

(Signed) *X. Y.*,

Registrar or Sub-Registrar.

16th July 18 .

* Note.—The date of registration in the endorsement under Section 60 should be the date on which the document is compared with the copy in the Register Book, and the latter certified to be a true copy.

APPENDIX V. (See Rule 66.)

Register of Refunds (a) on account of Deeds refused for Registration, or (b) on account of Fees surcharged, or (c) on account of Fines remitted.

Date of receipt by Registering Officer of bill or order on Treasury or Sub-Treasury for payment of refund.	Date of delivery of refund bill or order to party claiming the same.	Amount of refund bill or order.	Reference to page of Day-book in which entry regarding document appears.	Date of refusal of registration.*	Date of submission of refund bill for sanction.	Signature (in acknowledgment of refund bill or order) of party claiming the same.	Signature of Registering Officer.

*NOTE 1.—This column is to be left blank in the case of refunds of fee surcharged or fines remitted.

NOTE 2.—In those offices in which, owing to there being no Treasury or Sub-Treasury close at hand, refunds are made through the means of a permanent advance, the headings of columns 2, 3 and 7, will be altered so as to show that the Registering Officer has paid the amount of refund in cash to the claiming party.

APPENDIX W. (See Rule 67.)

REGISTRATION RETURN.

Detailed Statement showing the Articles of Fee Table, under which Fees shown in Columns 2, 3, 4, 5, 9, 10, 11, 12, 20, 21, 22 or 23, of this Return have been levied, and the number of Fees under each Article.

NAME OF OFFICE.	BOOK NO. I.		BOOK NO. IV.
	Optional.	Compulsory.	

Registrar.

Registration Return of the

for the Month of

NAME OF OFFICE.	BOOK No. I.									
	REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY.									
	OPTIONAL.									
	The value or consideration not exceeding Rs. 100.		The value or consideration exceeding Rs. 100, but not exceeding Rs. 1,000.		The value or consideration exceeding Rs. 1,000, but not exceeding Rs. 20,000.		The value or consideration exceeding Rs. 20,000.		No consideration, rent, or other value being expressed in the Deed.	
No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	

BOOK No. I.—continued.

REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY—continued.

OPTIONAL—continued.				COMPULSORY.									
Separate Deeds acknowledging receipt or payment of consideration on account of other Deeds optionally registered.		Deeds falling under Article 27 of the Fee Table.		The Value or consideration not exceeding Rs. 100.		The value or consideration exceeding Rs. 100, but not exceeding Rs. 1,000.		The value or consideration exceeding Rs. 1,000, but not exceeding Rs. 20,000.		The value or consideration exceeding Rs. 20,000.		No consideration, rent or other value being expressed in the Deed.	
No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.

BOOK No. I.—continued.

REGISTRATION OF DOCUMENTS AFFECTING IMMOVEABLE PROPERTY—continued.						BOOK No. III.*					
COMPULSORY—continued.											
Separate Deeds acknowledging receipt or payment of consideration on account of other Deeds compulsorily registered.		Copying Fee, besides the ordinary Registration Fee.		TOTAL OF BOOK No. I., INCLUDING COPYING FEE.		Registration of Wills and of Authorities to Adopt.		Copying Fee, besides the ordinary Registration Fee.		TOTAL.	
No.	Fee.	No. of Folios.	Fee.	No.	Fee.	No.	Fee.	No. of Folios.	Fee.	No.	Fee.

* Wills and Authorities to Adopt should be shown separately by using the letter W to denote Wills, and AA for Authorities to Adopt.

Copies granted.		Searches and Inspections.		Commissions (Sections 33 and 38).		Personal Attendance (Sections 31, 33, and 38).		Translations filed under Section 62.		Fees under Article 37 of the Fee Table.		Miscellaneous Receipts, i.e., Recovery of Fees less charged in former months, fines or percentage recovered from the Sub-Registrars, &c., &c.	TOTAL FEES, &c., RECEIVED.
No. of Folios.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.	No.	Fee.		

EXPENDITURE

ESTABLISHMENT.			Fixed Contingent Allowance.	Percentage to Sub-Registrars.	Printing and Stationery.	Furniture and House-rent.	Postage.
Permanent.	Temporary.	TOTAL.					

EXPENDITURE—continued.

Travelling Allowance.	Refunds.	Miscellaneous.	TOTAL.	SURPLUS.	DEFICIT.	REMARKS.

Deduct Deficit.....Rs.

Add Sale proceeds of Dead Stock articles sold as per Inspector General's No. of 18 .

Registrar.

Net Surplus...Rs.

Office of

18 .

B 514-58

APPENDIX X. (See Rule 67.)

Monthly Statement of arrears in the District of _____ on the 1st _____ 18 .

Registrar and Sub-Registrars.	Document to be copied.	No. of Documents of which Registration is delayed pending inquiry.						Total.	No. of Documents of which Registration is completed remaining unclaimed in Office.	REMARKS.
		Above 1 Month.	Above 2 Months.	Above 3 Months.	Above 4 Months.	Above 5 Months.	Above 6 Months.			

Statement of Inspections in the District of _____ during the month of _____ 18 .				Statement of Peon's Fees collected for Summons and for serving Warrants of Seizure of persons in the District of _____ during the Month of _____ 18 .							
Name of Sub-District.	Date of Inspection.	By whom inspected.		Name of Office.	SUMMONS.		WARRANTS.		TOTAL.		REMARKS.
		Registrar.	Assistant or District Deputy Collector.		No.	Fee.	No.	Fee.	No.	Fee.	

Registry Office, }

Registrar.

APPENDIX Y. (See Rule 69.)

FORM OF PERCENTAGE BILL,

Her Majesty's Government of Bombay.....Dr.

To AMOUNT OF PERCENTAGE at 20 per cent. due to on the Fees collected
and paid into the Treasury of of to the credit of Government, during
the Month of 18 .

1 Sub-District.	2 Name of the Sub-Registrar.	3 Collections.		4 How and when the collections were credited to Government in the Treasury Officer's Cash Account.				5 Percentage payable.			6 REMARKS.
		Fees.	Penalties.	Total amount paid into the Treasury.	Month.	Heading under which credited.	Item in which it is included.	Twenty per cent. on fees only.	Deduct fines.	Net amount of percentage payable.	

Date

Registrar, or Sub-Registrar.

CERTIFIED that the amounts entered in Column 4 have been credited to Government as above.

Date

Officer in charge of the Treasury.

APPENDIX Z.

REVENUE DEPARTMENT.

Bombay Castle, 19th June 1878.

The following form of security bond, prescribed under Government Resolution No. 4022, dated 15th July 1873, for use in the Registration Department, is published for general information in lieu of the form (U.) published at page 854 of the *Government Gazette* of 3rd August 1871 :—

Know all men by these presents that we A., B., and C. are held and firmly bound to the Secretary of State for India in Council, his successors and assigns, in the sum of Rs. to be paid to the said Secretary of State for India in Council, his successors or assigns, for which payment to be well and truly made, we bind ourselves and each of us, our and each of our Heirs, Executors and Administrators, and every of them jointly and severally by these presents, sealed with our seals, dated this . . . day of . . . in the Christian year, 18 . . .

2. Whereas the abovenamed A. is appointed to fill the office of a Sub-Registrar of Assurances in the Bombay Presidency, including Sind, and as the holder of such office he is a Public Accountant within the meaning of Act XII. of 1850. And whereas in pursuance of the Rules made by the Governor in Council of Bombay in that behalf, the said A. has procured two approved persons to be his sureties for the due discharge of the trusts of his office, and for the due account of all monies or documents which shall come into his possession or control by reason of his office.

3. And whereas the said B. and C. have agreed to become sureties to the said Secretary of State for India in Council, his successors and assigns, for the due discharge by the said A. of the trusts of his office, and for the due account of all monies or documents which shall come into his possession or control by reason of his office.

4. Now the condition of the above-written bond or obligation is such, that if the said A., B., and C., or any of them, their, or any of their Heirs, Executors or Administrators, shall pay, or cause to be paid, unto the said Secretary of State for India in Council, his successors or assigns, the amount of any loss or defalcation in the accounts of A., or of any loss or damage sustained by Government owing to the misconduct or neglect of the said A. with regard to the documents in his charge within 24 hours after the amount of any such loss or defalcation shall have been demanded by the person or persons at the head of the office to which the said A. belongs, such demand to be in writing, and to be left at the office or place of residence of A., B., and C., respectively, then the above-written bond or obligation shall be void, otherwise to remain in full force and virtue, and the person or persons at the head of the office, to which the said A. belongs, may proceed against him, and his sureties, the said B. and C., for the said loss or defalcation in the accounts of A., or arising out of his misconduct or neglect as if the amount thereof were an arrear of land revenue due by them or any of them to Government. In witness whereof the said A., B., and C. hereunto set their hands and seals, this . . . day of . . . 18 . . .

The following Table of Fees payable under the Indian Registration Act III of 1877 is, with the sanction of the Governor General of India in Council, republished for general information in supersession of the former Table which was published at page 881 of the *Bombay Government Gazette* of 11th October 1877.

I.—For the registration of any Deed of Conveyance, Gift, Partition, Sale or Mortgage, or of any Lease, Bond, Award, Acknowledgment, Agreement, Assignment, Bill of Exchange, Promissory Note, Bill of Sale, Composition-Deed or Contract, or of a certified copy of any Decree or order of Court, or of any Covenant, Grant, Release Settlement, Articles of Partnership, or Instrument of Dissolution of Partnership, or Instruments of the nature of Revocation of any Trust or Settlement, or Transfers of all kinds, or Declaration of Trust, or any other instrument of a like nature :—

(Ad-valorem Fees.)

				R.	a.	p.
If the value or consideration of the instrument is expressed therein.	1.	When the value or consideration does not exceed Rs. 50	...	0	4	0
	2.	Do. do. exceeds Rs. 50 but does not exceed Rs. 100	...	0	8	0
	3.	Do. do. ... 100	do. 200	1	0	0
	4.	Do. do. ... 200	do. 300	1	8	0
	5.	Do. do. ... 300	do. 400	2	0	0
	6.	Do. do. ... 400	do. 600	3	0	0
	7.	Do. do. ... 600	do. 1,000	4	0	0
	8.	Do. do. ... 1,000	do. 1,500	5	0	0
	9.	Do. do. ... 1,500	do. 2,000	6	0	0
	10.	Do. do. ... 2,000	do. 3,000	8	0	0
	11.	Do. do. ... 3,000	do. 4,000	10	0	0
	12.	Do. do. ... 4,000	do. 5,000	12	0	0
	13.	Do. do. ... 5,000	do. 7,500	14	0	0
	14.	Do. do. ... 7,500	do. 10,000	16	0	0
	15.	Do. do. ... 10,000	do. 15,000	18	0	0
	16.	Do. do. ... 15,000	do. 20,000	20	0	0
	17.	For every Rs. 1,000 or part thereof in excess of Rs. 20,000 up to and not exceeding 50,000	...	1	0	0
	18.	Do. do. ... 50,000	do. 1,00,000	0	8	0
	19.	Do. do. ... 1,00,000	...	0	4	0

(Special Fees.)

20.	If the value or consideration of the instrument is not expressed therein	...	Rs. 10	0	0
21.	If the value or consideration be only partly expressed an ad-valorem fee as above on the value or consideration so expressed, and in addition an extra fee of	...	2	0	0

II.—For registration of a separate deed, acknowledging receipt or payment of consideration on account of another deed which is also registered.

The same fee as for the original deed; if not exceeding Rs. 2; otherwise, Rs. 2.

Fixed Fee.

III.—For the registration of any Power of Attorney, Writing of Divorcement, Certificate of Heirship, Guardianship, Administratorship, or Executorship, or of any document not falling within any other article of this Table.

... .. 2 0 0

Wills and authorities to adopt.

IV.—For registration of a Will when presented open, or of an authority to adopt Rs. 4 0 0
 V.—For deposit of a sealed cover containing a Will 4 0 0
 VI.—For opening such cover 4 0 0

Besides the expense of copying the superscription or contents according to the rate laid down in Article IX.

VII.—For withdrawal of such cover 4 0 0

Searches and Inspections.

	Rs.	a.	p.
VIII. —*For searching for entry by Registering Officer, or for allowing applicants to inspect Books or Indexes, for every year of which the Register or Index is searched or inspected.	...	1	0 0
(Copying Fees, Grant of Copies, &c.)			
IX. —Copying fee, besides the ordinary registration fee, for each folio of 100 words.			
X. —For making or granting copies of entries and documents for the benefit of any person, or to be forwarded to any other office under Sections 65, 66, and 67, or for making or granting copies of reasons for refusal by a Registrar under Section 76, for each folio of 100 words.	...	0	2 6
XI. —For granting copy of map:— Provided that the arrangements for, and the cost of, making such copy must be made and borne by the person who applies for it	...	0	8 0
(Extra or additional Fees.)			
XII. —†For registration of any documents by a Registrar	5	0	0
			In addition to the ordinary fee.
XIII. —Registration by the Registrar of Bombay, under Section 30, Clause B—			
(a) If the document relates to property situated in the Bombay Presidency, but beyond the limits of the Bombay Registration District...	Rs. 10	0	0
(b) If the document relates to property situated beyond the limits of the Bombay Presidency...	Rs. 20	0	0
			In addition to the ordinary fee.
XIV. —For the issue of a commission under Section 33 or 38—			
(a) If the person is physically unable to attend the office, or is confined in Jail			5 0 0
(b) Otherwise			10 0 0
XV. —For filing translation (Section 62)			2 0 0
XVI. —‡For attendance at private residence, or Jail, under Section 33 for the purpose of attesting a power of attorney, or for attendance under Section 31 for acceptance for registration or deposit, or for attendance under Section 38 for the examination of any person.	If the person is physically unable to attend the office, or is confined in Jail ... Rs. 5	0	0
	Otherwise „	10	0 0
			And an extra attestation or registration fee equal to the ordinary attestation or registration fee.
			In addition to the ordinary fee and necessary travelling expenses, &c.
XVII. —For the safe custody and return of any document presented for registration and not applied for under para. 2 of Section 61 of the Act within two months from the date of registration, namely, for every day in the third month from date of registration until such document is so applied for			0 1 0
Do. in the fourth month			0 2 0
Do. in the fifth month			0 3 0
Do. in the sixth month and successive months			0 4 0
(Memoranda, Attestation, Summons and Warrants Fees.)			
XVIII. —For every copy of the memorandum to be sent under Sections 64, 65 and 66			0 8 0
XIX. —For the attestation of a power of attorney, if Special			1 0 0
Do. do. if General			2 0 0
XX. —Peons' fee for every summons			1 0 0
XXI. —For every warrant for seizure of person			2 0 0

* If, in an application to the Registering Officer for the copy of an entry, the names of the claiming and executing parties, the nature of the document, and date of registration be shown, the fee for such will not be levied.

Government officers requiring to inspect or search the registers or take copies of entries, for *bona fide* public purposes, are exempted from the payment of fees.

† When the registration of any document properly registrable by a Sub-Registrar is performed by a Registrar, owing to the former being a party to the transaction represented by such document, the extra fee will not be charged.

‡ When an attendance takes place under both Sections 31 and 38 at the same time and place, if the registration of but one document is concerned, only one attendance fee and one extra registration fee will be levied. If a Registering Officer, where the registration of one document is concerned, attends on the presenter on one occasion, and the executant or another necessary witness on another occasion, two attendance fees and two extra registration fees will be levied. If a Registering Officer attends at a private residence or Jail, and one person presents several documents, or one person admits the execution of several documents at one and the same time and place, only one attendance fee will be levied, but an extra registration fee (or, when the admission of execution takes place, with a view to the attestation of a power of attorney, an extra attestation fee) will be levied in the case of each document. When several different persons at one and the same time and place present for registration or admit execution of several different documents, the Registering Officer will levy an attendance fee for each distinct transaction, the extra registration fee (or, in the case of powers of attorney attested, the extra attestation fee,) being leviable in the case of each document.

§ i. e., four annas a mile by road, and one-and-a-half anna by rail, and actual passage-money by steamer.

Note 1.—In the case of a lease one whole year's rent, in addition to the amount of the fine or premium, if any, paid or payable in respect of such lease, will be deemed to be the value or consideration of such lease; and in the case of an annuity, or service-bond, the amount of annuity or remuneration payable for one whole year will be deemed to be the value or consideration of such bond.

Note 2.—If, in any such case, the amount of rent, annuity, or remuneration payable varies for different years, the registration fee will be calculated on the amount payable for the first year, if such amount be not less than the amount payable for any subsequent year. If the amount payable for the first year be less than the amount payable for any subsequent year, the registration fee will be calculated on the average of the amounts payable annually for the term for which the lease, annuity, or service-bond purports to have been executed.

Note 3.—If, in any such case, the rent, annuity, or remuneration is payable partly in money and partly in kind, and the money value of the portion payable in kind is not expressed, the registration fee will be charged at twice the amount of the *ad-valorem* fee chargeable in respect of the amount payable in money. And, if the rent, annuity, or remuneration is payable entirely in kind, and the money value thereof is not expressed, a fixed registration fee of Rs. 2 will be charged under Article iii.

Note 4.—If a patta or lease be given to a ryot, and the *Kabulayat* or counterpart of such patta or lease be brought for registration at the same time as the patta or lease, the registration fee chargeable in respect of the two documents shall not be greater than the fee which would have been charged on the patta or lease alone.

Table of fines leviable under Rule 8 of the Rules made under the Indian Registration Act.

Table of Fines leviable under Rule 8 for delay in presentation or appearance (Sections 24 and 34).			
If less than one month...	...	...	2½ times the proper registration fee.
More than one month but less than two ...	5	ditto	ditto.
More than two months but less than three ...	7½	ditto	ditto.
More than three months ...	10	ditto	ditto.

Note.—Time within which from date of execution, save in the case of deeds presented under Section 25, a document can be presented free of fine—4 months.

Time within which from date of execution, save in the case of admission of execution of deeds presented under Section 25, executant can admit execution free of fine—8 months.

In the case of a deed executed out of British India, such deed if not presented within four months from date of its arrival in this country cannot be accepted for registration at all. Extra period of four months allowed by Section 34 for appearance of executant or his Agent under payment of fine in this latter case commences to run on the expiration of four months from date of arrival of deed in the country.

These instructions must be read in conjunction with Section 26 of the Registration Act.

XI.—That he will keep up daily an account in this form, showing the receipts and deliveries of opium at his shop each day, and the balance in store:—

Date.	Quantity of Opium in store from yesterday.	Quantity of Opium received this day, and whence received.	Total quantity to be accounted for.	Quantity sold this day.	Quantity left in store.
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XII.—That he will produce, for inspection, on the demand of any Revenue, Excise or Customs Officer above the rank of Jamádár, his license and accounts; and that he will not prevent any Revenue, Police, Excise or Customs Officer, of whatever grade, from entering his shop at any hour of the day or night.

XIII.—This license shall have effect from _____ to _____ and, unless renewed by the order of the _____ by the _____ of the _____ being the expiration of the period for which it was granted, shall cease to remain in force notwithstanding that a special order recalling it has not been issued by the _____.

If such notice be not given, or if this license be not recalled by the Collector under the authority reserved to him in the next succeeding clause, this license, and any counterpart engagement for the due observance of these conditions that the license-holder may have entered into, shall remain in force as if this license and the engagement were formally renewed for a further term of one year, viz., to the _____ day of _____ 18 *.

XIV.—This license may be recalled by the Collector—

- (a) for default of punctual payment of the duty stipulated to be paid in Clause I;
- (b) for violation of any of the conditions specified in this license;
- (c) if the holder of this license be convicted of breach of the peace or of any other offence during the currency of this license.

Should the license be recalled for any of the causes above specified, the license-holder will have no right to any compensation whatever, or to any refund of any tax or instalment of tax already paid. But it shall be in the discretion of the Collector to make such compensation or refund should he consider it necessary or advisable to do so.

Should the Collector desire to recall this license before the expiry of the period for which it has been granted for any cause other than those above specified,—(a), (b) and (c),—he shall give 15 days' previous notice and remit a sum equal to the duty for 15 days, or, if notice be not given, shall make such further compensation, in default of notice, as the Commissioner may direct.

XV.—This license may be surrendered by the license-holder on his giving one month's notice to the Collector, and paying such fine not exceeding the amount of the duty for six months, or the loss caused to Government by such surrender, as the Collector may adjudge.

Should the Collector be satisfied that the reason for resigning the license is adequate, he may, with the sanction of the Commissioner, remit the fine.

XVI.—On the infringement of any of the above Articles or of any of the conditions imposed by the Opium Act, 1878, or by the Rules framed thereunder, this license and any other license or licenses that the holder may have obtained for the sale of opium, or for the manufacture or sale of any intoxicating drug prepared from the poppy, will be forfeited; he will also be liable to the punishment prescribed by law for the specific offence committed.

Dated _____ 18 _____

APPENDIX A.

Government Notification No. 2365 of 8th May 1878:—

His Excellency the Governor in Council is pleased to permit the direct importation of opium from Málwa into the Town of Bombay for retail sale in the said town by persons duly licensed there to retail opium subject to the following conditions:—

- (a). All opium so imported shall be subject to the rate of duty imposed, for the time being, on opium imported into the Presidency of Bombay for exportation by sea, and payment of the duty leviable thereon shall be made in accordance with the provisions of Rule 15 of the Rules under the Opium Act, 1878, for the payment of duty on opium intended for exportation by sea. †
- (b). All opium so imported shall, on arrival at Bombay, be deposited either in the Government opium godown, or in the licensed shop of the licensed vendor importing the same.

*Notices in accordance with section 13 of the opium license Form E do not require to be stamped. (G. R. 5538 of 19th October 1880.)

† See Appendix H. following

- (c). Opium deposited in the Government godown will remain there at the risk of the importer, who shall be at liberty to keep it in his own boxes and under his own keys and seals, and to remove it in reasonable quantities at a time to his shop as he requires it for use; but he shall not be entitled to have access to the godown except during office hours, nor without special permission from the Collector of Customs oftener than twice a week.
- (d). The quantity of opium to be removed from the Government godown shall on each occasion be presented to the officer in charge of the Opium Department of the Custom House for weighment and registration, and shall be covered by a pass in the Form C, attached to the Rules.

2. Licensed retailers in the Town of Bombay are further permitted to supply themselves with opium by purchase direct from wholesale dealers, provided that such purchase shall be by whole or half chest only; that the permission required by the proviso to section 10 of the Rules be in every case obtained; that the pass-port under which the opium was originally imported be produced before the Collector of Customs and Opium for endorsement and cancellation to the extent of the number of chests or half-chests purchased; and that opium so purchased be forthwith lodged in the licensed vendor's licensed shop, or in the Government godown for issue in the same manner as if it had been imported direct from Malwa by the licensed vendor.

APPENDIX B.

His Excellency the Governor in Council is pleased to rule that the Palanpur-Ahmedabad State Railway be the route by which alone opium from Baroda territory may be imported into the Bombay Presidency for transmission to the scales at Ahmedabad. All opium so imported shall be carried direct to the Government opium agency in the town of Ahmedabad—Government Notification No. 3340 of 29th June 1880.

APPENDIX C.

Dadar Station on the G. I. P. Railway has been appointed an examining station for opium booked through for re-exportation—Government Resolution No. 2250, dated 5th April 1882.

Kalyán Station on the G. I. P. Railway has been appointed an examining station for opium booked through from Khandwa to Hyderabad and stations on the Nizám's State Railway—Government Notification No. 6004, dated 8th November 1879.

Ahmednagar on the Dhond-Manmád State Railway has been appointed an examining station for opium booked through for Madras, Hyderabad and stations south of Ahmednagar—Government Notification No. 6466, dated 3rd December 1879.

APPENDIX D.

The Governor General in Council has reduced by fifty rupees a chest the duty upon opium exported by sea from Bombay.

Accordingly, it is hereby notified that, till further orders, the transit through British India of opium, the export of which from Bombay is allowed, and its export by sea from that port will be subject to the following duty upon each chest weighing net 140½ lbs., avoirdupois weight, namely:—

	Rs.	
If weighed at Ajmir	675	} <i>Vide</i> Notification 4323 of 5th July 1882.
If weighed elsewhere	650	

As soon as is consistent with existing engagements, an excise at the rate of not less than Rs. 700 a chest must be levied upon the consumption of opium in British India and Berar.

The transit through British India, of opium intended for consumption in any Native State, will be permitted only upon satisfactory evidence that an excise at the rate of not less than Rs. 700 a chest is levied upon such consumption.—*Vide* Government Notification No. 2816, dated 15th September 1879.

APPENDIX E.

Resolution of the Government of India, No. 3639, dated 17th November 1879.

“Read the following telegram, dated 22nd October 1879, from the Agent, Governor General for Central India:—

‘Collector Kistna issues passes unstamped to merchants for large quantity of opium to be imported from Indore. Merchants slip from Málwa with consignments evading scales and will often get away. This system will strengthen smuggling. No pass should be given for Málwa opium except through this office. If any Collector desires opium imported, requisition should be sent to Indore, not made over direct, as pass, by him to merchant.’

RESOLUTION.—Under several local rules and regulations, the import of opium from Málwa for local consumption is permitted under passes granted by Revenue Officers.

2. The Governor General in Council has resolved that no pass shall, in future, be thus granted excepting by the Opium Agent at Indore.

3. Officers desiring to authorize the import of Málwa opium, under sanctioned conditions, should accordingly address the Opium Agent at Indore, who will issue the required passes under such conditions, and with such precautions as he thinks necessary for the safety of the opium revenue which he supervises.

4. Each Local Government concerned will determine and inform the Opium Agent what officers are authorized to move him to issue passes under these orders.”—*Vide* Government Notification No. 6465, dated 3rd December 1879.

Also at Mandisore and Bhopal at each of which places Scales have been established—*Vide* Government Resolution No. 3465, dated 2nd July 1879.

APPENDIX F.

No. 5214.

REVENUE DEPARTMENT.

Bombay Castle, 2nd October 1880.

Under the provisions of Section 10 (c) of the Rules framed under Sections 5 and 13 of the Opium Act, 1878, and notified in the *Government Gazette Extraordinary* of the 30th March 1878, His Excellency the Governor in Council is pleased to permit the direct importation of opium from Málwa into the districts of Ahmedabad, Kaira and the Panch Maháls for retail sale in the said districts by persons duly licensed in each respective district to retail opium, subject to the following conditions:—

(a).—All opium so imported shall be subject to the rate of duty imposed, for the time being, on opium imported into the Presidency of Bombay for exportation by sea, and payment of the duty leviable thereon shall be made in accordance with the provisions of Rule 15 of the Rules under the Opium Act, 1878, for the payment of duty on opium intended for exportation by sea.*

(b).—All opium so imported shall, on arrival, be deposited in the places specified below:—

Opium for Ahmedabad District—In the Stamp Depôt under the Huzár Deputy Collector, Ahmedabad.

Opium for Kaira District—In the Government Treasuries at A'nand, Thásra, Nadiád and Kaira.

Opium for the Panch Maháls—In the Government Treasury at Godhra.

(c).—Opium deposited as aforesaid will remain there at the risk of the importers, who shall be at liberty to keep it in their own boxes and under their own keys and seals, and to remove it to their shops at such times as the Collector may determine; and in such quantities at a time as they may require for use, not being less than the minimum quantity to be fixed by the Collector; they shall not be entitled to have access to the place of deposit except during office hours, nor without special permission of the Collector or other officer duly empowered by the Collector to grant such permission.

(d).—The quantity of opium to be removed from the place of deposit shall, on each occasion, be presented to the officers in charge of the place for weightment and registration, and shall be covered by a pass in the Form C. attached to the Rules.

2. Persons duly licensed to retail opium in any of the aforesaid three districts are further permitted to supply themselves with opium by purchase direct from wholesale dealers in Bombay, provided that such purchase shall be by whole or half-chest only, that the permission required by the proviso to Section 10 of the Rules be in every case obtained, that the passport under which the opium was originally imported be produced before the

* See Appendix H following.

Collector of Customs and Opium, Bombay, for endorsement and cancellation to the extent of the number of chests and half-chests purchased, and that the opium so purchased be forthwith transported to its destination and lodged for issue in the same manner as if it had been imported direct from Málwa.

APPENDIX G.

No. 6341.

REVENUE DEPARTMENT.

Bombay Castle 26th October 1881.

Under the provisions of Section 10 (c) of the Rules framed under Sections 5 and 13 of the Opium Act, 1878, and notified in the *Bombay Government Gazette Extraordinary* of the 30th March 1878, His Excellency the Governor in Council is pleased to permit the direct importation of opium from Málwa into the districts of Broach and Poona for retail sale in the said districts by persons duly licensed in each respective district to retail opium, subject to the following conditions:—

- (a)—All opium so imported shall be subject to the rate of duty imposed, for the time being, on opium imported into the Presidency of Bombay for exportation by sea, and payment of the duty leviable thereon shall be made in accordance with the provisions of Rule 15 of the Rules under the Opium Act, 1878, for the payment of duty on opium intended for exportation by sea.*
- (b)—All opium so imported shall, on arrival, be deposited in the places specified below:—
Opium for Broach District.—In the Mámlatdár's Treasury at Broach.
Opium for Poona District.—In the Government Treasury at Poona.
- (c)—Opium deposited as aforesaid will remain there at the risk of the importers, who shall be at liberty to keep it in their own boxes and under their own keys and seals, and to remove it to their shops at such times as the Collector may determine, and in such quantities at a time as they may require for use, not being less than the minimum quantity to be fixed by the Collector; they shall not be entitled to have access to the place of deposit except during office hours, nor without special permission of the Collector or other officer duly empowered by the Collector to grant such permission.
- (d)—The quantity of opium to be removed from the place of deposit shall on each occasion be presented to the officer in charge of the place for weighment and registration, and shall be covered by a pass in the Form C attached to the Rules.

2. Persons duly licensed to retail opium in any of the aforesaid two districts are further permitted to supply themselves with opium by purchase direct from wholesale dealers in Bombay, provided that such purchase shall be by whole or half-chest only, that the permission required by the proviso to Section 10 of the Rules be in every case obtained, that the passport under which the opium was originally imported be produced before the Collector of Customs and Opium, Bombay, for endorsement and cancellation to the extent of the number of chests and half-chests purchased, and that the opium so purchased be forthwith transported to its destination and lodged for issue in the same manner as if it had been imported direct from Málwa.

APPENDIX H.

With reference to Government Notifications No. 2365 of 8th May 1878, No. 5214 of 2nd October 1880, No. 6341 of 26th October 1881, published at pages 303, 850 and 656 of the *Bombay Government Gazettes* of 1878, 1880, and 1881 respectively, His Excellency the Governor in Council, under the provisions of Section 10 (c) of the Rules framed under the Opium Act, 1878, and notified in the *Bombay Government Gazette Extraordinary* of the 30th March 1878, is pleased to direct that the following condition shall, as soon as is consistent with existing engagements, come into force in lieu of the condition specified as (a) in each of the abovementioned Notifications, namely:—

“(a) All opium so imported shall be subject to the rate of duty notified from time to time under Section 6 of the Opium Act, 1878, to be leviable on opium imported into the Presidency of Bombay for consumption therein, and payment of the duty leviable thereon shall be made in accordance with the provisions of the rules made under Section 5 of the Opium Act, 1878.”

His Excellency the Governor in Council is also pleased to direct that in paragraph 2 of the same Notifications the following words, namely:—

“that the differential duty, if any, leviable on the opium under the proviso to Rule 10 of the Rules made under Section 5 of the Opium Act, 1878, be paid,” shall be inserted after the words “half-chests purchased” and before the words “and that the opium.”

* See Appendix H below.

APPENDIX A.

No. 607.

REVENUE DEPARTMENT.

Bombay Castle, 4th February 1879.

The following Resolution by the Government of India is republished :—

"GOVERNMENT OF INDIA.—HOME DEPARTMENT.

Execution of Deeds, Contracts, &c., on behalf of the Secretary of State by Officers of the Forest Department.

Extract from the proceedings of the Government of India in the Home Department, Judicial,—No. 23—1411, under date Simla, the 15th October 1878.

Read again the following Resolutions on the subject of the execution of deeds, contracts, &c., on behalf of the Secretary of State :—

Home Department Resolution No. 989, dated the 23rd June 1877.

" " " No. 684, dated the 31st May 1878.

" " " No. 991, dated the 3rd August 1878.

Read also the following letters relating to the execution of deeds, contracts, &c., by Forest Officers :—

From Government of Madras, No. 343, dated the 4th March 1878.

" " of Bombay, No. 2313, dated the 4th May 1878.

" " of Bengal, No. 397 T, dated the 10th May 1878.

" " of N. W. P. and Oudh, No. 110A, dated the 28th May 1878.

" " of Punjab, No. 449 C, dated the 3rd August 1878.

" Chief Commissioner of Central Provinces, No. 1928, dated the 2nd August 1878.

" " of British Burma, No. 297, dated the 29th March 1878.

" " of Mysore, No. 522, dated the 20th May 1878.

" " of Assam, No. 760, dated the 14th March 1878.

" " of Ajmere, No. 1141 S, dated the 23rd May 1878.

" Resident at Hyderabad, No. 5 B, dated the 29th April 1878.

RESOLUTION.

In exercise of the power conferred by the thirty-third and thirty-fourth of Victoria, cap. fifty-nine, section two, the Governor General in Council is pleased to declare that the undermentioned classes of the deeds, contracts, and other instruments, referred to in the twenty-second and twenty-third of Victoria, cap. forty-one, section two, may be executed as follows :—

Contracts and other instruments in matters connected with the administration of forest and with the business of the Forest Department generally.	{	By Conservators, Deputy, Assistant and Sub-Assistant Conservators of Forests to such extent, and within such limits, as the Local Government may prescribe by Notification in the Official Gazette.
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ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted above, and to the Department of Revenue, Agriculture and Commerce, for information and for the issue of any further orders which may be necessary.

Ordered, also, that this Resolution, together with the Statutes referred to in it, be published in the Supplement to the *Gazette of India*.

33 & 34 VICTORIA, CAP. 59.

An Act to render valid certain contracts informally executed in India.

[9th August 1870.]

WHEREAS by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act for the better government of India," it was provided that any deed, contract, or other instrument made by the authorities therein named, for the purpose of disposing of real and personal estate in India vested in Her Majesty under the said last-mentioned Act, or of raising money on such real estate by way of mortgage, or of making proper assurance for that purpose, or of purchasing and acquiring any lands and hereditaments, or any interest therein, stores, goods, chattels, and other property in India, and of entering into any contracts whatsoever for the purposes of the said first-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by order of the Governor General in Council, or the Governor of Fort St. George or of Bombay in Council :

And whereas by an Act passed in the thirty-second and thirty-third years of Her said Majesty, it was recited that certain deeds had been issued for inám lands in the Presidency of Fort Saint George by the Inám Commissioner in the execution of his office in that respect, which, by reason of certain defects in the expression of the execution thereof, it was apprehended might be invalid; and provision was thereupon made by the said last-mentioned Act that the said title-deeds should not be deemed invalid by reason of such defects :

And whereas it is apprehended that other deeds, contracts, and instruments made for the purpose expressed in the said first-recited Act, besides such title-deeds as aforesaid, may be invalid or deemed invalid for the like reason, and such provision as aforesaid should therefore be made more general :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

1. Every deed, contract, or other instrument made in India for the purposes and by the authorities expressed in the said first-recited Act up to the date of the passing of this Act, and for any further period within the limit of one year to which the Governor General in Council may deem it advisable to extend the operation of this Act, which is expressed to be executed by or by order of or on behalf of the Governor General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay in Council, or by any Lieutenant-Governor or Chief Commissioner, or any other officer for the time being entrusted with the government, charge, or care of any presidency, province or district of British India within the limits of their respective governments, provinces, or districts, and every deed, contract, or other instrument so executed in British India by any person authorised in this behalf by the Secretary of State for India in Council, shall be, and be deemed to have been as valid as if it had been executed in conformity with the provisions of the said first-recited Act ; provided that such deed, contract, or other instrument has been in other respects duly executed according to the law in force at the date of its execution.

2. It shall be lawful for the Governor General, by Resolution in Council, from time to time to vary the form of the execution prescribed by the said first-recited Act for the deeds, contracts, and other instruments to which it relates, and to empower such authorities as to him may seem expedient to vary it within the respective limits of their local jurisdiction ; and deeds, contracts, and other instruments executed according to forms so altered shall have in all respects the like validity as if they had been executed according to the provisions of the said first-recited Act.

[22° AND 23° VICT.]

[CH. 41.]

Government of India Act Amendment.

CHAP. 41.

An Act to amend the Act for the better Government of India.

[13th August 1859.]

WHEREAS an Act was passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act for the better Government of India* : And whereas it has been considered that, under the Enactment in the Fortieth Section of the said Act, the local Governments in *India* and Officers intrusted with the Charge of Provinces or Districts there respectively cannot enter into and execute such Contracts and Assurances in *India* on behalf of the Secretary of State in Council as before the Commencement of the said Act they were respectively competent to enter into and execute on behalf of the *East India* Company, and it is expedient to give them such Powers : And whereas Doubts have arisen as to the proper Mode of the Execution of Contracts entered into by the Secretary of State in Council pursuant to the Provisions of the said Fortieth Section of the said Act, and it is expedient that such Doubts should be removed : And whereas it is expedient to alter so much of the Enactment in the Forty-third Section of the said Act as relates to the Mode of signing and countersigning the Drafts or Orders therein mentioned : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say,

I. The Governor General of *India* in Council, the Governor in Council of *Fort St. George*, the Governor in Council of *Bombay*, the Lieutenant-Governor of the North-Western Provinces now under the Presidency of *Fort William* in *Bengal*, respectively, or any Officer for the Time being intrusted with the Government, Charge or Care of any Presidency, Province, or District in *India*, subject to such Provisions or Restrictions as the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall from Time to Time prescribe, are hereby respectively empowered to sell and dispose of all Real and Personal Estate whatsoever in *India* for the Time being vested in Her Majesty under the said Act, within the Limits of their respective Governments, Provinces, or Districts, or to raise Money on any such Real Estate by way of Mortgage and to make proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interest therein, Stores, Goods, Chattels, and other Property in *India*, within the said respective Limits, and to enter into any Contracts whatsoever, within the said respective Limits for the Purposes of the said Act, and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*.

II. The Secretary of State in Council may be named as a party to any such Deed, Contract, or other Instrument, and it shall be sufficient to use the Designation of Secretary of State in Council in such Deed, Contract, or other Instrument, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by Order of the Governor General in Council, Governor in Council, Lieutenant-Governor of the North-Western Provinces, or other Officer intrusted as aforesaid, but may be executed in other respects in like Manner as other Instruments executed by or on behalf of him or them respectively in his or their official Capacity, and may be enforced by or against the Secretary of State in Council for the Time being; and neither the Secretary of State, nor any Member of the Council, nor any Person executing such Deed, Contract, or other Instrument, shall be personally liable in respect thereof; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of India.

APPENDIX B.

No. 608.

REVENUE DEPARTMENT.

Bombay Castle, 4th February 1879.

With reference to the Resolution of His Excellency the Governor General in Council, No. 23-1411, dated 15th October 1878, republished by the preceding Notification No. 607 of to-day's date, His Excellency the Governor in Council is pleased to notify that contracts and other instruments in matters connected with the administration of forests and with the business of the Forest Department in the Bombay Presidency generally may be executed within the limits of their respective charges, by—

- (1) Conservators, whatever be the amount or value of the subject-matter of the contract or other instrument;
- (2) Deputy Conservators, if such amount or value do not exceed Rs. 5,000;
- (3) Assistant Conservators, if such amount or value do not exceed Rs. 1,000;
- (4) Sub-Assistant Conservators, if such amount or value do not exceed Rs. 200:

Provided always that no Forest Officer of any grade below that of Conservator shall execute any contract or other instrument without, or otherwise than in accordance with, the previous sanction of the Conservator to whom he is subordinate, given either expressly or generally in connection with the sanctioned working plan of a season, and that every contract or other instrument executed by any such officer shall be drawn in a form which has been approved by the said Conservator.

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APPENDIX.

FORM OF PROCLAMATION.

(Under Rule 11.)

Whereas the property of _____, hereinunder specified, has been attached on account of a decree obtained in original suit No. _____ of 18 _____, in the Court of _____, at _____, plaintiff, _____ defendant, in virtue whereof a sum of _____ was adjudged to be payable by the said _____ to the plaintiff;

and whereas it is necessary to recover the said amount by sale of the said property together with all lawful charges and expenses resulting from the said attachment and sale:

Notice is hereby given that on the _____ day of _____ 18 _____ at _____ o'clock A.M., A. B., the Mámlatdár of _____ (or other person appointed) will, at _____ in _____ Tálnka in this District, sell by auction to the highest bidder and without reserve, the right, title and interest of the said _____ in the property hereinunder specified, and every power of disposing of the same or any of them or of the profits arising therefrom which the said _____ may now consistently with the law exercise for his own benefit.

Immoveable Property.

1	2	3	4	5	6	7	8	9
Lot Number.	Description of Lot, including local situation, supposed or estimated rent or annual value, and, if leased, for how long, on what terms, and to whom.	Survey number, Municipal number and other fiscal designation.	Government Revenue, including any Local Cess, any other known fiscal charge resting on the Lot.	Present occupant.	(Here enter any other particular the Collector may see fit.)			Here enter the additional particulars required in Rule 11 (a).

N. B.—No guarantee is given of the title of the said interest claimed by third parties.

or of the validity of any of the rights, charges or

Collector.

APPENDIX.

ACCOUNTS.

1. Government Pleaders will draw their salaries, and their fees for criminal cases, and any special fees which may from time to time be sanctioned by the Remembrancer of Legal Affairs, or by Government, on submitting bills in the usual form to the proper Treasury Officer.

2. To enable them to meet the minor charges incident to the institution and conduct of the cases, whether civil or criminal, with which they are entrusted, the Government Pleader in the High Court shall be allowed a permanent advance of Rs. 500, and such of the District and Subordinate Government Pleaders as the Remembrancer of Legal Affairs authorizes to receive the same, shall be allowed each a permanent advance not exceeding Rs. 200. Only those Government Pleaders who have usually a large number of Government cases on hand shall be authorized by the Remembrancer of Legal Affairs to receive this advance.

3. Government Pleaders are to defray all the charges connected with each case as they arise, and to submit a bill for the same (and for their own fees in civil cases), as soon as possible, after each case has been decided, to the Collector or other officer concerned in the case.

But when, as in the case of the Court-fee chargeable on an appeal in which the claim is for a large amount, a Government Pleader has to pay considerable sums out of pocket at once, he may submit separate bills for such sums immediately, provided that the amount of any such bill shall not, in the case of the Government Pleader in the High Court, be less than Rs. 50, and of other Government Pleaders, Rs. 35.

A bill of charges submitted under the first para. of this rule shall include the whole of the charges on account of the case for which it is submitted, and any sums which may have been already drawn on account of the case under para. 2 of this rule shall be shown at the end of the bill and deducted.

4. Every bill submitted by a Government Pleader under the last rule is to be forwarded by him through the Remembrancer of Legal Affairs, and must be accompanied by vouchers, or by a copy of the Court's decree in support of every item contained in it.

The Remembrancer of Legal Affairs shall, if he passes the bill, countersign and forward it to the officer by whom it is to be paid. The Remembrancer of Legal Affairs is responsible for curtailing unnecessary, or exorbitant charges, and generally for controlling all expenditure incurred by Government Pleaders.

5. Postal and other general contingent charges may be drawn by the Government Pleader in the High Court on bills countersigned by the Remembrancer of Legal Affairs according to the rules in force for payment at the Presidency.

6. The Judges of the Courts to which District and Subordinate Government Pleaders are respectively attached, are authorized to cause their letters and packets to be franked as if they issued from their own offices, and also to pay any bearing charges on official covers which they may receive. The Government Pleaders shall be responsible that such letters, packets, and covers are *bonâ fide* despatched, or received, on Her Imperial Majesty's service only. District and Subordinate Government Pleaders shall not incur any contingent expenses apart from the necessary charges connected with the cases which they have to conduct.

APPENDIX A.

Order of management to be issued under Section 7.

WHEREAS (here enter the name and description of the applicant in full, and when he is not himself the Thákur, state whether he is the sole heir, or one of the heirs of the Thákur) has made an application to me under Section 4 of the Broach and Kaira Incumbered Estates Act, 1881, requesting that the provisions of the said Act be applied to his case (or to the case of

);
And whereas upon enquiry it appears to me expedient that the provisions of the said Act should be so applied ;

I do hereby direct that the immoveable property of the said shall be managed and his debts liquidated in the manner provided in the said Act by the Tálukdári Settlement Officer (or by

Dated this
day of

188

(Signed)

Commissioner, N. D.

APPENDIX B.

Notice under Section 12.

No.

Station and date.

WITH reference to the order of the Commissioner, N. D., published at page of the *Bombay Government Gazette* of the 188 , directing that the immoveable property of

be managed and his debts liquidated by me under the provisions of Act XXI. of 1881, I hereby give notice and require under section 12 of the said Act, that all persons having claims against the said , or against the said property under my management, shall notify the same in writing to me within six months from the date of the publication of this notice.

The attention of intending claimants is called to the requirements of Section 13 of the said Act.

Description of property, situation, and boundaries.

Tálukdári Settlement Officer,
(or Manager.)

APPENDIX C.

Notice under Section 26.

No.

Station and date.

WHEREAS the management of the immoveable property of was, by order of the Commissioner, N. D., published at page of the *Bombay Government Gazette*, dated the day of 188 , vested in me as the Manager appointed under Act XXI. of 1881, and whereas all the debts and liabilities of the said mentioned in the liquidation scheme framed under the provisions of the said Act have been liquidated as therein provided (or in accordance with the orders of the said Commissioner), notice is hereby given under Section 26 of the said Act, that my management of the said estate will terminate on the

Description of property, situation, and boundaries.

Tálukdári Settlement Officer,
(or Manager.)

or else the following (as the case may be) :—

No.

Station and date.

Whereas the management of the immoveable property of was, by Government notification published at page of the *Bombay Government Gazette*, dated , vested in the Tálukdári Settlement Officer as the Manager appointed under Act XV. of 1871, and whereas all the debts and liabilities of the said mentioned in the liquidation scheme framed under the provisions of the said Act, have been liquidated as therein provided ; notice is hereby given, under Section 26 of Act XXI. of 1881, that the management of the said estate by the undersigned will terminate on the

Tálukdári Settlement Officer.

*Rules under the Sind Incumbered Estates
Act, 1881.*

1. All subordinate officers entrusted under this Act with the collection, receipt, or custody of moneys or valuable properties shall furnish security to the extent of three years' salary.

2. The notices required to be issued under Sections 12 and 26 shall be in the Forms A and B appended to these Rules.

3. Every Manager appointed under Section 6 of this Act should make the enquiry prescribed by Section 12, and shall prepare the schedule of debts and liabilities, and the scheme for the settlement thereof required by Section 17 in the following manner.

4. He shall ascertain the principal sum or sums originally or from time to time lent by each of the creditors severally, and this sum or these sums, with 9 per cent. per annum simple interest from the time when the debt was incurred up to the date on which the order provided for in Section 8 of the Act is published, and no further, shall in each case be the amount awarded, but subject to the following conditions:—

I.—The amount of interest shall in no case exceed that of the principal.

II.—The heir in the second generation of the person who originally incurred the debt, to pay the principal only and no interest.

III.—The amount assigned in settlement of bonds held for services rendered by the creditor to be determined by the Manager after hearing evidence of the service in question.

IV.—No interest to be allowed on debts whose accounts to the satisfaction of the Manager are not produced.

V.—When the first principal is not satisfactorily proved, a deduction of 50 per cent. to be made from the amount of the debt as it stands at the first stage at which satisfactory proof of the existence of the debt is given.

VI.—When no accounts are produced, the claim shall be disallowed, unless the debtor acknowledges the receipt of a sum in cash, in which case that sum shall be treated as the principal of the debt, but no interest shall be allowed.

VII.—Interest not to be allowed on account of debts in the absence of any specification that it shall be allowed.

VIII.—A claim supported by a decree of a civil court shall be subject to the same enquiry as any other claim; but in cases where it shall appear to the Manager that the suit was contested, and

that the amount awarded either on account of principal or interest by the decree does not exceed by more than 25 per cent. the amount which could have been awarded by the Manager, if no such decree had been passed, the amount so awarded may be allowed, provided rule 4, clause 1, be not infringed. But if interest subsequent to decree be claimed, it shall be calculated as if no decree had been passed.

5. All payments made by the Jágirdár or Zamindár to any creditor, or profits which have been enjoyed by such creditor towards the liquidation of any debt or liability before the settlement under the Act, shall be deducted from the principal sum of the said debt or liability, and interest on an amount equal to such deducted sum shall be disallowed from time of such payment or enjoyment, and the Manager shall be competent to decide on the amounts of profits realized under such enjoyment after examining such proofs as are presented to him.

6. Whenever a bond or decree or other claim has been transferred by sale, gift, or otherwise from the original holder to any other person, the present holder shall be called upon to support his claim by the same proofs as if he were the original holder.

7. All admitted debts shall be satisfied proportionately in the following order :—

1st.—Money lent on the security of the estate.

2nd.—Decreed and bonded debts.

3rd.—Account debts.

8. If the principal of all the debts with simple interest at 9 per cent., shall exceed the amount which may be estimated to be available for the settlement of the creditors' claims as provided for in Section 11 of the Act during the period the estate shall be under management, then no interest shall be allowed on such debts as were not incurred by the present Jágirdár or Zamindár. If the amount be then still in excess of the aforesaid amount, the rate of interest to be awarded on the remaining debts shall be decreased until their amount falls within the requisite limit. For the purposes of calculation under this rule, (20) twenty years shall be taken as the limit of the period of management.

9. In deciding what claims are admissible for settlement, and to what amount they shall be admitted, it shall be competent to the Manager to appoint a Committee of experienced Natives—consisting of three persons, of whom one only shall be in the service of Government—to assist him, and it shall further be competent to the Manager to reimburse the said Committee for their necessary expenses out of a percentage to be reserved on the rents and profits which the Manager may receive to cover all charges arising directly from the special nature of his duties.

10. Provided, however, that if the creditors of any estate shall of themselves produce a schedule of the original sums lent by them severally signed by

the debtor, and both parties shall consent to the said schedule in presence of the Manager, it shall be competent to the said Manager to accept such schedule without further investigation, and to make it the basis of the settlement.

11. If the creditors shall agree to accept a sum of money from the Manager in immediate satisfaction of all their claims on any estate, and the Manager shall determine to borrow money from Government for the purpose of meeting such payment, it shall be competent for the Manager, on receipt of the orders of the Commissioner in Sind sanctioning such loan, to order payment to be made to the creditors from the Government Treasury, provided that the creditors shall first severally sign receipts in full for all their claims on the estate, and that if any fraud is subsequently discovered to have been committed by any creditor, in respect to any money received by him under this rule, such creditor shall be liable to forfeit all sums so received, and all claim to further compensation for any debt due to him which may have been notified to the Manager for satisfaction under this Act. And all sums advanced by Government under this rule, shall be recovered from the estate in the same manner as other debts due, or liabilities incurred, to the Crown or Government may be recovered under this Act.

12. In estimating the amount of cash composition to be paid for admitted claims, the following points should be considered:—

(a).—The income of the debtor, the amount of the debt, and the probability that the creditor would have been able to recover his debt if this Act had not been passed.

(b).—The nature of this particular debt.

(c).—The period for which the debt had been outstanding.

(d).—The interest hitherto enjoyed by the creditor, the rate of interest originally fixed, and the proportion between the amounts due as principal and interest, respectively, at the present time.

31. Advances made with the object of facilitating the settlement of the claims against any Jágirdár or Zamindár's estate brought under the provisions of the said Act shall, when the Commissioner in Sind shall so direct, be chargeable with interest at the rate of (5) five per cent.

14. When the condition of an estate shall be found sufficiently prosperous, it shall be competent to the Commissioner in Sind to make such further awards beyond what is permitted by the previous rules as the circumstances shall seem to warrant.

APPENDIX A.

NOTICE UNDER SECTION 12 OF ACT XX. OF 1881.

No.

Station and date.

Whereas the management of the undermentioned estate, belonging to (name and father's name) has, by order of the Commissioner in Sind, dated _____, been vested in me as the Manager appointed under Act XX. of 1881,

I hereby give notice and require, under Section 12 of the said Act, that all persons having claims against the said _____, or against the said property under my management, shall notify the same in writing to me within six months from the date of the publication of this notice.

Every claimant is hereby required to present full particulars of his claim, and to produce at the same time or to cause to be produced every document or book containing any entry regarding his claim, on which he may found such claim or on which he may rely in support thereof.

Description of property, situation, and boundaries.

Manager.

APPENDIX B.

NOTICE UNDER SECTION 26 OF ACT XX. OF 1881.

No.

Station and date.

Whereas the management of the undermentioned estate, belonging to _____ was, by order of the Commissioner in Sind, dated _____, vested in me as the Manager appointed under Act XX. of 1881, and whereas all the debts and liabilities of the said estate have been paid and discharged, notice is hereby given under Section 26 of the said Act, that my management of the said estate will terminate on the (date of termination.)

Description of property, situation, and boundaries.

Manager.

APPENDICES OF RULES UNDER SECTION 61.

APPENDIX A.—(SEE RULE 2).

Serial Number.	Endorsements.	Copy of Instruments.

APPENDIX B.—(SEE RULE 5).

Form of Index under Rule 6 framed under Act XVII. of 1879.

Name of Village in which Property is situate.*	Description of Property.	Name of Office in which Instrument is registered.	Name and Place of Residence of Executant or Executants.	Nature of Instrument and Consideration or Value.	Name and Place of Residence of Claiming Party.	Date of Registration and Reference to Register.

* *N.B.*—In case of instruments relating to moveables, the name of village in which the executant or executants reside should be entered in column 1.

APPENDIX C.—(SEE RULE 8).

Form of Claim-Note Book.

On production of this note by _____ the conveyance or mortgage belonging to him and attested by me this day will be delivered to him by me (or a copy of the conveyance or mortgage executed by him and attested this day will be delivered to him by me, or otherwise, as the cause may be).

Received fees as follows :—

For drawing and registering instrument ... Rs.

Copy fee " ..

Total ... Rs. _____

Village Registrar.

APPENDIX D.—(SEE RULE 8, CLAUSE 4).

Number of Volume.	Serial Number.	Number of Copies to be granted.	Date on which Instrument returned or Copy granted.	Signatures of Executants or their Agents acknowledging receipt of Instruments and Copies.

APPENDIX E.—(SEE RULE 9).

Form of Cash-Book.

Wednesday, 7th January 1882.

Fees on Entry No. 131 of 1882 at page 88 of Register Book—

Registration...	Rs	a.	p.	Rs.	a.	p.
Copy	0	4	0			
	0	1	0			
				0	5	0

Fees on Entry No. 132 of 1882 at page 89 of Register Book—

Registration ...	0	8	0			
2 Copies ...	0	4	0			
				0	12	0

Remitted to Táluka Village Registrar or Treasury, as the case may be... 1 1 0

(Signed) A. B.,

Village Registrar of _____

APPENDIX F.

Memorandum under Rule 20 framed under Act XVII. of 1879.

Serial Number.	Copy of Endorsements.	Nature of Document.	Description and Value of Property affected by the Document.	Situation of Property.	Names of Executing Parties.	Place of Residence.	Profession, Rank, or Title.	Names of Claiming Parties.	Place of Residence.	Profession, Rank, or Title.	Reference to Registrar.

Forwarded to the Special Village Registrar of

Date of Receipt

Date

Táluka Village Registrar.

APPENDIX G.—(SEE RULE 26, CLAUSE 3).

Received from _____ for

(search, or grant of copy, or inspection)

Village Registrar.

APPENDIX H.

(SEE RULE 28.)

Detailed Statement showing the Classification of all Instruments registered.

Nature of Instruments.	IMMOVEABLES.				MOVEABLES.				
	New Transactions.	Novation of old Transactions.	Instruments partly relating to old and partly to new Transactions.	Total.	New Transactions.	Novation of old Transactions.	Instruments partly relating to old and partly to new Transactions.	Total.	Grand Total.
Deeds of Sale									
Mortgages with Possession									
Mortgages without Possession									
Deeds of Gift									
Leases for periods not exceeding one year									
Leases for periods exceeding one year									
Bonds									
All other Deeds									
Total									

Registrar of

PREPARATION AND REGISTRATION OF INSTRUMENTS OF MOVABLES

Total aggregate Value of Immoveable Property.	The Value or Consideration not exceeding Rs. 20.		The Value or Consideration exceeding Rs. 20 but not exceeding Rs. 50.		The Value or Consideration exceeding Rs. 50 but not exceeding Rs. 100.		The Value or Consideration exceeding Rs. 100 but not exceeding Rs. 200.		The Value or Consideration exceeding Rs. 200 but not exceeding Rs. 300.		The Value or Consideration exceeding Rs. 300 but not exceeding Rs. 400.		The Value or Consideration exceeding Rs. 400 but not exceeding Rs. 500.		The Value or Consideration exceeding Rs. 500 but not exceeding Rs. 1,000.		The Value or Consideration exceeding Rs. 1,000 and upwards.		No Value or Consideration being expressed in the Deed.		Instruments which cannot be brought under the act valoren State.		Copies granted to parties concerned.		Total.		The aggregate Value of Moveable Property.		
	14	15		16		17		18		19		20		21		22		23		24		25		26		27		28	
Amount.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	No.	Fees.	Amount.

PENDTURE.

Taluka Village Registrar's Karkans.	Commission at 20 per cent.	Commission at 5 per cent.	Fixed Contingencies.	Furniture.	Postage.	Remuneration to Mahars.	Miscellaneous.	Total.	Surplus.	Deficit.
39	40	41	42	43	44	45	46	47	48	49
Amount.	Amount.	Amount.	Amount.	Amount.	Amount.	Amount.	Amount.	Amount.	Amount.	Amount.

Registrar of

Monthly Statement of Arrears in the Circle of _____ on the 1st

188 .

Village or Taluka Registrar.	Number of Documents to be copied.	Number of Copies to be prepared.	Number of Documents, &c., of which registration is completed, remaining unclaimed in Office.		Details of Documents in hand.
			Instruments.	Copies.	
					10 instruments from April 1882. 5 instruments from May 1882. 20 copies from May 1882. 20 do. from June 1882.

Detailed Statement showing Number of Transactions of each Nature in each Registration Circle according to Number of Column in Statement of Instruments registered during the month.

Name of Circle.	Deeds of Sale.	Mortgages with Possession.	Mortgages without Possession.	Deeds of Gift.	Leases for periods exceeding one year.	Leases for periods not exceeding one year.	Bonds.	All other Deeds.
	5 of 1, 2 of 3, 3 of 5, 5 of 8, 1 of 11, 3 of 15, 4 of 16, 1 of 20 and 1 of 24.	5 of 2, 3 of 4, 6 of 6, 1 of 7.	1 of 1, 2 of 3, 5 of 4, 7 of 9, 2 of 15 and 3 of 16.	1 of 1 and 1 of 16.	2 of 2 and 7 of 9.	1 of 3 and 8 of 5.	7 of 15, 21 of 16, 1 of 20 and 1 of 24.	1 of 1, 2 of 4, 7 of 5, 8 of 15 and 2 of 24.

N.B.—To be prepared by Taluka Village Registrar from the various returns received from Village Registrar and sent with his general statement.

THE FOLLOWING RULES ARE MADE BY THE GOVERNOR OF BOMBAY IN COUNCIL UNDER THE PROVISIONS OF SECTION 63 OF THE DECCAN AGRICULTURISTS RELIEF ACT, 1879, IN SUPERSESSION OF ALL PREVIOUS RULES ON THE SAME SUBJECT.

Rules regulating the appointment, suspension, dismissal and remuneration of District Inspectors and Village Registrars.

1. Every Inspector shall be appointed by and may be suspended or dismissed by the Inspector-General of Registration and Stamps; but shall not be dismissed without the sanction of Government being first obtained.

2. Every Village Registrar not being a Sub-Registrar shall be appointed by and may be suspended or dismissed by the Registrar; but shall not be dismissed except with the concurrence of the Inspector-General: provided that the first appointments of Village Registrars made after the publication of these Rules, shall be made subject to the approval of Government.

3. In addition to any fixed salary all Táluka Village Registrars and Village Registrars shall draw 20 per cent. on the fee collections of their respective offices, and in addition to the above, Táluka Village Registrars shall draw 5 per cent. on the gross collections of their respective tálukás.

4. In case of neglect of duty, carelessness or other official misconduct in contravention of the provisions of the Deccan Agriculturists Relief Act, the Registrar may fine any Táluka Village Registrar or Village Registrar a sum not exceeding half a month's salary drawn under this Act, and shall report the case to the Inspector-General.

5. No security for the due performance of their duties shall be required from Táluka Village Registrars, who are required to furnish security as Sub-Registrars; but Village Registrars shall be required to give security to the extent of Rs. 100. The security bond of a Village Registrar shall be in the form in use in the Revenue Department. The sureties may be one or two in number as the Collector, in whose charge the bond should be kept, directs.

6. In case of a Village Registrar being unable to attend to his duties owing to sudden illness or other cause he shall make an immediate report to the Táluka Village Registrar of the sub-district, who shall forthwith report the absence of the Village Registrar to the Registrar. If a *locum tenens* be appointed, his salary

shall be regulated by the existing rules. Pending arrangements being made by the Registrar, the office of such Village Registrar shall be considered as closed, and applicants shall be directed by the village authorities to the Taluka Sub-Registrar.

7. The following scale of fees is fixed to be charged by Registering officers, namely :—

Scale of fees.		Rs.	a.	p.
1.	For writing or superintending the writing and for attesting and registering any instrument, when the value or consideration does not exceed Rs. 20	...	0	2 0
2.	When the value or consideration exceeds Rs. 20 but does not exceed Rs. 50	...	0	4 0
3.	Do. Rs. 50 do. Rs. 100	...	0	8 0
4.	Do. " 100 do. " 200	...	0	12 0
5.	Do. " 200 do. " 300	...	1	0 0
6.	Do. " 300 do. " 400	...	1	4 0
7.	Do. " 400 do. " 500	...	1	8 0
8.	Do. " 500 do. " 1,000	...	2	0 0
9.	For every additional Rs. 500 or part thereof	...	0	8 0
10.	For a document the value of which is not expressed	...	2	0 0
11.	For a document which cannot be brought under the <i>ad valorem</i> scale	...	1	0 0
12.	For a will	...	2	0 0
13.	For granting a copy of an instrument as entered in the Register to the party or parties concerned	...	0	2 0 per copy
14.	Do. do. or memorandum filed under Rule 22 to any person who is not a party	...	0	4 0
15.	Search for or inspection of any entry in the Register Book by any applicant	...	0	2 0
16.	Do. do. if conducted by Registering Officer	...	0	4 0
17.	For attendance at private residence for the preparation of an instrument or for the attestation of a Power-of-attorney.	{ An extra fee equal to the ordinary fee.	{	Besides this the Village Registrar will also be entitled to batta at the usual rates.

APPENDIX TO RULES UNDER SECTION 63.

(Under Rule 3.)

B 514-92

HER MAJESTY'S GOVERNMENT OF BOMBAY Dr.

The amount of percentage at 20 and 5 per cent. due to the Táluka Village Registrars and Village Registrars on the Fees collected and paid into the Treasury of to the credit of Government during the month of 188 .

1	2	3		4					5								6	
		COLLECTION.		HOW AND WHEN THE COLLECTIONS WERE CREDITED TO GOVERNMENT IN THE TREASURY OFFICER'S CASH ACCOUNT.					PERCENTAGE PAYABLE.									REMARKS.
		Fees.		Total amount paid into the Treasury.	Month.	Heading under which credited.	Item in which it is included.	Twenty per cent. on Fees.		Five per cent. on Gross Collection of the Táluka.	Deduct Fines.		Net Amount of Percentage payable.					
Rs.	a. p.	Rs.	a.	p.		Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	
Táluka.	Names of Táluka Village Registrars and Village Registrars.																	

Certified that the amount entered in column 4 has been credited to Government as above.

Táluka Village Registry Office,
188 . }

133 . }

Mámlatdár or Officer in charge of Táluka Treasury.

Táluka Village Registrar.

SPECIAL LOCAL LAWS.]

(365)

[PART XVIII.]

THE FOLLOWING RULES ARE MADE BY THE GOVERNOR OF BOMBAY IN COUNCIL UNDER THE PROVISIONS OF SECTION 75 OF THE DECCAN AGRICULTURISTS RELIEF ACT, 1879.

1. No Village Registrar shall prepare or register any instrument under the provisions of the Act to which he or any member of his family is a party. For the preparation or registration of any such instrument the parties shall be referred to the Taluka Village Registrar who has concurrent jurisdiction.

Certain Village Registrars not to prepare or register instruments in which they are interested.

2. No Village Registrar shall prepare or register any instrument under the provisions of the Act, unless it shall be stated in the body of such instrument whether the executing party or parties are previously indebted to the claiming party or not; in the event of the former being the case, the amount of such indebtedness shall be clearly set forth, if it is included in, or relates to the transaction referred to, in the instrument.

Certain recitals required to be made in instruments to be prepared by Village Registrars.

If the instrument has no reference to any previous transaction or instrument, immediately after its execution the following declaration shall be endorsed on the instrument before the Village Registrar and signed by the claiming party or parties to the instrument, or by his or their authorized agent:—

* "I [or We] hereby declare that this instrument is a *bond fide* new transaction and has no reference to any previous transaction or instrument."

(Signature or mark of————)

3. No Village Registrar shall prepare or register any instrument under the provisions of the Act, unless it shall be stated in the body of such instrument whether the consideration mentioned in the instrument has already been paid or is to be paid hereafter, and if it has been paid, the manner in which such payment was made shall be fully set forth.

Recital as to payment of consideration.

Powers-of-attorney recognizable for purposes of section 57.

4. For the purpose of section 57 the powers-of-attorney next hereinafter mentioned shall alone be recognized (that is to say):—

(a) if the party executing a power-of-attorney at the time of executing the same resides in any district in which the Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar or Village Registrar within whose district, sub-district, or village such party resides:

* N.B.—This declaration will be unnecessary for instruments drawn up under paragraph 3 of Section 59.

- (b) if the party at the time aforesaid resides in British India, but not in any district in which the Act is for the time being in force, a power-of-attorney executed before and authenticated by any Magistrate :
- (c) if the party at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India.

DEPARTMENTAL RULES.

Inspection.

1. The District Inspectors of Village Registry Offices shall be responsible that the work in the offices in inspection of the their respective charges is carried out in strict accordance with the rules laid down, and also that the provisions of the Stamp Act and rules are duly complied with. The Inspection Reports of the Village Registry Offices by these officers shall be sent to the Registrars, who shall forward the same to the Inspector-General for perusal, by whom they shall be returned to the Registrar with any observations that he may think necessary. A copy of such report in Vernacular shall be given by the Inspector to the Village Registrar in charge of office concerned, for reference when the final orders are received by him. It will also be the duty of these Inspectors to make special reports to the Registrar of any irregularities or neglect of duty on the part of Táluka or Village Registrars which may come under their notice, as also regarding any complaints which they may from time to time receive from the public.

2. The District Inspectors shall also submit to the Registrar a monthly diary showing the number of offices visited and inspected by them and also any thing special which may come under their notice in connection with Village Registration. The diary shall be an accompaniment to their Travelling Allowance Bill which will be passed by the Registrar.

3. Village Registry offices shall also be from time to time inspected by each of the following officers, viz.:—
Occasional Inspection for other officers.

1. The Collector of the District,
 2. The Assistant or Deputy Collector in charge of the Táluka,
 3. The Inspectors of Registration and Stamps,
 4. The Mámíatdár or Mahálkari of the táluka or mahál,
 5. The Special Judge,
 6. The Assistants of the Special Judge,
 7. The Subordinate Judges,
- who shall bring to the special notice of the Inspector-General or Registrar any irregularities, &c., which they may observe.

4. The Inspector of Registration and Stamps shall submit a report of the results of his examination of Village Registry Offices, sending it to the Inspector-General of Registration through the Registrar. A vernacular copy of the same shall be handed over to the Village Registrar for record and reference when final orders on it are received. No Inspector shall issue any order on the subject of his inspection direct to any Village Registrar. Any of the officers named in the last

Reports to be submitted on Village Registry Office Inspections.

APPENDIX No. I.

FORM 1.

APPRAISEMENT REGISTER.

FORM OF BOTKHAT.

BOTKHAT OF MAUZE TAUF TAL'UKA ZILLA RATNA'GIRI, A.D. 188 .

Khoti Rights and Shares.

Khot Number.	Wantaps or Divisions of Shares held separately.	Division of Shares among the Wakals or Families as finally settled.	Shares of Persons interested other than those mentioned in Columns 2 and 3, of their Sub-sharers.	Names of Persons having interest referred to in Columns 2 and 4 or 3 and 4, and the Names of their Mortgagees.	REMARKS.
1	2	3	4	5	6
	As.	As.	As. p.		
1	4	.....	..... 1 0 1 0 2 0	Hari Govind Sápkar. 1 Hari Govind himself. 2 Trimbak Náráyan Sápkar. 3 Bábáji Shivrám Sápkar, mortgagee Rámchandra Govind Mule.	
		Total ...	4 0		
2	.....	4	..... 2 0 2 0	Krishnáji Dáji Joshi. 1 Krishnáji Dáji himself. 2 Vishwanáth Ganesh Joshi.	
		Total ...	4 0		
...	.....	8	..... 1 0 1 0 1 0 1 0 2 0 2 0	Sadáshiv Govind Diwekar. 1 Sadáshiv Govind himself. 2 Bápúji Govind Diwekar. 3 Venkatesh Náráyan Diwekar. 4 Bhikáji Ganesh Diwekar. 5 Keshav Rámchandra Diwekar. 6 Vital Yeshwant Diwekar, Mortgagee. Báláji Vásudev Barwe.	
		Total ...	8 0		
	4	12	Rs. a. p. 1 0 0		

NUMBER.			NAME OF FIELD.	Tennure, viz., Inam or Khalsa Government) Dhara or Khoti and other Tenures. Whether a Khoti Tenant has a right to sell Khoti Land or not? If he has to state that he has.	Khot Number.	Share out of the whole Village on Khoti.	SURVEY ASSESSMENTS PAYABLE.									
Survey Number	Pot Number.	Phalut Number.					Kharif or Rice Lands.		Rabi Lands.		Garden Lands.		Varkas Lands.		Assessment on Coconut Trees.	Total of Assessment.
							Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			Sajand bin Pingogi Bhogale No. 1.				A. g.	Rs. a. p.	A. g.	Rs. a. p.	A. g.	Rs. a. p.	A. g.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1	7	...	Mhesondá	Dhara	...	...	...	...	...	...	0 10	1 4 0	...	...	...	1 4 0
6	...	10, 20, 21 & 22	Kalacha Parya	Do.	...	...	...	...	...	...	...	...	3 15	0 8 6	...	0 8 6
8	1	...	Do.	Do.	...	...	0 6 1/2	0 11 0	...	...	...	...	...	...	...	0 11 0
12	1	...	Kudéte	Do.	...	...	0 13	1 6 0	...	...	...	...	...	...	...	1 6 0
16	...	10, 11, 20 & 21	Gottana	Do.	...	...	...	...	...	...	...	...	9 2	1 3 6	...	1 3 6
24	...	1	Kargalmhos	Do.	...	...	...	...	...	...	...	...	0 34	0 3 0	...	0 3 0
37	1	...	Wawalyachi	Do.	...	...	...	...	...	...	0 4 1/2	0 10 0	...	...	...	0 10 0
43	...	...	Wadáché	Do.	...	...	0 23 1/2	2 8 0	...	...	...	...	...	...	...	2 8 0
44	...	7	Shivkala Batachi	Do.	...	...	...	...	...	...	...	...	0 13	0 1 0	...	0 1 0
51	5	...	Kharwat	Do.	...	As. 8	0 30	3 12 0	...	...	...	...	...	...	...	3 12 0
77	...	9, 10 and 15	Paryaché	Do.	...	...	...	...	...	...	...	...	3 19	0 8 6	...	0 8 6
...	6	13					1 33 1/2	8 5 0	...	...	0 14 1/2	1 14 0	17 3	2 8 6	...	12 11 6
17	...	7 & 12	Gawan	Occupancy Tenant.	1	...	...	...	...	...	...	...	3 23	0 9 0	...	0 9 0
50	...	4, 11 and 19	Warkhadicha Mala.	Do.	1	...	...	...	...	...	...	...	2 30	0 5 0	...	0 5 0
50	...	20	Do.	Do.	1	As. 8	...	...	...	...	...	...	1 5	0 2 0	...	0 2 0
77	...	5	Parayaché	Do.	1	...	...	...	...	...	...	...	0 34	0 3 0	...	0 3 0
...	...	7					...	...	...	...	...	...	8 17	1 3 0	...	1 3 0
1	...	2	Mhasonda	Do.	2	...	...	...	...	...	...	...	0 1	0 0 6	...	0 0 6
12	...	1	Koodyat	Do.	2	...	...	...	...	...	...	...	0 2	0 0 6	...	0 0 6
17	...	13	Gawana	Do.	2	...	...	...	...	...	...	...	1 0	0 2 0	...	0 2 0
29	...	3 and 4	Dewalāchā Sada	Do.	2	...	...	...	...	...	...	...	1 21	0 5 0	...	0 5 0
35	...	1	Devala Nageek	Do.	2	...	...	...	...	...	...	...	2 0	0 5 0	...	0 5 0
...	...	6 and 9	Dewalāchā Sada	Do.	2	...	...	...	...	...	...	...	1 18	0 5 0	...	0 5 0
36	...	11	Dhakta Sada	Do.	2	...	...	...	...	...	...	...	0 22	0 2 0	...	0 2 0
38	...	2 & 10	Payarichi Pakhar	Do.	2	...	...	...	...	...	...	...	1 6	0 2 6	...	0 2 6
...	...	18	Do.	Do.	2	As. 8	...	...	...	...	...	...	0 20	0 1 0	...	0 1 0
40	...	4 and 8	Tonk	Do.	2	...	...	...	...	...	...	...	1 20	0 4 6	...	0 4 6
51	...	7	Kharwat	Do.	2	...	...	...	...	...	...	...	0 2	0 0 6	...	0 0 6
75	...	9	Tonk	Do.	2	...	...	...	...	...	...	...	2 10	0 6 0	...	0 6 0
...	...	16					...	...	...	...	...	...	12 2	2 2 6	...	2 2 6
...	6	36					1 33 1/2	8 5 0	...	...	0 14 1/2	1 14 0	37 22	5 14 0	...	16 1 0

NUMBER.			NAME OF FIELD.	Tenure, etc., Inam or Khāra (Government) Dhāra or Khoti and other Tenures. Whether a Khoti Tenant has a right to sell Khoti Land or not? If he has, to state that he has.	Khoti Number.	Share out of the whole Village on Khoti.	SURVEY ASSESSMENTS PAYABLE.									
Survey Number.	Plot Number.	Pachal Number.					Kharif or Rice Lands.		Rabi Lands.		Garden Lands.		Varkas Lands.		Assessment on Coconut Trees.	Total of Assessment.
							Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
10	...	6 & 9	Subhannabā Ganna Mhapadi No. 10.													
			Cawtana ...	Occupancy Tenant.	1	...	...	...	...	...	...	...	1 20	0 3 0	...	0 3 0
6	...	2	Khalācha Paryā ..	Do.	2	...	...	...	...	...	...	...	1 0	0 3 0	...	0 3 0
17	...	4	Gawana ...	Do.	2	...	...	...	...	...	...	...	0 20	0 1 0	...	0 1 0
38	...	4	Payarihi Pakhar ..	Do.	2	...	...	...	...	...	...	...	0 10	0 0 6	...	0 0 6
42	...	6	Khonda ...	Do.	2	...	...	...	...	...	...	...	0 12	0 0 6	...	0 0 6
44	...	6	Shivkala batāchi ..	Do.	2	...	...	...	...	...	...	...	0 1	0 0 6	...	0 0 6
50	...	14 & 17	Warkhadicha Mal ..	Do.	2	...	...	...	...	...	...	...	1 7	0 2 6	...	0 2 6
70	...	1, 4 & 6	Matsaha Sada ...	Do.	2	...	...	...	...	...	...	...	0 35	0 3 0	...	0 3 0
71	...	5	Tonk ...	Do.	2	...	...	...	...	...	...	...	0 35	0 2 0	...	0 2 0
77	...	14	Parayachā ...	Do.	2	...	...	...	...	...	...	...	1 14	0 3 0	...	0 3 0
...	...	12			...	...	...	...	...	...	...	...	6 14	1 0 0	...	1 0 0
...	...	14			...	...	...	...	...	...	...	...	7 34	1 3 0	...	1 3 0
			<i>Details.</i>													
			Dhāra Lands ...	...	...	...	18 20	86 10 0	...	...	15 16½	71 15 0	59 29	9 3 6	...	167.12 6
			Khoti land belonging to Khot No. I.	...	...	...	0 15½	1 4 0	...	...	1 20½	5 7 0	131 3	20 3 6	...	26 14 6
			Do. do. No. II.	...	...	...	0 15½	1 11 0	...	...	0 19½	1 5 0	355 8	56 13 6	...	59 13 6
				...	...	...	0 31	2 15 0	...	...	1 30½	6 12 0	486 11	77 1 0	...	86 12 0
80	125	427			...	...	19 20	89 9 0	...	...	17 16½	78 11 0	546 0	86 4 6	...	254 8 6
2	...	3	Waste ...	...	...	...	...	...	...	...	...	...	0 28	...	...	...
82	125	430	Waste and cultivated lands together.	...	...	...	19 20	89 9 0	...	...	17 16½	78 11 0	546 28	86 4 6	...	254 8 6

The abovementioned khātedārs are to pay as follows :—

1. The holders of dhāra lands should pay the Survey Assessment and the Local Fund Cess at the rate of one anna for each rupee of Assessment.
2. The quasi-dhārekāris are to pay the Survey Assessment in addition to the excess amount of rent at the rates (to be mentioned below) given in the Schedule annexed to the Khoti Act.
3. The holders of khoti lands are to pay as follows :—
 1. The khoti tenants except the Khoti sharas, and
 2. The khoti sharas are to pay in accordance with the decisions recorded at the Special Ruzuwāt and confirmed by the Assessment Officer under Government Resolution No. 2474, dated the 24th April 187 .

FORM 2.

n 514-03

Khatāvani or Ledger of Mauze

Tarf

Táluka

Zilla Ratnágiri for the khoti portion of the village lands for A.D. 1878-79, being Shake 1800-1801.

	<p>GOPAL BIN RAMA NACHRA No.</p>	
<p>RICE IN HUSK.</p>	<p>Náglí.</p>	<p>Wari.</p>
<p>Monsoon Crops.</p>	<p>K. m. p.</p>	<p>K. m. p.</p>
<p>K. m. p. 0 2 0 Tikán Rátámbi, being S. N. 125, Pot No. 6, 10 gunthás is estimated to yield 4 maunds, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>	<p>0 2 0 Tikán Kawal-taimbi, being S. N. 128, Phalni 4. 2 acres is estimated to yield 6 maunds, of which the khot's share is one-third, vide No. of Abhawani Patrak.</p>	<p>0 1 0 Tikán Kawal-taimbi, being S. N. 128, Phalni 4. 1 acre 5 gunthás is estimated to produce 3 maunds, of which the khot's share is one-third, vide No. of Abhawani Patrak.</p>
<p>0 6 0 Tikán Sonambi, being S. N. 8, Pot No. 1. 20 gunthás is estimated to yield 12 maunds, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>	<p>Receipts. 0 2 0 Paid for the current year in person or through A on the 14th March 1880, at the rate of 45 rupees per khandi, Rs. 4-8-0.</p>	<p>Receipts. 0 1 0 Paid for the current year in person or through one maund of wari at the rate of 40 rupees per khandi, Rs. 2-0-0.</p>
<p>Fair Weather Crops.</p>	<p>0 0 0 Balance.</p>	<p>0 0 0 Balance.</p>
<p>0 5 0 Tikán Kamath, being S. N. 142, Pot No. 3 25 gunthás is estimated to yield 10 maunds, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>	<p>KAD-DAN. Kadwé.</p>	<p>Betel-nut. K. m. srs.</p>
<p>0 2 0 Tikán Kúdété, being S. N. 150, Pot No. 1. 20 gunthas is estimated to yield 4 maunds, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>	<p>0 1 0 Tikán Kamath, being S. N. 142, Pot No. 3. 25 gunthás is estimated to yield 2 maunds of kadwé, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>	<p>0 0 4 Tikán Sonambi, being S. N. 8, Pot No. 1. 20 gunthás is estimated to yield 8 sers of betel-nut, of which the khot's share is one-half, vide No. of Abhawani Patrak.</p>
<p>0 15 0</p>		

Receipts.
 0 7 0 Paid in person or through for the current year on the 14th March 1880, seven maunds of rice in husk at the rate of Rs. 35 per khandi (Rs. 12-4-0.)
 0 8 0 Balance for the current year.

Til.
 0 2 0 Tikán Masanwato, being S. N. 130 Phalni 2, 1 acre and 5 gunthás, is estimated to yield six maunds of til, of which one-third is the khot's share, vide No. of Abhawani Patrak.

Receipts.
 0 2 0 Paid for the current year on the 14th March 1880, in person or through two maunds of til.
 0 0 0 Balance.

Receipts.
 0 1 0 Paid for the current year in person or through on the 28th May 1880, one maund.
 0 0 0 Balance.

Jack-fruit.
 No. 250 Jack-trees in Gastan and S. N. 130 are estimated to yield 500 jack-fruit, of which one-half is the khot's share, vide No. of Abhawani Patrak.

Receipts.
 250 Paid for the current year on the 25th May 1880 in person or through two hundred and fifty jack-fruit.
 0 Balance.

Sugar-cane produce (Jaggery).
 K. m. srs.
 0 1 20 Tikán Kúdété, being S. N. 150, Pot No. 2. 20 gunthás is estimated to yield 3 maunds jaggery, of which one-half is the khot's share, vide No. of Abhawani Patrak.

Receipts.
 0 1 0 Paid for the current year on the 25th May 1880 in person or through one maund of jaggery.
 0 0 20 Balance for the current year.

Receipts.
 0 0 4 Paid for the current year on the 28th May 1880 in person or through 4 sers of betel-nut.
 0 0 0 Balance.

Cocoanuts.
 No. 50 Two coconut trees in S. N. 130 are estimated to yield 100 cocoanuts, of which one-half is the khot's share, vide No. of Abhawani Patrak.

0 Receipts.
 50 Balance. Fifty cocoanuts for the current year.

Harik.
 K. m. p.
 0 1 8 Tikán Kawal-taimbi, being S. N. 128, Pot No. 4. 25 gunthas is estimated to yield 4 maunds and 8 pylis of harik, of which one-third is the khot's share, vide No. of Abhawani Patrak

Receipts.
 0 1 0 Paid for the current year on the 14th March 1880 in person or through one maund of harik.
 0 0 8 Balance.

FORM 3.

FORM OF RAYAT'S RECEIPT-BOOK.

No of Ledger Account.

Ledger page.

Lakshmun Vishwanáth Pettey, inhabitant of Mauze

Taraf

Tálnka

Zilla Ratnágiri, for A.D. 1879-80.

Rs. a. p.
8 2 0

Amount paid in cash in person or through on the 5th of
December 1879
Current year—
7 12 0 Land Revenue.
0 6 0 Local Fund Cess.

8 2 0 Rupees eight and annas two only.

(Signed) GOVIND KESHAV,
Khot.

K. m. ps.
0 13 0

Amount of rent in kind paid in person or through on the
14th March 1880
Current year—
K. m. p.
0 7 0 Rice in husk at Rs. 35 per khandi 12 4 0
0 2 0 Nágli at Rs. 45 per do. 4 8 0
0 1 0 Wari at Rs. 40 per do. 2 0 0
0 1 0 Harik.
0 2 0 Til.

18 12 0

0 13 0 Thirteen maunds of grain or three maunds of grain and the
value of ten maunds, viz., rupees eighteen and annas
twelve only.

(Signed) GOVIND KESHAV,
Khot.

K. m. srs.
0 1 0

Paid for the curent year on the 25th May 1880
250 (No.) jack-fruit in person or through
Sugar-cane produce (jaggery) in weight in person or through
Two hundred and fifty jack-fruits and one maund of jaggery.
(Signed) GOVIND KESHAV,
Khot.

0 0 4
0 1 0

Paid for the current year on the 28th May 1880.
Betel-nut weighing four sers in person or thraough
Kad-Dan—kadwé, one maund.
Four sers of betel-nut and one maund of kadwé.
(Signed) GOVIND KESHAV,
Khot.

Rs. a. p.
6 8 0

Balance—
Amount due as settled for the current year.
Assessment on Dhára lands.
Land Revenue.

Name of Thikán.	S. N.	Pot No.	Falni No.	Land.	Assess-ment.
				A. g.	Rs. a. p.
Rewa ...	5	2	0	0 10	0 6 0
Fanshi ...	15	8	0	5 2	6 2 0
				<hr/> 5 12	<hr/> 6 8 0

1 6 6

Assessment on Daspata lands.
Rs. a. p.
1 4 0 Land Revenue.

Name of Thikán.	S. N.	Pot No.	Falni	Land.	Assess-ment.
				A. g.	Rs. a. p.
Ganiché ...	4	3	0	0 5	0 8 0
Shéwré ...	8	2	0	0 10	0 12 0
				<hr/> 0 15	<hr/> 1 4 0

0 2 6 Excess amount of rent fixed at the survey settlement accord-
ing to Mámul (old) custom in regard to Daspata lands.

1 6 6

1 5 4

Assessment on Didpata lands.
1 5 4 Land Revenue.

	S. N.	Pot No.	Falni No.	Land	Assess-ment.
				A. g.	Rs. a. p.
Dand ...	15	5	0	0 10	0 12 0
Shinu ...	20	4	0	0 9	0 9 4
				<hr/> 0 19	<hr/> 1 5 4

Excess amount rent in kind fixed at the survey and settle-
ment according to the Mámul (old) custom in regard to
Didpata lands.

K. m. p. Remission.
0 0 6 Amount of rent in kind remitted from the current year's khot's share in rice produce in S. N. S, Pot No. 1, viz., six pails.

(Signed) GOVIND KESHAV,
Khot.

Abstract.

Nature of Item.	Receipts during the year.	Balances at the close of the year.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
<i>In Cash.</i>			
Cash	8 2 0	1 10 11	9 12 11
<i>In Kind.</i>	K. m. ps.	K. m. ps.	K. m. ps.
Rice in husk	0 7 6	0 8 0	0 15 6
Nágli	0 2 0	.....	0 2 0
Wari	0 1 0	.....	0 1 0
Harik	0 1 0	0 0 8	0 1 8
Til	0 2 0	.....	0 2 0
Kadwé	0 1 0	.....	0 1 0
<i>In Weight.</i>	K. m. srs.	K. m. srs.	K. m. srs.
Betel-nut... ..	0 0 4	.....	0 0 4
Sugar-cane produce (jag-gery)	0 1 0	0 0 20	0 1 20
<i>In Number.</i>	No.	No.	No.
Jack-fruit	250	.....	250
Cocoanuts... ..	.....	50	50
Bundles of rice straw ... ..	.....	303	300

(Signed) GOVIND KESHAV,
Khot.

Rs. a. p.
0 9 1

K. m. p.
0 0 6 Rice in husk at the rate of—
Nágli do. do.
Wari do. do.

0 0 6 Local Fund Cess at the rate of one anna for each rupee of assessment on dhára and quasi-dhára lands.
Revenue on account of khoti lands in which this rayat is an occupancy tenant.

Name of Thikán.	S.N. No.	Pot No.	Falni No.	Land. A. g.
Sonambi	8	1	0	0 30
Rátámbi	125	6	0	0 10
Kawal-taimbi	128	0	4	4 9
Masanwate... ..	130	0	2	2 5
Kamath	142	3	0	1 10
Kúdété	150	2	0	0 20
				<u>9 4</u>

Details as to payments due on Khoti lands cultivated during the current year.

K. m. ps.	Assessment in kind,	No. of Thikán.	S.N. No.	Tot. No.	Falni No.	Land. A. g.	Grain Produce. M. p.	Khot's Share. M. p.
1 2 8	Rice in husk.							
0 8 0	Rátámbi ...	125	6	0	0 10	4 0	0 2	
	Sonambi ...	8	1	0	0 20	12 0	6 0	
						<u>0 30</u>	<u>16 0</u>	<u>8 0</u>
0 2 0	Nágli.							
	Kawal-taimbi	128	0	4	2 0	6 0	2 0	
0 1 0	Wari.							
	Kawal-taimbi	128	0	4	1 5	3 0	1 0	
0 1 8	Harik.							
	Kawal-taimbi	128	0	4	0 25	4 8	1 8	
0 2 0	Til.							
	Masanwate	130	0	2	1 5	6 0	2 0	

160 bundles of rice straw at the rate of twenty bundles per each maund of rice.

FORM OF RAYAT'S RECEIPT-BOOK—continued.

B 514-97

Fair Weather Crops.

	A. g.	M. p.	M. p.
0 7 0 Rice in husk.			
Kamath ... 142 3 0	0 25	10 0	5 0
Kudété ... 150 2 0	0 20	4 0	2 0
	<u>1 5</u>	<u>14 0</u>	<u>7 0</u>

0 1 0 Kad-Dán.			
Kadvé			
Kamath ... 142 3 0	0 25	2 0	1 0

140 bundles of rice straw at the rate of twenty bundles per each maund of rice.

1 2 8

K. m. srs.

0 1 24 Assessment in weight.

K. m. srs.

0 0 4 Half of the produce of betel-nut in S. N. 8, Pot No. 1, weighing 8 sers.

0 1 20 Half of the sugar-cane produce (jaggery) in S. N. 150, Pot No. 2, weighing 3 maunds.

0 1 24

No.

300 Fruits.

No.

250 Half of the jack-fruit in Gawtan land and S. N. 130, numbering 500.

50 Half of the cocoanuts from 2 cocconut trees in S. N. 130, in all 100 cocoanuts.

300

SPECIAL LOCAL LAWS.]

(385)

[PART XVIII.]

FORM OF RAYAT'S RECEIPT—BOOK—continued.

				<i>Details of payments due.</i>			
Nature of item.		Amount.		Name of item.		Amount.	
<i>In Cash.</i>		Rs. a. p.		<i>In Weight.</i>		K. m. srs.	
Cash	...	9	12 11	Betel-nut	...	0	0 4
				Sugar-cane produce	...	0	1 20
				(jaggery)	...	0	1 20
<i>In Kind.</i>		K. m. ps.		<i>In number.</i>		No.	
Rice in husk	...	0	15 6	Jack-fruit	...		250
Nágli	...	0	2 0	Coccanuts	...		50
Wari	...	0	1 0	Bundles of rice straw.	...		300
Harik	...	0	1 8				
Til	...	0	2 0				
Kadwé	...	0	1 0				

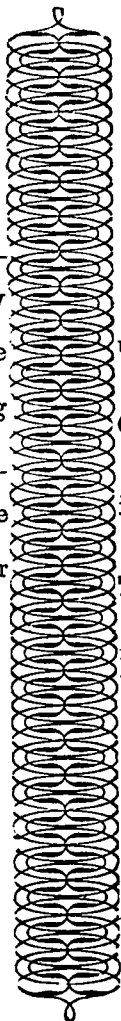
Explanatory Notes.

1. When value is paid in lieu of grain assessment, the quantity of grain is to be credited and the value paid is to be shown in the body of the entry.
2. The balance outstanding at the end of the year should be shown in detail for each year.
3. It will be only necessary to give full details of Survey, Pot, and Falni Numbers, acres and assessment once in five years, but in the meantime should any numbers, &c., be deducted or added on, then full particulars showing the additions or deductions to be given.
4. When value is recovered in lieu of grain assessment during the period of attachment of a village by Government, the amount should be shown on the debit side and the quantities of all kinds of grain for which the money is paid should be shown separately in the body of the entry. There is no necessity for showing similar details on the credit side. During the khot's management remark No. 1 is to be followed.
5. In the case of a pure khot village or a tenant-at-will, of course, no details as to Dhára, Daspata, &c., need at all be given.
6. All receipt-books are to be written up as shown in this form, viz., Jamábandi on the debit side and the receipts on the credit side; or, if convenient, Jamábandi may be written in detail first and then receipts immediately below.

FORM 4.

No.

No.



_____ is appointed
 is appointed under Section 29 of Bombay
 Act I. of 1880 by the Collector of the _____
 District of Ratnágiri to be Managing _____
 Khot of the village of _____
 Táluka _____ in the _____
 aforesaid District for the revenue year _____
 188 .

_____ is appointed
 under Section 29 of Bombay Act I. of 1880 by the
 Collector of the District of Ratnágiri to be Manag.

 ing Khot of the village of _____
 Táluka _____ in the aforesaid
 District for the revenue year 188 .

Mámlatdár.

Mámlatdár.

Date _____

Date _____