

EAST INDIA (WASTE LANDS).

RETURN to an Address of the Honourable The House of Commons,
dated 11 February 1864;—for,

“RETURN of WASTE LANDS Sold in *India* since the Issue of the New Orders modifying Lord *Canning's* Rules:”

“And, COPY of any further PAPERS or CORRESPONDENCE relating to the SALE of WASTE LANDS or REDEMPTION of the LAND TAX (in continuation of those presented last Session).”

India Office, }
16 March 1864. }

F. W. PRIDEAUX,
Secretary, Revenue Department.

[*Note.*—This Return includes the Papers comprised in the Address dated the 16th June 1863, for a “RETURN of the Extent of WASTE LANDS sold by the Government of *India* in each of the Years since 1857, distinguishing between Sales to Europeans and Sales to Natives.”]

(*Mr. Henry Seymour.*)

Ordered, by The House of Commons, to be Printed,
6 April 1864.

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RETURN of WASTE LANDS sold in *India* since the issue of the new Orders modifying Lord *Canning's* Rules:—And, COPY of any further PAPERS or CORRESPONDENCE relating to the SALE of WASTE LANDS or REDEMPTION of the LAND TAX (in continuation of those presented last Session).

— No. 1. —

Home Department.—Revenue.—No. 11 of 1863.

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

Sir,

WE have the honour to forward for your information copy of a correspondence, marginally noted, which has taken place between the Government of India and the Landholders' and Commercial Association at Calcutta, regarding the course taken by the Indian Legislature in enacting the law, transmitted to you as Act No. XXIII. of 1863, "to provide for the adjudication of claims to Waste Lands," under cover of his Excellency the Viceroy's Despatch, No. 15, dated 30th March last.

From the Secretary to the Landholders' and Commercial Association, dated 16 March 1863.
To ditto ditto, No. 2736, dated 29th ultimo.

We have, &c.

(signed) *R. Napier.*
H. B. Harington.
H. S. Maine.
C. E. Trevelyan.
W. Grey.

Fort William, 5 May 1863.

Enclosure 1 in No. 1.

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to *E. C. Bayley*, Esq., Secretary to the Government of India; dated 16 March 1863.

IN the latter portion of my letter of the 2d September, I made some remarks on the view taken by the Association on the alterations introduced in the system of selling waste lands, by the despatch of the Secretary of State for India, and by the instructions of the Governor General in Council based on that despatch.

I am directed by the Committee again to request the attention of the Government of India to some further observations which they wish to submit to its consideration, and particularly in respect to a new cause of delay and difficulty placed in the way of intending purchasers of waste lands, by a "Bill to provide for the Adjudication of Claims to Waste Lands," lately introduced into the Council of the Governor General, and passed at once (the rules for the conduct of business having been suspended for the purpose), without having been published or made known to the public in any way whatever.

Had the Bill been simply a provision to carry out the avowed object of Government, as confirmed in the 3d paragraph of your letter of the 26th September, viz., to enable Government to deal with any rights in lands sold, asserted by third parties, and which the Government undertook to settle without disturbing the possession of the *bona fide* purchaser, there might have been the less reason to complain of the manner in which the Bill was hurried through Council; but when an amendment was introduced which materially affects the rules for the sale of waste lands, the objection to such secret and hurried legislation becomes apparent.

The Resolution of the 17th October 1861, paragraph 17, directs that applications for grants shall be advertised "for a term which probably need rarely exceed thirty days;" and

in the rules for the sale of waste lands, published by the Government of Bengal on the 30th August 1862, the 7th clause provides that "the day of sale to be named in the advertisement shall not be less than thirty days from the date of publication."

Both the resolution of the 17th October 1861 and the rules of the Bengal Government had been maturely considered, and they both, whilst providing for a minimum period of 30 days, left the authorities free to extend the period when circumstances might make such a precaution necessary; whereas the Bill lately passed, Section I., makes a three months' advertisement compulsory in every case.

That in many districts a notice of 30 days is more than ample, as regards possible dormant claims, is beyond doubt, for the lands have been waste and uninhabited for centuries; and had due publicity been given to the Bill over-riding this clause of the rules, those interested in the subject would have had the opportunity of stating their objections to the change, and the Committee do not doubt with effect; for they conceive that, without disrespect to the Council, they may state their conviction that few of the members had considered the effect the Bill would have on the existing rules for the sale of waste lands, even if the general question of the sale of waste lands had engaged their attention.

The survey of lands previously to being advertised for sale, as provided by the existing rules, is in itself a notice to any persons who may be inclined to assert claims to the land, so that the period of advertisement is only a portion of the time given to claimants to make their demands.

- The additional obstacle created by the Bill will be better seen if, as in my former letter, I assume that capitalists arriving at or resident in Calcutta propose to purchase waste land in Assam or Cachar, and that they engage a competent person to select and manage the grant when obtained. This person has to proceed to the district, and to select a tract of land, which must be in a ring-fence suitable for the cultivation intended to be introduced, and he must then make application to the Collector of the district,—

Stating the estimated area of the land applied for, the situation of the land and its boundaries, as accurately as can be ascertained.

If the Collector be satisfied that the land is available for purchase, and it has not been surveyed, he shall cause it to be surveyed, and its boundaries demarcated; and, on the completion of the survey, the advertisement of sale shall be published.

The advertisement for the sale shall not be less than three months.

The Committee consider that the time required for the process above given may be moderately stated as under:—

I. Selection and application to Collector	- - - -	3 months.
II. Order for survey to completion of survey	- - - -	6 "
III. After completion of survey, to be advertised for not less than	- - - -	3 "
		12 months.

Thus, no one proposing to purchase waste lands can expect the ground selected to be put up to sale under 12 months, during which time the expenses and salary of the person employed will amount to from 4,500 rupees to 6,000 rupees; and, when the lot is put up for sale, it will have cost the intending purchasers from Rs. 1. 8. to 2 rupees per acre, supposing the area to be 3,000 acres (the largest allowed); and, having arrived at this point at the above cost, he will find that he has to compete with some newly-arrived settler, who has 4,500 rupees or 6,000 rupees in his pocket, and the example of the first applicant to warn him against undertaking the same process.

The Committee would suggest that a return be obtained from the Government of Bengal, showing the number of applications for grants of land in Assam and Cachar, from the publication of the Resolution of 17th October 1861 to the date on which it was superseded, and a similar return for the period from the publication of the new rules to the present time. They do not know what the result of such returns would be, but they believe that they would show that the change in the rules has greatly checked the influx of settlers to those districts.

In conclusion, I am directed to solicit the consideration of Government to the above remarks, with a view to such a revision of the rules for the sale of waste lands as may remove any obstacles found to deter capitalists and settlers from largely purchasing and reclaiming the uninhabited waste lands throughout India.

Rules of Government of Bengal, Sect. 4. Sects. 5, 6 and 7.

Bill to provide for the adjudication of claims to waste lands.

AND REDEMPTION OF LAND TAX IN INDIA.

3

Enclosure 2 in No. 1.

Home Department.—Revenue.—No. 2736.

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

Sir,

Dated Fort William, 29 April 1863.

I AM directed by the Honourable the President in Council to acknowledge the receipt of your letter, dated the 16th ultimo, on the subject of the rules now in force for the sale of waste lands, and referring particularly to the manner in which the Bill lately passed by the Council of the Governor General for making laws and regulations to provide for the adjudication of claims to such lands, was hurried through the Council.

2. In reply, I am directed to state, that the circumstances under which the Bill, referred to in your letter, was passed without any previous publication, are noticed in the Reports of the proceedings of the Governor General's Council on the 18th and 25th February last, copies of which were published in the Official Gazettes of the dates mentioned in the margin. 21 February.
7 March.

3. Had the Bill, after being introduced, been published for the usual period of 12 weeks (and a shorter period would obviously not have sufficed to admit of the provisions of the Bill becoming generally known throughout the country), a delay of several months must have ensued before the Bill could have come into operation; during all which time the Government would have been powerless to give a secure and indefeasible title to persons purchasing any waste land sold as the property of Government, or to prevent the claimant of any land so sold, on proof of his claim in a court of justice, from obtaining a decree for the reversal of the sale. It was considered, therefore, on every account desirable to adopt what under the circumstances appeared to be the only alternative, and by a suspension of the rules for the conduct of business at meetings of the Council of the Governor General for making laws and regulations, to pass the Bill at once into law rather than subject intending purchasers of waste lands to the serious inconveniences just mentioned, and to the positive loss which the reversal of a sale might in many cases entail upon them.

4. It was felt, indeed, that so long as the uncertainty which it was the object of the Bill to remove was allowed to continue, intending purchasers of waste lands would hesitate to invest their capital in the purchase of such lands, or to expend money in the improvement of any land purchased, with the knowledge that their right to the land might be successfully contested at any time within the period of 12 years from the date of the sale; and that on a decree being given against them they would have no claim to anything beyond the bare purchase money paid by them, with perhaps interest thereon at the prevailing rate. It will thus, I am directed to state, be seen that the course adopted by the Council was in the interest of intending purchasers of waste lands; and that if any class of purchasers have cause to complain of precipitancy in the manner in which the Bill was passed, such complaint cannot reasonably be made by persons wishing to become the purchasers of waste lands.

5. In the Bill, as originally framed, the time for which waste lands proposed to be sold as the property of Government were to be advertised for sale, was, no doubt, as noticed by the Landholders' and Commercial Association, not less than one month; and this period was afterwards extended to not less than three months. I am directed to say, that this alteration in the Bill, as originally drawn, was not adopted without full and anxious deliberation. It was strongly pressed upon the Council by some of its members, as well as by others whose knowledge and experience gave great weight to their opinions, that one month was too short a time; that it might frequently happen that persons who claimed an interest in the land proposed to be sold or otherwise disposed of, or who had objections to offer to the unreserved sale or other disposition of the land, might be prevented, by absence or other cause, from hearing of the advertisement in time to admit of their preferring their claims or objections; and that as the Bill proposed that a sale, once effected, should be absolute and incapable of reversal upon any ground, great injustice might often be done.

6. In addition to the foregoing reason for enlarging the minimum period of the advertisement, the Council could not overlook the fact that the Bill proposed materially to alter the existing law, and to introduce novel provisions adverse in their nature to persons claiming an interest in lands ordered to be sold on account of Government as waste, or having objections to the unreserved sale of such lands. Under the law, as it stood previously to the passing of the Bill, every such claimant or objector had not only a right to prefer his claim or objection in the ordinary courts of law, but he was allowed 12 years for bringing his suit, calculated from the date of the sale when the land had been sold, or of any other act by which the claimant or objector considered himself to be aggrieved; and, in the event of the claim or objection being established, the Court would have had no alternative but to order the restoration of the land to the plaintiff, or his re-instatement in the interest proved to be possessed by him in the land, however long the land might have remained in the possession of the opposite party, and whatever changes it might have undergone, or however much it might have been improved in the interval. In the case of an adverse decision the claimant or objector had further the right of appeal; and when any question of law or usage having the force of law, was involved in the decision, he was at liberty to prefer an application for a special appeal to the High or Sudder Court. The rights just described could neither be taken away, nor could the exercise of them be prevented by an order of the

the Executive Government, or, indeed, otherwise than by an Act of the Legislature; and, as any such Act would be altogether exceptional in its character, it could only be passed on very strong and sufficient grounds. Public policy, or the interests of the public, appeared to furnish such grounds in the present instance; but, while this was admitted by the Council, it was felt that great consideration was due to the persons who would be most seriously affected by the bill, *i.e.*, persons claiming an interest in waste lands ordered to be sold, or otherwise disposed of on account of Government; and that in depriving such persons, for the public good, of the privileges enjoyed by them under the substantive civil law and law of procedure existing at the time of the introduction of the bill, care must be taken to prevent, as far as possible, injustice being done to them by the operation of any new law that might be passed. In this view it was obviously necessary, in fixing the time for which lands proposed to be sold or otherwise disposed of on account of Government as waste, should be previously advertised, to allow a reasonable time, in other words, a time within which persons, claiming an interest in the lands, or objecting to the unreserved sale or other disposition of the same, might reasonably be expected to become acquainted with the measure in contemplation, and to attend and prefer their claims or objections before the sale or other disposition of the land took place, which, how ever well founded their claims or objections might be, would render the restoration of the land to them, or their re-instatement in any interest possessed by them therein, impossible.

7. The minimum period fixed by the Bill as passed, *viz.*, three months, cannot, the President in Council thinks, be regarded as unreasonable or as excessive; and his Honour in Council sees no reason to suppose that the enlargement of the period from one month, the time mentioned in the bill as originally drawn, to three months, will have any effect upon intending purchasers of waste lands, or deter such persons from coming forward and applying for the sale of lands to them.

To the Secretary to
the Landholders'
and Commercial As-
sociation, No. 5236,
dated 26 Sept. 1862.

8. As already noticed, the bill provides that a sale once effected shall be irrevocable; and, in thus securing the title of the purchaser against all claimants, the bill has fully carried out the intention expressed by the Government in paragraph 3 of the letter noted in the margin.

9. Objection is taken in your letter under reply to the length of time that must ordinarily intervene after the issue of an order for the survey of waste lands, consequent on an application for the sale of the same, and the completion of the survey. The Landholders' and Commercial Association calculates the interval at six months. On this point, I am to observe that the Association does not appear to be aware of the circular instructions issued by the Government of India, under date the 9th September last, to the local governments, requiring immediate action in districts where a demand for waste lands is likely to arise in respect to the survey of such lands, and the marking out of the same in convenient allotments. A copy of these instructions is forwarded herewith for the information of the association.

10. In conclusion, I am desired to state that it is the wish of the Government of India to place in the way of intending settlers every facility for the acquisition of waste lands that can be granted without injury to the just claims of others; and that as soon as the rules for the sale of waste lands, and the Act lately passed for facilitating the adjudication of claims in respect to such lands shall have been a sufficient time in operation to admit of a definite opinion being formed as to their practical effect, the Government of India intends carefully to re-consider the subject; and if it be found that the rules or Act interfere injuriously with the sale of waste lands, or deter intending purchasers from coming forward to buy such lands, and it be shown that the parts of the Rules or Act which are attended with this effect can be modified without injury to third parties or to the public interests, the Government will be prepared to consider any proposition for the modification of the same which may be submitted by the Landholders' and Commercial Association, or by any other persons.

— No. 2. —

Revenue,—No. 18.

To His Excellency the Right Honourable the Governor General of India
in Council.

My Lord,

India Office, London, 9 July 1863.

PARA. 1. I have had under my consideration in Council the letters from your Excellency's Government, dated the 26th September (No. 16), 27th September (No. 17), and 30th December (No. 22) 1862; also your further letters of the present year, dated the 7th January (No. 1), 31st January (No. 2), 2d February (No. 3), 6th February (No. 4), and 5th May (No. 11), and your letter in the Foreign (Revenue) Department, dated the 22d January (No. 3) 1863.

2. These

2. These letters inform me of the proceedings which have been taken by your Excellency in Council, and by the several local Governments, consequent on the receipt of my Despatch of the 9th July (No. 14) 1862, on the subject of the sale of waste lands in fee simple.

3. The rules which have been promulgated for the sale of waste lands in Bengal, the North West Provinces, the Central Provinces, and Sind, appear to me generally to carry out the instructions contained in that Despatch, and do not call for any particular remark. You will carefully watch their operation, and if any of their requirements should be found to throw unnecessary obstacles in the way of persons desirous of acquiring land at the disposal of Government, you will make such modifications as may be practicable, consistently with the paramount object of securing the rights of third parties under the provisions of Act XXIII. of 1863. I am glad to learn that, at least in the North West Provinces, and I presume, therefore, in other parts of India, the preliminary survey required by my Despatch will not interpose any serious difficulty. The Board of Revenue, in their letter to the Government North West Provinces, dated 2d October 1862, observe, "under existing circumstances, every facility is given to applicants to indicate the position and limits of the grants they are anxious to obtain, and the survey and demarcation at that stage is an easy and inexpensive process."

4. There is one point, however, to which I desire to direct the attention of your Excellency in Council. By the 19th of the Bengal rules, grantees of waste lands, under previously existing rules, are permitted to redeem the future land revenue payable on their grants "for an amount equal to the present value of all future stipulated annual payments, calculated at 5 per cent. interest, provided the said amount is not less than two rupees eight annas an acre on the whole area." By No. 17 of the North West Provinces' Rules, similar grants may be redeemed, not at the present value of the future stipulated payments, but "at the highest rate fixed for any year during the currency of the grant," calculated according to the market rate of 4 per cent. Government securities at the time being. It is desirable that the same rule in this respect should prevail throughout India, and it appears to me that the Bengal rule is the fairest and most equitable, both as regards the interests of the person desirous of redeeming, and those of the revenue.

5. I have perused with much interest the papers connected with the sale of lands at Darjeeling, which, having been applied for by persons on the spot, but not having been dealt with in the manner prescribed in the Resolution of Earl Canning's Government, dated the 17th October 1861, were put up to sale by public auction, the original applicants being offered the option of purchasing the land applied for at 10 rupees per acre, the price fixed for land at that station by the previously existing rules. I observe from the public papers that one of the applicants has brought the question before the High Court of Judicature at Calcutta, with the view of obtaining possession of the lands for which he had applied, and no decision, at the date of the last reports, seems to have been given. In this state of the case, I abstain from making any observations on the proceedings of the Lieutenant Governor of Bengal in relation to this matter, but I request to be supplied with full information as to the conclusion at which the Court may arrive.

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

— No. 3. —

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to the Honourable *A. Eden*, Secretary to the Government of Bengal; dated 17 April 1863.

SOMETIME since, when communicating with the Government of India on the question of the sale of waste lands, I was directed to suggest that they should ask the Bengal Government for a report, setting forth the number of applica-

6 PAPERS RELATING TO THE SALE OF WASTE LANDS

tions made for grants in Assam and Cachar, from the date of the publication of the Resolution of the 17th October 1861, to the date when it was superseded by the new Rules, and of similar applications from the date of the publication of the new Rules, up to the present time.

As it is quite uncertain whether the Government of India will act upon this suggestion, and as the Committee are desirous to have the information, I am directed to apply for it direct to the Government of Bengal, and I shall therefore feel greatly obliged by your favouring me with the return suggested, if it should have been made.

If the return has still to be obtained from Cachar and Assam, the Committee would suggest that it should show, not only the number of applications, but also the estimated area of the lands applied for.

(No. 1703.)

FORWARDED to the Board of Revenue, with a request that they will furnish a statement of the description required. Original paper to be returned.

From *A. Stuart*, Esq., Acting Secretary to the Landholders' and Commercial Association, to the Honourable *A. Eden*, Secretary to the Government of Bengal; dated 27 May 1863.

I AM directed by the Committee of the Association to acknowledge receipt of a letter from the Secretary to the Board of Revenue, dated 13th instant, covering a table of grants applied for in Assam, under Lord Canning's resolution of 17th October 1861, and stating, "that no applications for grants were made in Cachar."

2. This statement was sent in compliance with the request contained in the letter from the Association to the Government of Bengal, dated 17th April.

3. I am directed to observe, that the information sought by the Association was not the number of applications under Lord Canning's Minute, which, from the local officials in some places refusing to receive applications under that resolution till the publication of rules by the Revenue Board and from other causes, were known to have been comparatively few, but "a report setting forth the number of applications made for grants in Assam and Cachar from the date of the publication of the resolution of the 17th October 1861, to the date when it was superseded by the new rules, and of similar applications from the date of the publication of the new rules up to the present time," the former of which the Committee still believe to have been unprecedentedly numerous and for large areas, and the latter equally small, both in number and extent.

4. The Committee direct me further to state, that the returns they previously asked for would be represented by Tables under the following headings:—

I. A. Total number of applications for grants of waste land prior to 1st November 1861.

I. B. Total number of grants made by the local officials on such applications, irrespective of confirmation or disallowance by the Revenue Board.

I. C. Total area of the grants so made.

II. A. Total number of applications of all kinds, and under whatever rules for grants of waste land from 1st November 1861 till Sir C. Wood's rules came into operation locally, and date of such local operation.

II. B. Total number of grants to which such applicants are consequently entitled.

II. C. Total area which such grants will contain.

III. A. Total

AND REDEMPTION OF LAND TAX IN INDIA.

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III. A. Total number of applications for waste land from the date when Sir Charles Wood's rules came into operation locally, till the date of the return.

III. B. Total number of sales either made or to be made in consequence.

III. C. Total area comprised in such past or future sales.

5. The Committee of course only submit these headings as a specification of what is required, and will feel obliged if the Government will furnish the information in any manner which may be most convenient.

(No. 2288.)

COPY of the above forwarded to the Secretary to the Board of Revenue, with a request, that the Board will comply with the application therein contained.

— No. 4. —

From *J. P. M'Killigin*, Esq., Chairman of the Landholders' and Commercial Association, to *E. C. Bayley*, Esq., Secretary to the Government of India; dated 12 May 1863.

I AM directed by the Committee of the Association to acknowledge the receipt of your letter, dated 29th ultimo, regarding the manner in which the Bill to provide for the adjudication of claims to waste lands was hurried through the Council.

Before replying to your letter under acknowledgment, I am directed to call your attention to the following paragraph of Mr. Beckwith's letter of 16th March (which has been apparently overlooked), requesting "that a return be obtained from the Government of Bengal, showing the number of applications for grants of land in Assam and Cachar, from the publication of the resolution of 17th October 1861, to the date on which it was superseded, and a similar return for the period from the publication of the new rules to the present time."

Unless a return of this nature be obtained, the Association will not be in a position to submit, in so satisfactory a way as they otherwise could do, their opinions on the practical working of the rules for the sale of waste lands.

I therefore trust that his Excellency will approve of the suggestion of the Committee of the Association, and see fit to call for the return above referred to.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *J. P. M'Killigin*, Esq., Chairman of the Landholders' and Commercial Association (No. 3378); dated 27 May 1863.

I AM directed to acknowledge the receipt of your letter, dated the 12th instant, and in reply, to inform you that a copy of it will be forwarded to the Lieutenant Governor of Bengal, who will doubtless be glad to comply with the wish of the Association for a return showing the number of applications for waste lands.

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to *E. C. Bayley*, Esq., Secretary to the Government of India; dated Calcutta, 15 June 1863.

IN continuation of letter of the 12th May, from the Chairman of this Association, I am directed to reply to your letter, No. 2736, of the 29th April.

In the 3d and 4th paragraphs of your letter, you explain the hurried manner in which the Council of the Governor General of India had passed the Bill to provide

provide for the speedy adjudication of claims to waste lands by the desire of the Council, to protect intending purchasers from the risk of having their right to the land successfully contested at any time within a period of 12 years, and of being ejected with the loss of all the improvements they had made, as "they would have no claim to anything beyond the bare purchase-money paid by them, with, perhaps, interest thereon at the prevailing rate."

I am desired to state that this is a view of the question that had never occurred to the Committee; the public had the direct and specific pledge of the Government that the possession of persons to whom the land has been granted *boná fide* shall not be disturbed, and that Government will themselves satisfy any claims which shall be established to such lands.

That such was the pledge of Government, and that the Bill was not introduced to protect purchasers from the consequences pointed out in your letter, but to enable the Government to carry out their pledge and to facilitate the settlement by them of any claims that might be brought forward, seems to the Committee to be conclusively shown by the correspondence which took place in September last, and which I quote here to obviate the necessity of reference.

Extract of letter from the Secretary, Landholders' and Commercial Association, to the Secretary to the Government of India, dated 2 September 1862 :—

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

Extract of letter from the Secretary to the Government of India to the Secretary to the Landholders' and Commercial Association, No. 5236, dated the 26th September 1862 :—

"Para. 3. With reference to paragraph 4 of your letter (of the 2d September) I am desired to state that the intention of the Governor General in Council, in regard to the legislation necessary to give effect to paragraph 19 of the Resolution of the 17th October 1861, has been correctly apprehended by the Association, so far as the position of the grantees is concerned."

After the assurance contained in the above correspondence, the Committee are surprised at being told that the Bill was hurried through Council to protect purchasers from being ejected from their lands, with the loss of all the improvements they might have made; and, on the contrary, they consider they were fully borne out in the view that the Bill was a Bill to give facility to the Government in carrying out the pledge they had given, and continued to give, whenever waste lands were sold.

Although the Association did not consider that purchasers of waste land were otherwise than remotely affected by the Bill, the Committee did not expect or desire that any real liability should be incurred by Government; and had delay in passing the Bill been likely to impose any such, they would not have objected so strongly to the hurried way in which it was passed, though they do not see why so much delay should have occurred in introducing a Bill which was considered so pressing.

The Committee believe that no third party has as yet made any claim to waste lands granted or sold by Government; and, in the present state of the waste land rules, it is very unlikely that any such claim should soon arise.

In your letter you refer me to the proceedings of the Governor General's Council, published in the "Official Gazette" of the 21st February and 7th March, but the alteration in the period of advertisement was only proposed on the 25th February, the day in which the Bill was finally disposed of.

The Committee do not question the experience of those whose opinions induced the Council to extend the minimum period of notice from 30 days to three months, but they apprehend it was an experience of particular localities; it is very possible that lands which were occupied and cultivated not very long ago have, by the incursions of the Mahratias and the devastation of the Pindarees, become waste, and that claimants to such lands may possibly still exist;

exist; but the minimum of 30 days did not in any degree preclude the fixing of a longer date by the Government for districts so circumstanced, and it is not imagined that any one can have suggested that 30 days is not ample notice in countries like Assam and Cachar, covered by dense forest and jungle, the growth of centuries.

The circular instructions of the 5th September 1862, referred to in the 9th paragraph of your letter, had not been communicated to this Association, or been published, in so far as has come under their notice; but in the proceedings of the Governor General's Council of the 25th February last, a proposition of a similar nature to those instructions was suggested by Sir Charles Trevelyan, when the Lieutenant Governor stated in reply that "it has been found as yet impossible to undertake a general survey of all the districts in which waste lands were situated;" "such a survey could not be commenced in Assam until some of the survey parties now employed in Bengal were available."

This, and the whole tenor of the Lieutenant Governor's reply, would show that the length of time likely to intervene between the application for land and the completion of the survey was not over-estimated in my former letter.

As bearing out this view, I beg to quote from a letter very recently received by the Assam Tea Company from their superintendent.

Extract of letter, No. 543, of 30th May:—

"I am afraid we will have to await for years before we get any more land under the rules for grants of waste land. The surveyor sent up by Government, and who arrived in Assam in January last, has only been able to survey a few small pieces of land applied for before August 1862, and up to date not a 'Tar' of land applied for under the new rules has been even looked at."

With regard to the concluding paragraph of your letter, I am desired to say that the Committee are glad to find that there is a prospect of the Act and rules for the sale of waste lands being modified when found to interfere injuriously with the sale of waste lands, or to deter purchasers from coming forward to buy such lands.

The Committee have never doubted that the rules as now passed have the effect of deterring purchasers from coming forward to buy land; and if the return, which they suggested in my letter of the 16th March, and again of the 12th May, should show that the practical result has been such as the Association have contended that it must be, they hope that the Government may be induced to re-consider the rules at once, with a view to the removal of those defects which the Association have already pointed out.

In conclusion, I am directed to observe that, although the delay of a year or two may appear to be of slight importance to the Government, it entirely frustrates the plans of those individuals who had intended to embark their capital and enterprise in the purchase and cultivation of waste lands.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *J. Beckwith*, Esq., Secretary to the Landowners and Commercial Association (No. 4623;) dated 27 July 1863.

I HAVE received and laid before the Honourable the President in Council your letter, dated the 15th of June, and with reference to the first portion of it, I am directed to observe that the Association would seem to have misapprehended the limit of the power which the Government can exercise in its executive capacity.

2. The Government in its executive capacity has not, and never has had, any power to prevent persons who may be able to establish in the courts a right to land, sold as waste, from repossessing themselves of that land, to the extent of their rights.

3. Neither has the Government the power, nor has it ever had the power, of compelling those persons to exchange their rights for a pecuniary compensation.

4. Such rights can only be extinguished by lengthened adverse possession
0.48. B under

under the general Law of Limitation, or by a special Act of the Legislature, such as Act XXIII. of 1863. This Act has conferred upon the Government a peculiar and exceptional power of barring such rights to the land itself in certain circumstances and under certain conditions. Without such an Act the Government would have been entirely unable to afford protection to purchasers of waste lands against any claims which might have been established to such lands in a court of law.

From *R. B. Chapman*, Esq., Officiating Secretary to the Board of Revenue Tower Provinces (No. 257;) dated 24 July 1863.

COPIES of two statements received with Dacca Commissioners No. 101, dated 10th instant, forwarded to Government, with reference to junior secretary's; No. 1703, dated 24 April last.

From *R. Pereira*, Esq., Assistant to the Commissioner of the Dacca Division, to the Officiating Secretary to the Board of Revenue, Lower Provinces (No. 101;) dated 10 July 1863.

IN the absence of the Commissioner, and to avoid delay, I have the honour to submit, for the information of the Board of Revenue, copies of the accompanying statements from the superintendent of Cachar, regarding the waste lands in his district called for in your letter, No. 130, dated the 13th May 1863.

SHOWING APPLICATIONS for COMMUTATION to RENT-FREE from Date of Promulgation of Rules of 30 August 1862 to the end of April 1863.

1.	2.	3.	4.	5.	6.	7.	
District.	Date of Application for Commutation.	Date of Application for Grant of which Commutation has been applied for.	Area of Grant in Acres.	Names of Villages in which Grant is situated.	Names of Grantees.	REMARKS, showing what Steps have been taken in consequence of an Application for Commutation.	
Cachar -	23 Oct. 1862	26 Sept. 1856	A. r. p. 618 2 13	Dhulleedhur - - -	Surrespoor Tea Company -	The area in Column 4 being only an approximated area, arrived at by a rough survey, and in some cases large tracts having still to be included in the grants, immediate commutation is impossible. No steps have therefore been taken, pending reply to this Office Letter, No. 33, of 25 February. Money has been received in deposit for survey expenses, and in part of the redemption money, on the understanding that the balance, whatever it may be, is to stand at 10 per cent.	
	23 Oct. "	31 July "	2,741 0 14	Ballie Kandy - - -	Ditto.		
	23 Oct. "	6 Sept. 1861	1,500 0 0	Budderpoor - - -	Ditto.		
	23 Oct. "	16 May 1856	1,652 0 2	Chundipoor - - -	Ditto.		
	25 Oct. "	22 July "	2,691 0 14	Burochnug - - -	Kainchunpoor Tea Company.		
	25 Oct. "	27 June "	796 0 17	Coocheela - - -	J. Borradaile & Company.		
	17 Nov. "	27 Nov. 1857	1,104 2 0	Monachurra - - -	Dr. Barry.		
	17 Nov. "	14 April "	965 1 17	Ballidram and Company -	Ditto.		
	7 Nov. "	9 Dec. 1861	8,513 0 0	Lalla Mookh - - -	Dr. Charles Archer.		
	7 Nov. "	26 May 1856	12,057 0 6	Turootajabarric - - -	Cachar Company - - -		2,500 of this grant to be specially commuted at once, as per Letter No. 1762, dated 28 April 1863, from the Government of Bengal to the Board of Revenue.
	7 Nov. "	8 Feb. 1862	3,058 0 0	Morgargool - - -	Eastern Bengal Tea Company.		
	7 Nov. "	14 July "	3,000 0 0	Lotakandy, - - -	Ditto - - - -		To be specially commuted at once, as per above.

AND REDEMPTION OF LAND TAX IN INDIA.

11

REGISTER of APPLICATIONS for WASTE LANDS under the Orders of the Governor General in Council, No. 4206, dated 15 August 1862, prescribed by the Supplementary Rules C. to Rules 4, in the Notification of the Government of Bengal, dated 30 August 1862.

1. Consecutive Numbers of the Applications in the Order in which they are made.	2. Dates of Applications.	3. Names and Residences of Applicants.	4. Numbers borne by the Plot on Register No. 1 of available Waste Lands.	5. Pergunnah Thannah, or other Local Sub-division in which situated.	6. Mougah.	7. * Estimated Area of the Grant with its Boundaries or other descriptive Particulars.	8. Estimated Cost of Survey, clearances and Publication of Notification.	9. Date of the Amount in Column 8 being deposited.	10. Date of Completion of Survey.	11. Date of Issue of Notification of Sale at Collector's Office.	12. Date fixed for Sale.	13. REMARKS.
6	1863: 7 Jan.	Mr. Julius Sandeman, Roskandy Tea Garden.	181	Chuttlahowar Thannah, Kylakandy.	-	E. Plain lands on the Balisore Nuddee. W. A continuation of the western Boundary of Grant No. 59, drawn southward. N. Grants Nos. 35 and 59 - S. Grants Nos. 29 and 60, containing about 2,000 acres.	Rs. a. 500 15	1863: 10 Jan.	-	-	-	Thirteen applications were registered up to date, but applications Nos. 1, 2, 3, 4, 5, 8, 9, 10, 12 and 13 are struck off in default, and at the request of the applicants.
7	ditto	ditto - -	182	ditto - -	-	E. Mokachapree Bheel - W. A continuation of the western Boundary of Grant No. 59, drawn northward. N. Grants Nos. 1 and 83 - S. Grants Nos. 59 and 35, about 2,000 acres.	500 15	ditto -	-	-	-	
11	22 Jan.	Mr. C. H. Holmes, Merowa Tea Garden.	183	ditto - -	-	E. Neecolpore - - - W. A continuation of western boundary of Grant No. 18 drawn north and southward. N. Grant No. 18 - - - S. Grants Nos. 1 and 83, 500 acres.	125 15	28 April	-	-	-	

Zillah Cachar, Superintendent's Office,
30 June 1863.

(signed) R. Stewart,
Superintendent.

From J. Geoghegan, Esq., Under Secretary to the Government of Bengal, to the Officiating Secretary to the Board of Revenue (No. 3093); dated 5 August 1863.

I AM directed to acknowledge the receipt of your Memorandum, No. 257, dated the 24th ultimo, and in reply to point out that the statements of waste lands in Cachar forwarded therewith, and intended for the Landowners' and Commercial Association, do not contain the full information which that body asked for. The various heads as noted in the margin,* on which information was

* Statement, No. 1.—Total number of applications for grants of waste land prior to 1 November 1861. Total number of grants made by the local officials on such applications, irrespective of confirmation or disallowance by the Revenue Board. Total area of the grants so made.

Statement, No. 2.—Total number of applications of all kinds, and under whatever rules, for grants of waste land, from 1 November 1861 till Sir Charles Wood's rules came into operation, locally, and date of such local operation. Total number of grants to which such applicants are consequently entitled. Total area which such grants will contain.

Statement, No. 3.—Total number of applications for waste land, from the date when Sir Charles Wood's rules came into operation, locally, till the date of the return. Total number of sales, either made, or to be made, in consequence. Total area comprised in such past or future sales.

was solicited by the Association, will be found clearly specified in their letter, dated the 27th of May last, a copy of which was transmitted to the Board with endorsement, No. 2288, dated the 5th of June following. To this letter the attention of the Board is therefore requested, and it is hoped that statements of the nature therein indicated may be furnished without much delay.

From *R. B. Chapman*, Esq., Officiating Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 291); dated 13 August 1863.

WITH reference to the Under Secretary's letter, No. 3093, dated 5th instant, I am directed by the Board of Revenue to state that the Return from Cachar forwarded by endorsement, No. 257, dated 24th ultimo, was only an instalment of the information required. The particulars still wanting were called for on 28th June last, and will be submitted when received.

(No. 3277.)

COPY of the above, and of the Returns referred to, forwarded to the Acting Secretary to the Landholders' and Commercial Association for information, with reference to his letter dated the 27th May last.

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Junior Secretary to the Government of Bengal (No. 377); dated 9 October 1863.

IN reply to your letters, Nos. 1703 and 2288, dated respectively 24th April and 5th June last, I am directed by the Board of Revenue to forward the following statements:—

- | | |
|--|---|
| <p>No. 1. Waste lands applied for under new rules from date of promulgation to April 1863.</p> | <p>} For Assam, dated 28th August.
For Sylhet (No. 1 only) with letter from Commissioner of Dacca, No. 191, dated 25th September, and its enclosure from collector.</p> |
| <p>No. 2. Applications for commutation to rent free of grants already held under former rules during the same period.</p> | |
| <p>No. 3. Register of sales of waste lands.</p> | <p>} For Assam, dated 20th August.
For Cachar (Nos. 4 & 5 only) dated 10 August.</p> |
| <p>No. 4. Applications for grants prior to 1st November 1861.</p> | |
| <p>No. 5. Applications for grants subsequent to 1st November 1861 (not being under Resolution of 17th October 1861) up to date of new Rules coming into force.</p> | |

2. No. 2 Statement for Sylhet has not yet come to hand. No. 3 Statement for Cachar is blank. Copies of Nos. 1 and 2 for the same district have already been forwarded to Government and to the Landholders' Association, by endorsement under date 24th July last.

3. No applications for waste lands have been preferred in the Chota Nagpore Division, nor in the Shahabad District.

4. The Superintendent, Darjeeling, has not responded to the Board's call in respect of any of the Returns.

5. The statements, being generally voluminous, are forwarded in original. The Board suggest that they be sent on in original from your office to the Landholders' Association, with a request that they may be returned to the Board within a reasonable time.

— No. 6. —

Home Department.—Revenue.—No. 14 of 1863.

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

Sir,

REFERRING to the concluding portion of paragraph 76 of your Despatch, No. 14 of 1862, dated the 9th of July, we have the honour to transmit for your information, copy of a communication* from the Government of Bengal, and of a full Report by the Board of Revenue on the extent to which arrangements have been made in the lower provinces for the purchase of waste lands, and the commutation of existing grants under the Resolution of this Government, dated 17 October 1861.

* No. 2084, dated 21 May 1863.

2. We also forward copies of the rules referred to by the Board in their Secretary's last paragraph, and of the Report in the case of *Rundle versus* the Secretary of State, of which mention is made in the 2d paragraph of the letter from the Government of Bengal.

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

Fort William,
3 July 1863.

Enclosure 1, in No. 6.

Revenue.—No. 2084.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department.

Sir,

Fort William, 21 May 1863.

IN continuation of the letter from this office, No. 471, dated the 28th January last, I am directed to forward herewith, for the information of the Honourable the President in Council, a copy of the Board's letter, No. 124, dated 2d instant, which contains a full report on the subjects of the purchase of waste lands and the redemption of the revenue.

2. I am also desired to annex the Board's Report† No. 69, dated the 14th March last, in the case of *Rundle versus* the Secretary of State, to which the Board have referred in paragraphs 11 to 13 of their present Report.

† In original.
Return requested.

Enclosure 2, in No. 6.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 124); dated 2 May 1863.

Sir,

WITH reference to the Communications noted on the margin, I have now the honour, by direction of the Board of Revenue, to submit a full report on the applications made for purchase of waste lands, and for commutation of existing grants to freehold under the Resolution of the Supreme Government dated 17th October 1861; and of the steps taken on each.

Despatch of the Right Honourable the Secretary of State, dated 9 July 1862, para. 76. Government of Bengal to Board, No. 377 T., dated 30 August 1862.

2. A partial report on the subject was submitted on the 5th January last, but in your letter, No. 292, dated 16th January 1862, it was desired that the present report be made complete in itself.

3. In Sylhet the Commissioner reports that three applications were made; but of these it appears that two only were specifically under the Resolution of the 17th October 1861. One was made by Mr. C. Hudson, who applied for 200 acres in Kusbah Sylhet; it was found, however, that the land was not the property of Government. The second was an application by Mr. W. G. Howard, agent of the Sylhet and Cachar Tea Company, for 60,000 acres; as lots under the resolution were to be limited to a maximum area of 3,000 acres, the application was inadmissible, even had the local officers been authorized to act on the resolution at all. This has been pointed out to the Commissioner.

4. In Cachar it does not appear that any applications were made to purchase under the Resolution, but 25 applications were made for commutation to freehold of grants held under the old rules of 1864. These were simply filed pending the issue of orders by the Government of Bengal on the Resolution, no proceedings whatever being taken upon them.

5. In the Kamroop District 11 applications were made; these were merely registered, and no further steps taken regarding them. No applications to commute existing grants to rent-free were preferred in this district.

6. In Seebaugor it appears from a statement submitted by the Commissioner that 35 applications have been made, in all of which notices have been issued at different dates. Possession has been given of 12 of the lots, and against 13 the Commissioner notes that they are "in dispute" with some parties other than the applicants, and that they will have to be sold by auction. The Commissioner evidently means that more than one party has offered to buy these lots, and that they must therefore be put up to auction at the upset price of an ordinary grant under paragraph 30 of the Resolution. In this district six applications have been made under the Resolution in question for commutation to rent-free of grants held under the old rules.

7. In Durrung one grant of 250 acres only has been applied for, on which no notice has yet been issued.

8. In Luckimpore it appears from the statement furnished that no applications for purchase of new lands have been made, but commutation to freehold of 36 grants held under the old rules has been claimed. Three of these embrace lands applied for by Colonel Reid, which the Board refused to recognize, as the applicant was a military officer; commutation of the rest is pending survey, which cannot be made quickly in consequence of the want of qualified Ameen.

9. The Board are not yet in receipt of a reply from Nowgong, but can no longer delay the submission of their report.

10. In his letter, No. 960, dated 6th September 1862, the Superintendent of Darjeeling wrote as follows:—

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

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

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

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

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

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

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

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

"9. On the 23d December 1861, Dr. Campbell called upon applicants by circular to pay in without delay 2 annas per acre towards the survey expenses—

And Messrs. David Cowie,
Southby,
Scanlan,
Mohamed Torikoolla,

Troylucko Nath,
Brine,
Donoghue,
Stalkart,

complied with his order. Many other applicants for land paid bills for line cutting and survey submitted by Major Sherwill, Revenue Surveyor.

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

11. The circumstances of Mr. Rundle's application are fully before the Government in connection with the suit which he has instituted in the High Court to enforce what he considers to be a contract entered into by Government to sell the land to him for Rs. 2. 8. an acre. From the statement of the case submitted with my letter No. 69, dated 14th March, the Government are aware that the suit was defended on the grounds that Dr. Campbell, Superintendent of Darjeeling, was never authorized to act on the Resolution of 17th October 1861; that he never intended to conclude any such bargain; and that he never gave Mr. Rundle

Rundle any guarantee whatever that he should obtain the land at *Rs. 2. 8.*, the only communication made by Dr. Campbell to him being an acknowledgment of the receipt of 1,250 rupees, towards payment for the land, which sum Mr. Rundle had forwarded as full payment of the same at the rate of *Rs. 2. 8.* an acre.

12. The circumstances of Mr. Dear's application are believed to be similar to those of Mr. Rundle's.

13. Mr. Rundle's suit has been thrown out in the High Court on the technical point of want of jurisdiction; it will probably be re-instituted in another form.

14. On the above letter, No. 960, from Mr. Wake, the Government ordered* that no exception need be made to the issue of the advertisement required by paragraph 17 of the Resolution of the 17th October 1861. The effect of this order has been that, during the currency of the advertisement, second parties applied for most of the lots, which have been accordingly put up to sale by auction under paragraph 30 of the Resolution. Among these was the lot which had been first applied for by Mr. Rundle, which he himself bought in at auction for 20 rupees an acre, after which he instituted the suit to obtain the land at *Rs. 2. 8.* an acre.

* Government Order, No. 3112, dated 2 December 1862.

15. Before the lots were put up to sale, the Board represented to Government that many applicants had incurred considerable expense in clearance and cultivation, under the impression that they were quite safe in so doing with reference to the terms of the Resolution; and, in order to obviate the loss which persons who had so acted would suffer if their lands were put up to auction sale, the Board proposed that they should be allowed to retain their lands on a rent-free title at a fair price, not as of right, but as under a concession of Government. The proposition was acceded to in the Government Order dated 30th December, which allowed that all persons who had taken unauthorised possession of land in Darjeeling, and had commenced operations thereon, be given the option of retaining their land at 10 rupees an acre (being the lowest price at which the land could be sold under the Rules of 1859), or of allowing it to be sold by auction.

16. The offer was made to Mr. Rundle, and rejected.

17. In Midnapore six applications were received for purchase of waste lands in the Khurrupore Khas Jungle. No notices have been issued.

18. In the Sunderbuns no applications for purchase were made, and three† only for commutation of existing grants to rent free.

19. The Commissioner of Chota Nagpore has reported‡ that in the Lohardugga District three applications for lands made by different parties had been registered. The Board have, however, now before them a letter from the Deputy Commissioner to an applicant, from which it appears that not only was the grant registered, but that the most positive assurance of the safety of the title was given, on the faith of which the applicant has expended money in clearances. They propose to address the Government separately on this case, to which they will recommend that the principle adopted in Darjeeling (as mentioned in paragraph 15 above) be applied.

†1. A. Burkinyoung.
2. Mr. A. Ballin.
3. Sheik Mahomed Gholam Hossen and Sheik Haro Haze.

‡ No. 1541, dated 11 September 1862.

20. Their recommendation that the same concession be made in Assam, &c., is now before Government (No. 117, dated 25th April).

21. No applications, either for purchase of lands, or commutation of existing grants to rent-free tenures, appear to have been made, under the Resolution of 17th October 1861, in any other district within the Board's jurisdiction.

22. It appears to the Board that Rule 22 of their Circular Order No. 63, dated 14th October 1862, and its Supplementary Rule O., contain instructions sufficiently explicit for the guidance of local officers in the disposal of these cases.

EXTRACT from Circular Order of the Board of Revenue, Lower Provinces (No. 63); dated 14 October 1862.

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

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

Enclosure 3, in No. 6.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 69); dated 14 March 1863.

Present:
W. J. Allen, Esq.
and E. T. Trevor,
Esq.

WITH reference to the Order of Government, dated 30th December last, No. 3491, I am directed by the Board of Revenue to report that the offer of the waste lands in Darjeeling, which formed the subject of the protest from Mr. Dear at 10 rupees an acre, was not accepted, and the lands were put up to sale.

2. Mr. Dear had, it appears, assigned half of the land applied for to his partner, Mr. Rundle, and both these gentlemen purchased their own lots at the sale.

3. On the 16th February the Board received an intimation from the Solicitor to Government, to the effect that he had that day been served with a summons in a suit brought against Government by Mr. Rundle, "for the specific performance of a certain agreement for the sale of waste lands, for the execution of grant thereof, and for an injunction," and Mr. Sande applied for instructions for the defence of the suit.

4. As it was necessary to refer to Darjeeling for the documents and correspondence which it would be necessary to file in the defence, the solicitor was authorised to apply to the High Court for a month's time, guaranteeing that Mr. Rundle should not be pressed for payment of the balance of purchase money still due from him till the month should have expired.

5. On receipt of the superintendent's report, the Board furnished the solicitor with a memorandum of the line of defence to be adopted. A copy of this memorandum is forwarded for the present information of Government, as well as a copy of the Board's letter to the superintendent, No. 21, dated 3d March; the result of the suit will be duly reported.

MEMORANDUM ON Mr. Rundle's SUIT.

The superintendent of Darjeeling's letter, No. 211, dated 24th February 1863, to the Board of Revenue, details every step which was taken with regard to this land from the date of application for it by Mr. Dear (not Mr. Rundle) up to the sale of the lot by auction under the new rules, at which Mr. Rundle was the highest bidder, for the land at 10,000 rupees, being 20 rupees an acre.

2. The case of Government stands on the following grounds:—

(1).—That at the time when Mr. Rundle states that the lot was assigned to him, Dr. Campbell, then superintendent of Darjeeling, had no authority to assign waste lands to any person on any terms other than those contained in the rules,* dated 7th May 1859, which were then in force, and which provide for the sale of such lands by auction at an upset price of 10 rupees an acre. The resolution of the Supreme Government, dated 17th October 1861, in its last paragraph, authorised the Local Governments to act, as far as practicable, on the principles which it set forth; but no such authority was conferred on any officer subordinate to the Government of Bengal. The orders of the Supreme Government embodied in their Resolutions are communicated to the Local Governments to be acted upon by those Governments. It is universally and well known that no subordinate authority is expected or justified in acting on such resolutions until he receive specific orders to do so from his immediate superior, with such further instructions of detail as are considered necessary. In the present instance, when the time had come for the superintendent of Darjeeling to assign lands on the principles of the Resolution of the Supreme Government, (particular orders would have been communicated to him by his immediate superiors,) in the Revenue Department, the Board of Revenue, and that the Supreme Government did not in this instance contemplate any deviation from the established practice is apparent from paragraph 20, which distinctly recognises the necessity of rules of procedure being laid down by the Local Governments before their subordinates could act on the resolution. The arguments on this point are more fully given in a letter from the Government of Bengal to the address of the Board, No. 3491, dated 30th December 1862, and in the 5th and following paragraphs of a letter from the Secretary to the Government of India, in the Home Department, to the Secretary to the Landholders' Association, No. 3909, dated 2d August 1862.

(II).—Even had the superintendent of Darjeeling been authorised to act on the Resolution, no assignment made by him could have been valid, unless the conditions of the Resolutions had been strictly adhered to. Paragraph 17 of the Resolution provides that, before the assignment is made, the fact of the application having been put in shall be advertised "in the most customary and effectual manner for a term which probably need rarely exceed 30 days." The intention of paragraph 30 read with the above is clearly that any second person desiring to purchase the same land may signify his wish to do so, at any time, before the final assignment, *i.e.*, before the expiration of the term of the notification prescribed in paragraph 17; and that in the event of more persons than one wishing to buy the same tract, it may be put up to auction at the upset price of an ordinary grant. But the superintendent of Darjeeling, from whom Mr. Rundle professes to have derived his title to the land, never issued any such notice of the lot in question having been applied for; even, therefore, if he had assigned the land to Mr. Rundle, his proceeding would have been invalid.

(III). But

* Copy of these Rules are annexed.

(iii.) But, in point of fact, there is no reason whatever to believe that Dr. Campbell ever intended to confer a title to the land on Mr. Rundle. The original application for the land was made spontaneously by Mr. Dear (through his agent Mr. Brive); Dr. Campbell, it appears, registered the application, but did not acknowledge its receipt. Subsequently Dr. Campbell, in his letter No. 1111, dated 23d December, refers to this as an application, but not as an assignment of land. On the 2d January 1862, Mr. Brive, on the part of Mr. Dear, paid into the treasury 2,500 rupees "for the 1,000 acres of land that he has applied for," and requested that the title-deeds of 500 acres be made out in favour of Mr. Rundle. The payment was unsolicited, and on the letter Dr. Campbell wrote an order to his office—"Send receipts *towards* payment of 1,000 acres," underlining* the word "*towards*," which is conclusive proof that he did not accept the money in full payment. The receipt to Mr. Rundle was worded accordingly. Had he considered himself as authorised to act under the Resolution, and had he intended to conclude the transfer of the land to Mr. Rundle at Rs. 2. 8. an acre, he certainly would not have taken such care that the receipts should declare the payment at the rate of Rs. 2. 8. an acre to be *on account* only. Further, that Dr. Campbell did not consider that he had granted the land is evident from his not reporting the grant to his superiors, which the 20th paragraph of the Resolution requires to be done immediately.

(iv.) Thus it appears from the records that the applicant, Mr. Dear, received no intimation whatever (expressed or implied) from Dr. Campbell that his application for the land would be complied with, nor did Dr. Campbell in any way guarantee to Messrs. Dear and Rundle that the land would be assigned to them; and the receipts which he gave for their unsolicited payment, at the rate of Rs. 2. 8. an acre, distinctly express that no bargain had been made to sell the land at that price.

(v.) Mr. Rundle and Mr. Dear having at their own peril taken possession of the land, and without authority commenced operations thereon, the Government (under the circumstances detailed in the Board's letter to Government, No. 412, dated 23d December 1862, and in the Government reply, No. 3491, dated 30th idem), cut of consideration for the loss to which they had laid themselves open by their own rash act, offered to allow them to purchase the lands at the rate of 10 rupees an acre, the minimum price at which Darjeeling lands could be sold when they made their applications. The offer was rejected, and the market value of the land claimed by Mr. Rundle was shown to be 20 rupees an acre, that having been the highest bid made for it at the auction-sale.

The statement made by Captain Murray, Assistant Superintendent (in his letter No. 1432, dated 21st December 1862, written to Mr. Blunt in the absence of the superintendent), that the full amount of purchase-money had been paid for the land for which they had applied, was in direct opposition to the terms of Dr. Campbell's receipt for their payment.

* Printed in italics.

Enclosure 4, in No. 6.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Superintendent of Darjeeling (No. 21); dated 3 March 1863.

I AM directed by the Board of Revenue to acknowledge the receipt of your letter No. 211, dated 24th February, and to forward for your information copy of a memorandum, in which the position of the Government with regard to the land claimed by Mr. Rundle is stated.

Present:
W. J. Allen, Esq.,
and E. T. Trevor,
Esq.

2. The Board regret much that you should have misled them and the Government by making a positive statement (in the 3d and 4th paragraphs of your letter No. 960, dated 6th September 1862) to the effect that the payment to Messrs. Dear and Rundle were in full, whereas the records of your own office showed that the payments were received in part-payment only by Dr. Campbell; and they trust that you will guard against the recurrence of any such want of accuracy.

3. I am further to draw your attention to Captain Murray's letter No. 1432, dated 21st December, to the address of Mr. Blunt. The Board consider the tenor of that letter to be most objectionable, as implying that Captain Murray considered that Messrs. Dear and Rundle had cause to complain of the course adopted by the Government towards them. The mention of the fact that those gentlemen "had paid him in the full amount of purchase-money" was quite unnecessary for the purpose of Captain Murray's letter, and was as uncalled for as it was unwarranted by the facts of the case. No expression of Captain Murray's views on the subject was required; and the Government will not tolerate that a public officer whose duty is only to carry out and communicate its orders, should supplement the communication by his own criticisms.

4. You are requested to call on Captain Murray to submit, for the consideration of the Board, any explanation which Captain Murray may wish to offer of his having written the letter in question.

5. The Board regret to observe also, from your letter No. 960, dated 6th September, that the only two cases in which formal permission was given to applicants to take possession of their land were those of Captain Cornish and Mr. Cornish, to whom this permission was given by Captain Murray during his short incumbency as Officiating Superintendent.

— No. 7. —

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1354); dated 1 April 1863.

I AM directed to acknowledge the receipt of your letter No. 69, dated the 14th ultimo, relative to the suit brought by Mr. Rundle against Government, for certain waste lands at Darjeeling, and in reply to state that the Lieutenant Governor considers the memorandum furnished by the Board to the Government Solicitor to be a clear and sufficient statement of the case.

— No. 8. —

COPY REVENUE DESPATCH to the Government of India (No. 26); dated India Office, 16 October 1863.

My Lord,

1. I HAVE to acknowledge the receipt of the letter from your Excellency's Government, dated the 3d July last (No. 14), with which is forwarded a Report, by the Board of Revenue, on the extent to which arrangements have been made in the Lower Provinces of Bengal for the purchase of waste lands, and the commutation of existing grants, under the Resolution of the 17th October 1861.

2. This Report does not appear to call for any observation from me at present.

3. In my Despatch of the 9th July last (No. 18), I referred to the application for grants of land in Darjeeling, and in particular to the suit instituted by Mr. Rundle, in the High Court, to enforce what he considers to be a contract entered into by the Government to sell to him the land for which he applied, at Rs. 2. 8. per acre, which land he subsequently purchased, at public auction, at the rate of 20 rupees per acre. The Board report that the suit has been thrown out in the High Court, on the technical ground of want of jurisdiction, but that it will probably be re-instituted in another shape.

4. I desire that I may be informed of any further proceedings that may be taken in this matter.

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

— No. 9. —

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Officiating Secretary to the Government of Bengal (No. 439); dated 15 December 1863.

I AM directed to request that you will obtain the immediate orders of the Honourable the Lieutenant Governor upon the accompanying reference, made to the Board of Revenue by the Officiating Solicitor to Government, No. 622, dated 11th instant, in regard to the executive powers of the Superintendent of Darjeeling.

2. As intimated in the 4th paragraph of my No. 9, dated 30th June last, the Board, upon a recent occasion, informed the Superintendent of Darjeeling, that his "Revenue powers" were, "speaking generally, those of a collector in a regulation district."

3. A collector in a regulation district and a collector in a non-regulation district are not, certainly, exactly on the same footing; the one is guided by the letter and the other by the spirit of the law. A collector in a non-regulation district may also have his powers curtailed or extended at the discretion of the Executive.

4. The Board, however, have no doubt that the Superintendent of Darjeeling has all powers given to a collector by the existing Waste Land Rules; indeed, in Rule 22 of the consolidated Rules recently published, under the approval of Government,

Government, with the Board's notification No. 83, dated 17th October 1863 (pages 2907 to 2924), this is definitively declared.

5. Analogously, the Board conceive that it must be admitted that, for all purposes connected with the grant of such lands under previous rules, the Superintendent's powers are those of a Collector; and, with the approval of the Lieutenant Governor, the Board will instruct the Officiating Solicitor to Government to admit the fact accordingly.

Enclosures in No. 9.

From *R. F. Stack*, Esq., Officiating Solicitor to Government, to *R. B. Chapman*, Esq., Secretary to the Board of Revenue (No. 622); dated 11 December 1863.

WITH reference to the suit instituted against Government by Mr. Rundle, I have the honour to request that you will let me know whether the Superintendent of Darjeeling is, and whether Dr. Campbell when Superintendent was, vested with the full powers of a Collector. The plaintiff's solicitor has intimated to me that he will have to subpoena the Lieutenant Governor and the Members of the Board as to this point, if it be not admitted.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4812); dated 21 December 1863.

IN reply to your letter No. 439, dated the 15th instant, I am directed to inform you that the Lieutenant Governor agrees with the Board as to the powers of the Superintendent of Darjeeling, and the admission, as proposed, may accordingly be made. The Board will be good enough to instruct the Solicitor to Government accordingly.

— No. 10. —

Home Department—Revenue.—No. 20 of 1863.

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

Sir,

IN continuation of our Despatch No. 14, dated 3d July last, we have the honour to transmit copy of a further communication* from the Government of Bengal, submitting a statement of applications made for waste lands in Nowgong, under the Resolution of this Government dated the 17th October 1861.

* No. 3493, dated 8th instant.

We have, &c.
(signed) *R. Napier.*
H. B. Harington.
C. E. Trevelyan.
W. Grey.

Fort William, 21 September 1863.

Enclosure 1, in No. 10.

From *R. B. Chapman*, Esq., Officiating Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 271); dated 6 August 1863.

Sir,

IN continuation of the Board's letter No. 124, dated 2d May last, and with reference to paragraph 9, I am directed by the Board of Revenue to forward herewith a Statement of applications made for waste lands in Nowgong, under the Resolution of 19th October 1861.

2. Of the 21 applications entered on the statement, it appears that Nos. 13 and 17 were withdrawn; that in No. 5 no measures for survey, &c. were taken by the applicant, nor in Nos. 1 and 8, in consequence of there being no surveyor available; that Nos. 4, 6, 7, and 12 were rejected, and that Nos. 2, 3, and 20 have since been disposed of under the old Rules of 1854. The disposal of five other applications (Nos. 9, 10, and 14 to 16) depended on the orders in Mr. Richardson's case, which formed the subject of the correspondence noted on the margin. This correspondence resulted in allowing Mr. Richardson to hold Nos. 9 and 10 under the Rules of 1854.

3. The only cases in which any steps would appear to have been taken in consequence of the applications are Nos. 11, 18, 19, and 21. In all these cases permission to clear was given, and an Ameen deputed to make the survey. It is not clearly stated whether the advertisement required by paragraph 17 of Lord Canning's Resolution was issued in these cases. Inquiry will be made on this point.

To Government, dated 25 April last, No. 117.
From Government, dated 14 May, No. 1976.

STATEMENT showing the APPLICATIONS which distinctly specify that the Land was applied for under the Rules of the 17 October, or that it was not applied for under any other, as required in the Second Paragraph of Letter No. 64, dated 12 May 1863, from the Board of Revenue to the Commissioner of Revenue, Assam.

Number.	Date of Application.	Name of Applicant and Resident.	Name of Mehal.	Names of Mouzah in which the Grant is situated.	Area of the Grant.	Boundaries of the Grant.	Purpose for which the Grant is required.	Date of Advertisement.	Name of other Applicants, if any.	Application Refused or Sanctioned.	Date of Board's Sanction.	REMARKS.
1	28 Oct. 1861	Mr. R. Spears, Negree Ting.	Murungee	Nadolan	800 acres	North Pathar, South Damgang, East Forest, West Village road.	Tea cultivation.	13 Mar. 1862	None	Sanctioned by the Collector.	None, A.	A. This grant is still unsurveyed, as there is no surveyor in the subdivision of Golaghat. A notice has been issued in the "Calcutta Gazette," requiring the services of five surveyors. No application has yet been received with reference to the notice.
2	7 Nov. "	Mr. G. Williamson, Bengend Roop Factory.	Ditto	Luckley	504 acres, 2 roods, and 25 perches.	East Dhunsiree River, West Rangajan, North Hubekah, Madalooah, and Seemoloo Trees, South Thakorah, Dewah, and Kakaloo Trees.	Ditto	-	-	Ditto	None, B.	B. Papers submitted to the Board of Revenue on the 15th May 1863.
3	16 Jan. 1862	Mr. R. Lyell, Per-tabghur Factory.	Koliabur and Chapores.	Oojan Run-gagurah.	869½ acres	North Government road leading to Golaghat, East Meeza Nuddee, South and West lines drawn through the jungle parallel to the Northern and Eastern boundaries.	Ditto	17 Feb. 1862	None	Ditto	13 May 1863, C.	C. This grant has been made under the old Rules of the 23d October 1854.
		Ditto	-	Sakmothee	144 acres	North Government road, South Mikir Hill, called Chikolee Purbut; East a line parallel to the Western boundary, West the Ryot's cultivation.	Ditto	Ditto	None	Ditto	Ditto, D.	D. - Ditto - - ditto.
4	28 Feb. "	Mr. T. Gibbon, Calcutta.	Morungee	-	3,000 acres	East Dhunsiree River, South by Doondkata Nuddee, West by a line to be defined by surveyors.	Ditto	None	None	Not sanctioned.	None, E.	E. This application rejected, as the grant is a part of the Government reserved Namber Forest.
5	3 Mar. "	Mr. J. Martin, Golaghat.	Ditto	Ronghalighur	1,000 acres	North Burtamoolee Hollah, South Government road, East Runghalighur or Embankment, West Ecrabaree Dhap.	Ditto	18 Mar. 1862	None	Sanctioned	None, F.	F. No mensures taken by the applicant for the grant being surveyed, as he lodged no survey expenses, although he was requested to do so a long time ago.
6	13 Mar. "	Mr. J. P. Wise, Calcutta.	Ditto	-	3,000 acres	On the South by Burpathor or Burphoo-toong, East Dhunsiree River, North a line to be fixed halfway betwixt the Dhoonkata Nullah, and on the West by a line to be fixed by the Government Surveyor.	Ditto	None	None	Not sanctioned.	None, G.	G. This application has been refused, as the land is a part of the Government reserved Namber Forest.
7	13 Mar. "	Mr. J. Halliday, Calcutta.	Ditto	-	3,000 acres	North by the Dhoonkata River, East by the Dhunsiree River, South by a line to be determined halfway between.	Ditto	None	None	None	None, H.	H. - Ditto - - ditto.

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8	24 April 1862	Mr. A. Wallace -	Morungee -	-	3,000 acres	North Dallagan, South Hatepuntee, or Wild Elephant Tracts, East Balagan, West by Gatovongajan.	Tea cultivation.	-	-	None	Sanctioned	None, I.	I. This has not been surveyed, as there is no surveyor in the subdivision of Golaghat.
8	24 April "	Ditto -	Ditto -	Dhallah	250 acres	North Duligan, South a straight line bearing westerly from the Gorungajan, East Gorungajan, West a straight line bearing southward from the Dallagan, a sufficient distance to give the required area.	Ditto	-	-	None	Ditto	J.	J. - Ditto - ditto.
9	25 April "	Mr. J. S. Richardson.	Mikirpar -	Suppanalah -	100 acres	North by a piece of Forest, South and West by Suppanullah Tea Stream, East by a large Tea cultivation.	Ditto	None	-	Mr. J. Herriot, on the part of Mr. G. R. Barry.	Not sanctioned.	None, K.	K. This is pending unsurveyed till the receipt of final orders from the Board on the appeal of Mr. Richardson.
10	25 April "	Ditto -	Ditto -	Salanah	100 acres	North by Haroodulpathar, South by Halalgangpathar, East by Jatiapather, West by a piece of Forest.	Ditto	None	-	Ditto	Ditto	None, L.	L. - Ditto - ditto.
11	26 April "	Mr. J. S. Richardson, on the part of Mr. G. R. Barry.	-	-	250 acres	North by Oodmarepathar, South by Hills, East by Suddaseeb Purbut, West by the Nanoc stream.	Ditto	26 Feb. 1862	None	-	Sanctioned	-	M. Possession given on the 26th January 1863; Ameen deputed to survey it on the 28th March 1863; Ameen tested the survey on the 10th of April 1863. The Ryots of the Mouzah having objected to the Suddaseeb Purbut being made the eastern boundary, as it includes some of their cultivated lands, Mr. J. Phillips, on the part of Mr. Barry, has been requested to exclude the Ryot's cultivated lands from the grant, and to remove the boundary to some other place. No reply to this communication has yet been received.
12	15 May "	Mr. Ryme -	Morungee -	Rangalighur	1,000 acres	North Burtamoollee Hoolah, South by the Government road to Upper Assam, East by Rangoleeghur, and West by Errabarree Dhap.	Ditto	None	-	None	Not sanctioned.	None, N.	N. This is the same grant as that applied for by Mr. J. Martin, of Golaghat. Mr. J. Ryme's application was rejected, as it was made after the expiration of the thirty days' advertisement of the application of Mr. Martin.
13	24 May "	Mr. C. W. Stewart, on behalf of Mrs. H. D.	-	Ditto	1,500 acres	North by Forest land, South by Government road, East by the Deo Doobhee Jan, and West by Palkhawajan.	Ditto	None	-	None	Ditto	None, O.	O. This application was withdrawn by the applicant on the 27th August 1862.
13	24 May "	Ditto -	Morungee -	Ditto	1,500 acres	North by Forest land, South by Government road to Upper Assam, East by Desoonjan, and West by Serangan.	Ditto	None	-	None	None	None, P.	P. - Ditto - ditto.
14	7 June "	Mr. J. Herriot, on the part of Mr. G. R. Barry.	Mikirpar -	Suppanullah	100 acres	North by Forest land, South by Suppanullah, West by Suppanullah, East by a large Tree.	Ditto	None	-	None	None	None, Q.	Q. This is the same grant as that applied for by Mr. J. S. Richardson. No order has been passed pending the receipt of the final order from the Board of Revenue to the appeal made by Mr. Richardson.
15	7 June "	Ditto -	Ditto -	Solanah	100 acres	North by Haroodulpathar, South by Halalgang, East by Juttiapather, West by Forest land.	Ditto	None	-	None	None	None, R.	R. - Ditto - ditto.

STATEMENT showing the Applications which distinctly specify that the Land was applied for under the Rules of the 17 October, &c.—continued.

Number.	Date of Application.	Name of Applicant and Resident.	Name of Mehal.	Names of Mouzah in which the Grant is situated.	Area of the Grant.	Boundaries of the Grant.	Purpose for which the Grant is required.	Date of Advertisement.	Name of other Applicant, if any.	Application Refused or Sanctioned.	Date of Board's Sanction.	REMARKS.
16	16 June 1862	Mr. J. Phillips, on the part of Mr. G. R. Barry.	Mikirpar	Solanah	500 poorahs, or 666½ acres.	East by Jatiapathar, West by Nownari, North by Deejoo Nari, South by Salonah Purbut.	Tea cultivation.	14 Feb. 1863	Mr. J. S. Richardson.	None	None, S.	S. This application cannot be submitted to the Board for sanction until the final order to Mr. J. S. Richardson's appeal is received, as it includes the land applied for by Mr. Richardson, and objected to by Mr. J. Herriot.
17	11 Aug. "	Mr. J. Wallace.	Morungee	Kaliany	1,500 acres	North by Doomdoomeeah Burrahtong, South by Sulah Beel, East by Daygooree, West by Hateesoonjypathar.	Ditto	None	None	None	None, T.	T. This application was withdrawn by the applicant on the 9th February 1863.
18	25 Aug. "	Mr. M. Bronson	Jamoonamookh	Balegang	500 poorahs, or 666½ acres.	North by Karookanee Jungle, South by Burratanee Jungle, skirting the bank of the Navos, West by the Ruolla Tank, East by the Korookanee Jungle beyond the Matan Tank.	Ditto	2 Mar. 1863	None	Sanctioned	None, U.	U. This grant has been surveyed; the application will be submitted to the Board for sanction as soon as the survey is tested. Permission was given to clear on the 13th May 1863.
19	21 Oct. "	Mr. J. S. Richardson.	Mikirpar	Niz Bamoonce	500 poorahs, or 666½ acres.	None - - - - -	Ditto	26 Feb. 1863	None	Ditto	None, V.	V. Permission was given to clear on the 1st December 1862; Ameen deputed to survey on the 10th March 1863; Ameen deputed to test the survey on the 18th April 1863. This application will be sent to the Board for sanction as soon as the measurement papers of the Ameen deputed to test the survey are received.
20	2 Sept. "	Mr. J. Stephen, on the part of Messrs. Sanders & Reed.	Datipar	Kholah	634 acres	North by Grass Jungle, South by Tanti Hills, East by Jorance, West by Umsooree.	Ditto	6 Sept. 1862	None	Ditto	None, W.	W. This grant has been made under the old Rules of the 27th October 1854.
21	2 Sept. "	Ditto - - -	Ditto	Dokhin Nelly	300 acres	North by Goramani Hills, South by Jooree on Hill Stream, East by Jungle, West by the Carogatteegang.	Ditto	6 Sept. 1862	None	Ditto	None, X.	X. Permission was given to clear on the 20th February 1863; Ameen deputed to survey on the 20th January 1863; survey completed on the 25th February 1863; Ameen deputed to test survey on the 20th March 1863. This application will be submitted as soon as the map returned for correction is received.

Deputy Commissioner's Office, Zillah Nowgong,
6 June 1863.

[Exd. C. Barlow.]

W. H. Brownlow,
Extra Assistant Commissioner, in charge of Nowgong.

— No. 11. —

Home Department—Revenue.—No. 21 of 1863.

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

Sir,

REFERRING to your Despatch No. 14, dated the 18th June last, we have the honour to forward the accompanying copies of Reports* from the Officiating Chief Commissioner of the Central Provinces and the Resident at Hyderabad, showing that no sales of waste lands have yet been effected, either in the Central Provinces or in the Hyderabad Assigned Districts. To the latter territory indeed the orders of general application for the sale of waste lands have not been extended.

* From Foreign Department, No. 263, dated 10 Sept. 1863. Ditto ditto, No. 268, dated 15 Sept. 1863.

2. Copies of the Reports expected from the Local Governments and other minor Administrations will be forwarded as soon as they are received.

We have, &c.
(signed) *R. Napier.*
H. B. Harington.
C. E. Trevelyan.
W. Grey.

Fort William,
21. September 1863.

Enclosure 1, in No. 11.

From *H. Rivett-Carnac*, Esq., Assistant Secretary to the Chief Commissioner, Central Provinces, to *E. C. Bayley*, Esq., Officiating Secretary to Government of India, Foreign Department, at the Presidency (No. 3761); dated Nagpore, 25 August 1863.

WITH reference to your circular docket No. 236, dated 13th current, calling for a full and complete Return of sale of waste lands in the Central Provinces, I am desired by the Officiating Chief Commissioner to communicate, for the information of the Honourable the President in Council, that no absolute sales of waste lands have yet been fully completed in these provinces.

Enclosure 2, in No. 11.

From *G. U. Yule*, Esq., C. B., Resident at Hyderabad, to *E. C. Bayley*, Esq., Officiating Secretary to the Government of India, Foreign Department, at the Presidency (No. 4); dated 26 August 1863.

IN acknowledging the receipt of circular, No. 236, dated the 15th August 1863, calling for Returns of the extent of waste land sold by the Government of India in each of the years since 1857, I beg to state that it having been ruled† that the order regarding the sale of waste lands was not applicable to the Hyderabad Assigned Districts, no such sales have been effected.

† Government Letter, Foreign Department, No. 64, dated 11 February 1862.

— No. 12. —

Home Department—Revenue.—No. 22 of 1863.

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

Sir,

IN continuation of our letter No. 20, dated the 21st ultimo, we have the honour to transmit for your information a copy of the papers noted in the margin,‡ showing the extent of the arrangements made in British Burmah, the Punjab,

‡ From Chief Commissioner, British Burmah, to Secretary with Governor General, No. 48, dated 28 February 1863.

From Government of the Punjab, No. 421, dated 14 May 1863, and enclosure.

From ditto, No. 546, dated 16 June, and enclosure.

From the Chief Commissioner of Oudh, No. 2724, dated 15 September 1863.

Punjab, and Oudh for the sale of waste lands and the redemption of the land revenue, under the terms of the Resolution of this Government dated 17th October 1861.

2. The Reports from the North-Western Provinces and from Mysore will be forwarded to you when received.

Fort William,
2 October 1863.

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

Enclosure 1, in No. 12.

From Lieutenant Colonel *A. P. Phayre*, Chief Commissioner of British Burmah, and Agent to the Governor General, to Colonel *H. M. Durand*, c. b., Secretary to the Government of India, Foreign Department (No. 48); dated Rangoon, 28 February 1863.

I HAVE the honour to acknowledge the receipt of circular letter No. 480, dated 30th August last, calling for a report upon certain points therein referred to, relative to the sale of waste lands, under the Resolution of Government dated the 17th October 1861, and the redemption of land revenue.

2. There has been one sale of waste lands under that Resolution, in the district of Prome: 612 acres were sold to a Burmese.

3. There have been no applications for the redemption of the land revenue, except for town-lots, in the town of Moulmein, under the instructions conveyed in your letter No. 20, dated 11th January 1862, to the address of the Commissioner of the Tenasserim and Martaban Provinces.

Enclosure 2, in No. 12.

From *W. Kirke*, Esq., Assistant Secretary to Government of Punjab and its Dependencies, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 421); dated Lahore, 14 May 1863.

WITH reference to your letter No. 4206, dated 15th August last, and subsequent reminders, I am directed by the Honourable the Lieutenant Governor to submit herewith copies of two statements prepared by the Financial Commissioner, showing (1) the extent of waste lands in the Punjab sold under the orders of October 1861, and (2) of lands of which the revenue has been redeemed.

2. The revised rules regarding sale of waste lands, referred to in your 12th paragraph, were published in the "Punjab Gazette" of the 14th and 21st January last, and republished in the "Calcutta Gazette" of the 24th idem.

3. The reply of the Financial Commissioner has not yet been received in regard to those districts of the Punjab which are believed to be sufficiently advanced for a perpetual assessment. A report on this important subject will be submitted hereafter.

STATEMENT of Sale of WASTE LANDS in the Punjab.

DIVISION.	District.	Pergunnah.	Mouzah.	Name of Purchaser.	Area.	Amount for which Sold.	REMARKS.		
Rawl Pindie	Goojerat-	Goojerat -	Goolabghur - -	Meerae Buksh, Sooltan Shurrap and Sooltan (Moost).	155 0 34	Rs. a. d. 842 13 -	These plots were sold on the 30th April 1862, but the purchasers have not yet been placed in possession pending the grant of sunuds, which have been submitted for the signature of the Punjab Government; vide this Office, No. 396, dated 6th May 1862, to the address of Commissioner.		
		Ditto -	- ditto - -	Akram, Ameera and Chowgutta.	192 0 34	780 - -			
		TOTAL - - -				347 1 28		1,622 13 -	
Mooltan	Mooltan -	-	Arbee-Siddoo, His-sain Bukher and Arbee Boohapore.	E. Hughes, Esquire, Civil Engineer.	125 0 0	367 8 -	Sale sanctioned; and deed for extension of the Waste Rule, granted 23d August 1862. • Includes 55 rupees on account Date-fruit assessment.		
		TOTAL - - -				125 0 0		367 8 -	
Lahore	Lahore -	-	Rukh Asulkuth -	Emam Bux and Chun-mum Deen.	272 0 0	3,050 - -	Put up to auction, and sold on the 6th June 1862, under sanction of Financial Commissioner, conveyed under Commissioner's No. 287, dated 29th April 1862; 10 per cent. purchase money paid in; balance being paid up; sunuds forwarded for signature of Punjab Government; average sales per acre 13-4; Deputy Commissioner's Statement, dated 16th September 1862.		
		-	Ditto - -	Nubee Bux Lumberdar	391 0 0	5,029 - -			
		-	Ditto - -	Mela Ram - -	176 0 0	2,105 - -			
		-	Ditto - -	Julaldeen, Mela Ram and Swala Suhae.	416 0 0	6,400 - -			
		TOTAL - - -				1,255 0 0		16,575 - -	
Umritsur	Umritsur	Ajwala -	Rukh Rey - -	Mr. H. Cope - -	406 0 0*	2,375 - -	• Culturable land - - 322 Unculturable land - - 84 † Culturable land - - 220 Unculturable land - - 28 These two rukhs were sold on the 21st June 1862; possession given and sunuds made over.		
		Ditto -	Rukh Shahpore -	- ditto - -	248 0 0†	1,650 - -			
		TOTAL - - -				654 0 0		4,025 - -	
Umballah	Loodiana	Pukkowal	Rae Kote - -	Not stated - -	18 0 0	70 - -	Sold by auction, ultimately confirmed by Financial Commissioner; vide No. 2273, dated 17th June 1862, and subsequent correspondence.		
		TOTAL - - -				18 0 0		70 - -	
	Ditto	- ditto -	- ditto - -	- ditto - -	Mr. S. Berkeley -	29 0 0	72 8 -	Granted by Lord W. Hay, Superintendent, Hill States, for tea cultivation in October 1856. Ditto - ditto, August 1857. Ditto - ditto, December 1860. Sales sanctioned by Government, No. 399, dated 4th March 1863.	
			- ditto - -	- ditto - -	- ditto, and Church Mission grants.	500 0 0	1,250 - -		
			- ditto - -	Jhander at Koteghur	Mr. S. Berkeley -	3 0 0	8 - -		
TOTAL - - -				532 0 0	1,330 8 -				
Jullunder	Jullunder Hcoohiarpoor	} Nil.	Girah - -	Captain Bracken -	250 0 20	350 - -	Sanctioned by Government, No. 94, dated 2d February 1863.		
			Bumarah - -	Captain Younghusband	223 3 20	1,000 - -			
			Bunderi - -	Captain Duff - -	284 2 5	1,850 - -			
			Bundi - -	Captain Duff - -	296 3 10	800 - -			
			Kundee - -	Captain Duff - -	168 2 25	650 - -			
			Raepore - -	Mr. Ballard - -	152 3 15	400 - -			
			Thundhol - -	Mr. Judd - -	64 3 20	350 - -			
			Kangra -	not stated	Bhuttoo - -	Captain Fitzgerald -		114 0 6	143 - -
					Sunsai - -	Dr. Crawford - -		194 0 0	250 - -
					Dewal - -	Dr. Crawford - -		146 2 10	200 - -
					Leanode - -	Dr. Crawford - -		60 0 0	350 - -
					Leanode - -	Dr. Crawford - -		190 0 0	500 - -
					Leanode - -	Dr. Crawford - -		200 0 0	600 - -
					Leanode - -	Dr. Crawford - -		250 0 0	500 - -
			TOTAL - - -					2,596 1 5	7,943 - -
GRAND TOTAL -				6,627 2 33	31,933 13 -				

Lahore, 9 May 1863.

(signed) F. E. Moore,
Personal Assistant for Financial Commissioner of Punjab.

STATEMENT of Redemption of LAND REVENUE in the Punjab.

DIVISION.	DISTRICT.	Name of Applicant.	Land where Situated.		Quantity of Land In Acres.	Annual Juma of the Land.	Amount of 20 Years' Rent.	Road Fund, Putwaris' Fees, &c.	REMARKS.
			Mouzah.	Pergunnah.					
Hissar	Hissar	Mr. A. Skinner - -	Hansi - - -	Hansi - -	12 0 0	18 - -	260 - -	- -	Sanctioned by Financial Commissioner's No. 1553, dated 29th April 1862. Ditto, ditto, No. 1546' dated 24th idem.
		Estate of the late Colonel Skinner.	Hansi - - -	Hansi - -	16 0 0	16 8 -	380 - -	- -	
		Skinner Estate (6 shares)	Budohal - - -	Agroha - -	7,717 0 0	690 - -	12,600 - -	- -	
		TOTAL - -			7,745 0 0	659 8 -	13,190 - -	- -	
Lahore	Lahore	Davidit Pershad - -	Moomunpoora - -	- -	187 0 0	29 8 -	587 14 4	2 10 1	Purchase money paid. Redemption sanctioned under Financial Commissioner's No. 2916, dated 1st August 1862. Ditto, ditto, No. 2865, dated 29th July 1862.
		Davidit Pershad - -	Mudsoodunpoor - -	- -	87 0 0	23 - -	460 - -	1 2 6	
		Kour Nirunjun Nath - -	Umurkot - - -	- -	161 2 13	40 - -	800 - -	3 0 8	
		Agent, Punjab Railway	Mianmir - - -	- -	13 2 7	10 8 -	210 - -	1 1 1	
	TOTAL - -			349 0 20	103 - -	2,057 14 4	- -		
	Ferozepore	Pir Mahomed Ali Khan	Sadhinwala (entire) -	Ferozepore -	417 0 0	119 - -	2,380 - -	- -	Deputy Commissioner's statement, dated 6th September 1862.
		Teloo Mull - -	Loothbar (entire) -	Ferozepore -	275 0 0	180 - -	3,600 - -	- -	
		TOTAL - -			692 0 0	299 - -	5,980 - -	- -	
Umballah	Simla	Mr. S. Berkeley - -	At Kotghur, called	- -	22 0 0	15 15 3	319 1 -	- -	Sanctioned by Government, No. 399, dated 4th May 1863.
		Mr. S. Berkeley - -	Mandar.	- -	2 0 0	2 4 6	45 12 -	- -	
		Mr. S. Berkeley - -	Ditto - - -	- -	2 0 0	- 6 3	7 18 -	- -	
		TOTAL - -	Ditto, called Kaheenee	- -	26 0 0	18 10 -	372 10 -	- -	
GRAND TOTAL - -					8,812 0 20	1,080 2 -	21,600 8 4	- -	

PAPERS RELATING TO THE SALE OF WASTE LANDS

(signed) F. E. Moore,
Personal Assistant, for Financial Commissioner of Punjab.

Enclosure 3, in No. 12.

From *T. D. Forsyth*, Esq., Officiating Secretary to the Government of Punjab, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 546); dated 16 June 1863.

IN continuation of No. 421, dated 14th May last, forwards for information, copy of a letter from Financial Commissioner, together with a supplementary statement showing the sale of waste lands in the Goojranwalla district.

COPY of a LETTER from Financial Commissioner to the Secretary to the Government of Punjab (No. 356); dated 10 June 1863.

IN continuation of my docket No. 295, dated 9th ultimo, I have now the honour to submit a supplementary statement* of lands sold under the orders of October 1861.

* Statement of waste lands sold in the Goojranwalla district.

2. The statement now submitted contains a return of the lands disposed of in the Goojranwalla district, which has only now reached me; and I beg to express my regret that the fact of this being due was overlooked when the general statement was forwarded.

STATEMENT of Sale of certain WASTE LANDS in the Goojranwalla District, as called for in Financial Commissioner's Circular (No. 64); dated 27 August 1862: and Commissioner's Circular (No. 189); dated 2 September 1862.

Tehseel.	Name of Village.	Quantity of Land.	Amount for which Sold.		REMARKS.
			Rs.	a. p.	
Goojranwalla	Tulwundie Raemwalce	1,919 0 0	9,000	--	Sold to Goolab Rae Khuttree, Tehsildar and Jagheerदार, resident of city Wuzeerabad, and half to Amir Buksh, resident of Goojranwalla.
Ditto	Chuck Hurreechund	640 0 0	2,450	--	Sold to Unoop Singh Resaldar, resident of Kot Sherah.
Hafzabad	Chuch Salote	1,363 0 0	4,089	--	Sold to Sirdar Jhunda Singh, Jagheerदार, Magistrate, Bootala. The wood was sold for 95 rupees, total amount realised 4,184 rupees.
Ditto	Chuck Korkund	100 0 0	270	--	Sold to Mulla Zaildar and Soonah Lumbardars.
Ditto	Chuck Bhagoo	50 0 0	175	--	Sold to Lall Ziladar Ismael and Shahzada.
Ditto	Ditto	100 0 0	250	--	Sold to Lukhun Shabdad.
zeerabad	Bhyukee	686 0 0	3,700	--	Sold to Dhunnoo Shab, commissariat contractor, resident at Sealkote.
Ditto	Akalghur Chucher	1,736 0 0	2,800	--	Sold for 2,001 rupees, total amount 4,801 rupees.
	TOTAL	6,594 0 0	22,734	--	

Goojranwalla, }
31 March 1863. }

(signed) *P. W. Powlett, A.C.*,
for Deputy Commissioner.

Enclosure 4, in No. 12.

From Major *J. Reid*, Secretary to the Chief Commissioner of Oudh, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 2724); dated Lucknow, 15 September 1863.

IN reply to your letter No. 5687, dated 8th instant, I am directed to forward the enclosed return showing the sales of waste land under the late Governor General's rules extracted from the annual report for 1862-63. This return is more correct than that forwarded with letter No. 2,993, dated 22d November last, to the Foreign Secretary, copy of which should have been furnished to you with my letter No. 1895, dated 4th July last, but which I regret to observe was not sent. A copy is now forwarded.

2. A return of the extent of waste land sold, called for in your letter No. 4582, dated 24th July (received through the Foreign Secretary), has been called for, and will show separately the extent to which waste lands have been sold under the terms of the Resolution of 17th October 1861.

3. No arrangement has been made for the purchase of any land except what has been sold, and no land revenue has been redeemed.

RETURN of Waste Lands Sold under Lord Canning's Rules.

DISTRICTS.	Under Lord Canning's Rules.		
	No. of Grants.	Area in Acres.	Price.
Lucknow - - - - -	—	—	—
Oonao - - - - -	—	—	—
Durriabad - - - - -	—	—	—
Roy Bareilly - - - - -	—	—	—
Seetapore - - - - -	5	3,595	30,835 12 -
Hurdui - - - - -	6	5,170	11,314 - -
Mohumdee - - - - -	2	10,598	26,933 11 -
Baraitch - - - - -	—	—	—
Fyzabad - - - - -	—	—	—
Gondah - - - - -	1	1,502	—
Sultanpore - - - - -	—	—	—
Pertabghur - - - - -	1	4,844	9,243 4 -
TOTAL - - - - -	15	25,709	78,328 11 -

N.B.—In Pertabghur the exact area of unculturable waste was known from the professional survey; in other districts a deduction of one-eighth was allowed. The grant in Pertabghur was given in 1859 under the Chief Commissioner's rules, and commuted under Lord Canning's.

(signed) *J. Reid*, Major,
Secretary to the Chief Commissioner of Oudh.

(B.)

STATEMENT showing the Extent to which the Sale of Waste Lands has been effected in the Three Districts of the Khyrabad Division during the period in which the Rules for the sale of Waste Lands have been in force.

No.	Pergunnahs.	Names of Grantees.	WASTE LANDS.		Total Amount of Purchase Money.	Rate per Acre.
			Names by which Known.	Area in Acres.		
				More or Less.		
			<i>Zillah Seetapore.</i>		<i>Rs. a. p.</i>	<i>Rs. a. p.</i>
6	Baree -	Hurpurshad - - -	Khairundeshnugger -	812	2,030 - -	at 2 8 - per acre.
7	Seetapore -	Mr. F. St. C. Williams -	Ailea - - - - -	700	1,750 - -	Ditto.
			Bhelawan - - - - -	600	1,500 - -	
10	Misrick -	Moorley Monohur and Jawahir Sing.	Bhowaneepore - - -	600	1,500 - -	at 15 - - "
			Kutgurah - - - - -	1,700	25,500 - -	at 15 - - "
11	Seetapore -	Lieutenant H. A. Smith -	Hemapore - - - - -	1,350	13,331 4 -	at 9 13 3½ "
	Misrick -		Moorielly - - - - -	800	4,300 - -	at 5 - - "
			Gwalee - - - - -	738	4,797 - -	at 6 8 - "
			Gungapore - - - - -	806	3,627 - -	at 4 8 - "
			Burmhee - - - - -	1,000	3,500 - -	at 3 8 - "
			TOTAL - - - - -	9,166	61,835 4 -	at 6 11 11½ "
			<i>Zillah Hurdui.</i>			
1	Bawan -	Mr. H. M. Daniell - -	Kounda - - - - -	1,200	2,625 - -	at 2 3 - "
2	Gopamow -	Mr. Rees - - - - -	Hurraie Eyyath - -	812	1,778 12 -	at 2 3 -½ "
3	Ditto -	Lalla Manick Chand -	Jasoo Juggernath -	800	1,750 - -	at 2 3 -½ "
4	Ditto -	Lalla Manick Chand -	Sundla - - - - -	812	1,778 12 -	at 2 3 -½ "
5	Ditto -	Mr. Rees - - - - -	Neer - - - - -	578	1,264 6 -	at 2 3 - "
6	Ditto -	Lalla Manick Chand -	Batair - - - - -	968	2,117 8 -	at 2 3 - "
7	Sundeela -	Chowdry Hushmuth Ally -	Kaseemabad - - -	635	1,388 13 -	at 2 3 - "
			TOTAL - - - - -	5,805	12,703 3 -	at 2 3 -
			<i>Zillah Mohumdee.</i>			
1	Bhoor -	Messrs. Thomas Menzies and Paterson Saunders.	Adjacent to Kishenpore	10,000	21,875 - -	at 2 3 - "
2	Ditto -	Ditto - - - - -	Mugahie, - - - - -	—	—	—
3	Hyderabad	Mr. John Powell - - -	Roy Bada - - - - -	2,112	5,509 11 -	at 2 9 9 "
			Adjacent to Kurata -	—	—	—
			TOTAL - - - - -	12,112	27,384 11 -	at 2 4 2½ "
			GRAND TOTAL - - -	27,083	101,923 2 -	at 3 12 2½ "

(signed) *J. Reid*, Major,
Secretary to the Chief Commissioner of Oudh.

— No. 13. —

Home Department, Revenue.—No. 23 of 1863.

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

Sir,

Fort William, 8 October 1863.

In continuation of our Letter No. 21, dated the 21st ultimo, we have the honour to transmit the accompanying Report from the Superintendent of Coorg, showing that no sales of waste lands have been effected in that district.

We have, &c.,
(signed) *H. B. Harrington.*
C. E. Trevelyan.
W. Grey.

Enclosure 1, in No. 13.

From Captain *R. N. Taylor*, Superintendent of Coorg, to the Secretary to the Commissioner for the Affairs of Coorg, Bangalore (No. 581); dated 7 September 1863.

With reference to your Circular, General No. 210, of the 3d instant, and its enclosure, I have the honour to forward herewith the return therewith forwarded, and to report that no waste land has ever been sold by Government in Coorg.

RETURN of Waste Land sold in the District of Coorg to Europeans and to Natives in each of the Years from 1 January 1858 to 30 September 1863.

YEAR.	To whom sold.	EXTENT SOLD.				Average Rate per Acre.	Amount.	Total.	REMARKS.
		In Local Measurement.		In English Measurement.					
				Acres.	Roods.	Poles.	Yards.	Rs. a. p.	Rs. a. p.
1858	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	Total 1858	-	-	-	-	-	-	-	-
1859	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	Total 1859	-	-	-	-	-	-	-	-
1860	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	Total 1860	-	-	-	-	-	-	-	-
1861	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	Total 1861	-	-	-	-	-	-	-	-
1862	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	Total 1862	-	-	-	-	-	-	-	-
1863 to 30th Sept. only.	To Europeans	-	-	-	-	-	-	-	-
	„ Natives	-	-	-	-	-	-	-	-
	TOTAL to 30th Sept. 1863.	-	-	-	-	-	-	-	-

ABSTRACT.

		Extent in English Measurement.				Amount.
Sold from 1 January 1858 to 30 September 1863.	To Europeans	-	-	-	-	-
	To Natives	-	-	-	-	-
	GRAND TOTAL	-	-	-	-	-

Coorg,
7 September 1863.
O.48.

(signed) *R. N. Taylor*, Captain,
Superintendent.

— No. 14. —

Home Department.—Revenue.—No. 24 of 1863.

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

Sir,

Fort William, 19 October 1863.

* No. 1051 T,
dated 7 October
1863.

REFERRING to the papers forwarded with our Despatch No. 20, dated the 21st ultimo, we have the honour to transmit copy of a further communication* from the Government of Bengal, regarding the applications made for waste lands in the Nowgong district of the province of Assam under the Resolution of 17 October 1861.

We have, &c.

(signed) *H. B. Harington.*
C. E. Trevelyan.
W. Grey.

Enclosure 1 in No. 14.

From *R. B. Chapman*, Esq., Officiating Secretary to the Board of Revenue, to the Honourable *A. Eden*, Secretary to the Government of Bengal (No. 349); dated 17 September 1863.

Present:
A. Grote, Esq.

IN continuation of my letter No. 271, dated 6th ultimo, I am directed by the Board of Revenue to state that the Commissioner of Assam reports that the advertisement required by paragraph 17 of Lord Canning's Resolution of 17 October 1861 was issued in the cases referred to in paragraph 3.

— No. 15. —

Home Department.—Revenue.—No. 25 of 1863.

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

Sir,

Fort William, 20 October 1863.

• No. 1126, dated
1 October 1863.

REFERRING to paragraph 4 of your Despatch No. 18, dated the 9th July last, we have the honour to forward the accompanying copy of a communication* from the Government of the North Western Provinces, from which you will perceive that Rule 19 of the rules issued by the Government of Bengal for the sale of waste lands has already been adopted in the North Western Provinces.

2. The report promised in the last paragraph of the above letter, showing the arrangements made for the sale of waste lands in the North Western Provinces, under the terms of the resolution of 17 October 1861, will be forwarded to you as soon as it is received.

We have, &c.

(signed) *H. B. Harington.*
C. E. Trevelyan.
W. Grey.

Enclosure in No. 15.

Revenue Department—No. 1126 A of 1863.

From *A. P. Howell*, Esq., Officiating Under Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India, in the Home Department, Fort William; dated Nynee Tal, 1 October 1863.

Sir,

I AM directed to acknowledge the receipt of Mr. J. W. S. Wyllie's letters, No. 5653, dated 8th September, and No. 5832, dated the 12th idem, the former forwarding an extract from a Despatch from the Right Honourable the Secretary of State for India, No. 18, dated 9th

9th July last, desiring the adoption in the North Western Provinces of the rules in force for the sale of waste lands in Bengal; and the latter requesting the submission of the report of the Sudder Board of Revenue, showing the arrangements made in these provinces for the sale of waste lands under the terms of the resolution of the 17th October 1861.

2. In reply to the former letter, I am directed to forward a copy of the notification issued by this Government in the Revenue Department, No. 1216 A, dated the 7th of November 1862, from which his Honor the President in Council will perceive that this Government have already adopted Rule 19 of those issued by the Government of Bengal for the sale of waste lands.

3. With reference to the latter communication, I am desired to state that the required report is still under preparation in the office of the Sudder Board of Revenue, upon whom repeated calls have been made for it, and that no unnecessary delay will be allowed to occur in its submission to the Government of India.

I have, &c.

(signed)
Officiating Under Secretary to the Government
of the North Western Provinces.

COPY OF NOTIFICATION.

No. 1216 A.—Revenue Department (dated Nynce Tal, 7 November 1862).

THE following rule of the rules issued by the Government of Bengal for the sale of unassessed waste lands and the redemption of the revenue of such lands already granted for a term of years, with the explanation given in answer by that Government to a question put to it, is adopted for the North Western Provinces, and is published for general information, as showing the terms on which redemption of rissudee grant assessment may be effected.

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

— No. 16. —

Home Department.—Revenue.—No. 29 of 1863.

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

Sir,

Fort William, 4 November 1863.

IN continuation of our Letter No. 23, dated the 8th ultimo, we have the honour to transmit the accompanying copy of a Report* from the Chief Commissioner of Oude, showing the extent to which waste land has been sold in Oude since the re-occupation of the Province in 1858.

* No. 3172, dated
17 October, and
enclosures.

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

Enclosure in No. 16.

From Major *J. Reid*, Secretary to the Chief Commissioner of Oude, to the Secretary to the Government of India, Foreign Department at the Presidency (No. 3172), dated Lucknow, 17 October 1863.

IN forwarding the Statement of Waste Lands called for in your letter No. 4582, dated 24th July last, I am desired by the Chief Commissioner to explain that there has been some little delay in preparing it, owing to the necessity for calling for additional information in some cases.

2. It will be observed that a very large proportion of the waste land disposed of, 224,547 acres were granted (not sold) under rules laid down in the Chief Commissioner's Circulars Nos. 32 and 78, dated 19 March 1859, and 15 May 1860 (under the provisions of which the grants made under the first-named circular were all brought), copies of which are annexed. Some of these grants are of small area, and should have been marked off with the neighbouring villages, instead of being set up as separate tracts; but as the grants were made to the proprietors of these villages, no harm has been done. The grants under these rules entered under 1862 were really made in 1861, though formal possession was not given till the following year.

3. Under Lord Canning's Rules, 25,623 acres 2 roods and 32 poles were sold for Rs. 58,840. 2.; Rs. 2. 8. was fixed as the price for land covered with forest jungle, and 5 rupees for land which was not so encumbered, a reduction of one-eighth being allowed for unculturable waste.

4. Five thousand four hundred and three acres were sold under the Secretary of State's Rules for Rs. 43,885. 8., giving an average of rather more than 8 rupees an acre. But one lot of 1,658 acres was bought by the proprietor of the adjoining estate at 15 rupees per acre, a price which must be regarded as quite exceptional; and, excluding this grant, the average price realised was very little above 5 rupees per acre. The total price of land sold under both rules was Rs. 1,02,725. 10.

5. In explanation of the very limited area sold under the Secretary of State's Rules, I am desired by the Chief Commissioner to observe that all the most accessible waste land has been disposed of; and that to prevent the annoyance and harassment to purchasers, the neighbouring landholders, and Government officials, that have accrued from making sales prior to a rough survey, the Chief Commissioner has found it necessary to defer advertising the remaining tracts until a demarcation of the areas of the surrounding and inter-jacent villages, and of each allotment sufficient to determine its boundaries and give its approximate area, shall have been completed.

6. In three districts only is any waste land left, and in two of these arrangements have been made for a demarcation of the nature above described, during this cold season, by which time the survey of the forest tracts reserved for timber will also be completed. It is not likely, however, that these tracts will be rapidly taken up, as their neighbourhood is very sparsely populated, and they are subject to malaria. But as cultivation spreads, the climate will doubtless improve; and if Colonel Cotton's project of a canal from the Sardah is carried out, these tracts will become very valuable.

7. And if the Gogra is found to be navigable by steamers from a considerable distance above Byram Ghaut, the value of the waste lands in the north west of Oude will greatly increase. The Chief Commissioner purposes, therefore, to make a survey of the river as far as the junction of the Koryallee in March next.

8. Forty Europeans hold 57 grants, aggregating 149,934 acres and 32 poles; and 101 with a total area of 105,640 acres and 24 poles are held by natives. At first natives evinced great apathy in acquiring waste lands, and did not fully appreciate their value till they saw how eagerly these lands were sought for by Europeans.

CIRCULAR.—No. 78—1827.

From the Secretary to the Chief Commissioner of Oude to all Commissioner of Oude;
dated Lucknow, 15 May 1860.

Sirs,

I AM directed to forward to you the accompanying revised rules for the grant of waste lands in Oude, which supersede the rules forwarded with Circular No. 32, dated 19 March 1859.

2. All *bonâ fide* grants given under the old will now be held under the new rules, but they must be grants above 300 acres to entitle them to this advantage, as all below that extent have been declared cancelled, and are ignored.

3. No new grants under 500 acres should be given, unless the demarcation officer has previously marked off less than that as a Government estate under the general instructions given him. The fee formerly required for expenses of measurement will continue to be taken.

4. All applications for grants will be reported for the sanction of the Chief Commissioner in the following form :—

District.	Name and Profession of Applicant.	Extent of Land applied for.	Name by which the Locality is known, and its Situation.	Opinion of Deputy Commissioner whether application should be complied with or not, and to what extent.	Ditto of Commissioner.	Order of Chief Commissioner.

I have, &c.
(signed) C. Currie,
Officiating Secretary to Chief Commissioner of Oude.

Revised Rules for the Grant of Waste Lands in Oude.

1. APPLICATIONS for grants of waste lands must be made to the Deputy Commissioner of the district, and be by him submitted, through the Commissioner of the division, for the sanction of the Chief Commissioner.

2. Applicants must state distinctly the extent of land they desire to obtain, and the locality in which it is situated; but the total area of any one grant will not exceed 5,000 acres.

3. The entire grant will be held free of assessment for a period of 12 years; and on the expiration of this term, it will be settled with the grantee, or his heirs, in full proprietary title, at the customary rate of assessment, or 50 per cent. of the assets of the cultivated portion, subject to the following conditions :—

1st. That one-fourth of the entire grant be brought under cultivation by the end of the sixth year of rent-free possession; failure of this condition will render the entire grant liable to resumption.

2d. That one-half of the entire grant be brought under cultivation by the end of the twelfth year of rent-free possession, or, in default, the whole of the remaining waste will not be included in the settlement lease, but only waste equivalent to the cultivated portion.

[In enforcing these conditions, however, a deduction will be made of so much of the entire area as the revenue survey shall show to be unculturable.]

3d. That the cost of erecting and maintaining permanent boundary marks round his grant, be defrayed by the grantee.

4th. That the right of the public to roads through the grant is not interfered with.

5th. That Government reserves the right it everywhere possesses over all running streams of water, whether for purposes of navigation or irrigation, and can, whenever it sees fit, assume the control of the waters, and distribute them in such manner, and on such conditions, as may seem conducive to the public good.

6th. That the grantee duly perform all the duties required of landowners in Oude.

(signed) C. Currie,
Officiating Secretary to the Chief Commissioner, Oude.

CIRCULAR.—No. 32-518.

From T. D. Forsyth, Esq., Secretary to the Chief Commissioner of Oude, to the Commissioner and Superintendent Division; dated Lucknow, 19 March 1859.

SIR,
THE accompanying Rules in English and vernacular for giving leases of jungle lands should be widely distributed among Europeans and Natives, and in forwarding them I am directed to call your attention to the following remarks :—

2. In asserting, as you have been directed to do, the inherent right of the State to all waste lands, you will bear in mind that small tracts of jungle which supply fuel and pasturage to the neighbouring villages, or are in course of being brought under cultivation

by the inhabitants, are not to be claimed for Government; they will at next settlement be included in the area of their villages.

3. And in case of the larger tracts adjoining the residences of Talookdars which have hitherto been kept as a defence, a lease on the prescribed terms should be offered to the Talookdar, and not be given to a stranger unless he refuses it, for it would hurt the feelings of this class if a speculator were settled at their very doors.

4. Where, however, the tract is so extensive that it is manifestly beyond the power of the Talookdar alone to reclaim it, the part contiguous to his dwelling should be leased to him, and the more distant only to strangers, and these should not be persons who bear him an old grudge, or are personally offensive to him.

5. To prevent, however, a Talookdar from taking the lease with no view to clearing, but merely to keep out another, the provision of Clause 4 of the Rules should be stringently enforced.

6. Provision is made in the Rules for some waste (which is indispensably necessary) being attached to the cleared portion, when the whole is ultimately formed into an estate. To leave a margin for this, the area of the jungle plot at first assigned must be one-third in excess of the amount undertaken to be cleared and cultivated by the applicant, and it need not be very accurately measured, for that would take time; whereas the applicants will be numerous, and it will be desirable to comply with their wishes before the rains set in and agricultural operations commence.

7. In the Baraitch and Khyreghur districts, where the waste is of such enormous extent, it will not be necessary even to attempt a measurement of the plot, the applicants can be directed to commence clearing at a particular spot and at convenient distance from each other, and there is no fear of their not being ample waste to add at settlement; but this will not be the case where the jungle is limited, there a rough measurement of the area must be made. In fixing boundaries, marked local features, such as roads, nullahs, &c., should be taken advantage of.

8. No leases will be given in tracts it may be considered desirable to preserve for the sake of the timber.

9. Clause 3 is designed to keep out squatters who only take a lease to appropriate the spontaneous produce and establish future claims.

10. There are others, besides Talookdars, who take leases solely to keep others out, and Clause 4 serves to check them.

11. All incidental charges of measurement, such as cutting lines, flagmen, &c., will be borne by the applicant; but the establishment it may be necessary to keep up, which need not exceed a couple of Ameens, possessing a knowledge of the plain compass, will be paid from the fees provided by the Rules.

12. A list of all jungle tracts registered as State property should be prepared in each Deputy Commissioner's Office, and submitted to the Officiating Chief Commissioner; and if possible, an approximate idea should be given of their extent.

13. Abstract Returns of Allotments made to applicants should also be submitted quarterly in the subjoined Form:—

District.	Number of Applications Received.	Number of Applications Complied with.	Extent of Jungle Allotted.	Remarks.

I have, &c.
(signed) T. D. Forsyth,
Secretary to the Chief Commissioner, Oude.

RULES for Clearing Leases of WASTE LANDS in Oude.

1. THE application of parties must distinctly state the extent of land they desire, and are prepared to clear and cultivate within the term of the present settlement. The Deputy Commissioner of the district will then assign them suitable allotments.

2. No

2. No revenue will be demanded by Government during the settlement, and on its expiration the cultivated portion of the allotment will be assessed for the term of the next settlement, at half the rates prevailing in the adjoining villages, that is to say, at quarter assets, or four annas in the rupee. One-third as much waste will then be added, free of assessment, to the cultivated portion, so as to form a compact estate.

3. Applications for less than 50 acres will not be received, and clearings of less extent than 25 acres, will not entitle the occupants to engage at next settlement. Such clearings will then be incorporated in the nearest large allotments.

4. The entire allotment will also be liable to resumption, if one-third the extent applied for is not cleared and cultivated by the close of the second year.

5. Boundary pillars, where required, will be erected at the cost of the applicants, and a fee of 10 rupees per hundred acres will be charged to defray the expenses of establishment.

6. Each allotment will be numbered and registered in the Deputy Commissioner's office, and the grantees will be required to discharge the duties incumbent on landholders in Oude.

(signed) *T. D. Forsyth,*
Secretary to the Chief Commissioner, Oude.

STATEMENT of WASTE LANDS Granted and Sold since the Re-occupation in OUDE.

GRANTEES.	Under old Rules of Chief Commissioner's Circulars, No. 32, dated 19 March 1859, and No. 78, dated 15 May 1860.											
	NUMBER OF GRANTS.					Total Grants.	AREA IN ACRES.					Total Area in Acres.
	1858.	1859.	1860.	1861.	1862.		1858.	1859.	1860.	1861.	1862.	
Europeans - -	-	2	10	10	21	43	-	5,922 2 0	40,562	38,020	39,311	123,815 2 0
Natives - - -	-	69	13	12	2	96	-	58,740 0 24	25,465	9,939	7,588	100,732 0 24
TOTAL - - -	-	71	23	22	23	139	-	64,662 2 24	66,027	47,959	46,899	224,547 2 24

GRANTEES.	Under Lord Canning's Rules.						Under Secretary of State's Rules.				
	Number of Grants.		Total Grants.	Area in Acres.		Total Area in Acres.	Price Sold at.	Number of Grants.	Area in Acres.	Total Area in Acres.	Price Sold at.
	1862.	1863.		1862.	1863.						
Europeans - -	10	-	10	22,373 2 32	-	22,373 2 32	51,518 14 -	4	3,745	3,745	19,015 8 -
Natives - - -	4	-	4	3,250 0 0	-	3,250 0 0	7,321 4 -	1	1,658	1,658	24,870 - -
TOTAL - - -	14	-	14	25,623 2 32	-	25,623 2 32	58,840 2 -	5	5,403	5,403	43,885 8 -

Lucknow, 17 October 1863.

(signed) *J. Reid,*
Secretary to the Chief Commissioner of Oude.

— No. 17. —

Home Department.—Revenue.—No. 30 of 1863.

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

Sir,
Fort William, 12 November 1863.
IN continuation of our Letter, No. 29, dated the 4th instant, we have the honour to transmit the accompanying statement, showing the extent to which waste
0.48.

waste land has been sold in British Burmah from 1 January 1858 to 30 September 1863.

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

Enclosure in No. 17.

RETURN showing extent of WASTE LAND sold in the Province of *British Burmah* within the Period embraced between 1st January 1858 and 30th September 1863.

Division.	District.	Township.	Name of Purchaser.	Race of Purchaser.	Quantity of Land.	Date of Sale.		REMARKS.
						Year.	Month.	
Arracan	-	-	-	-	A. r. p.			
Pegu	Prome	Thawoonaboh	Moung Koin	Burman	211 14 11	1863	March 24th.	
Tenasserim	-	-	-	-	none.			

(No. 4080.)

FORWARDED to the Officiating Secretary to the Government of India, Foreign Department, with reference to docket from this Department (Revenue), No. 236 (Circular) of the 13th August last. The above statement comprises all the Returns of land sold to Europeans and Natives in the Province of British Burmah, between the years 1857 and the first nine months of 1863.

(signed) *H. Nelson Davies,*
Secretary to Chief Commissioner of British Burmah,
and Agent to the Governor General.

Rangoon, 24 October 1863.

— No. 18. —

Home Department.—Revenue.—No. 31 of 1863.

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

Sir,

Fort William, 27 November 1863.

In continuation of our letter, No. 30, dated the 12th instant, we have the honour to transmit the accompanying Return of Waste Lands sold in the several divisions of the Mysore territory, from 1 January 1858 to 30 September 1863.

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

Enclosure in No. 18.

From *L. Bowring*, Esq., Commissioner of Mysore, to *E. C. Bayley*, Esq., Officiating Secretary to the Government of India, Foreign Department (No. 100); dated Bangalore, 23 October 1863.

WITH reference to Assistant Secretary Mr. J. T. Wheeler's Circular Docket, No. 236, dated 13th August 1863, submits Return of Waste Lands sold in the several Divisions of the Mysore territory.

RETURN of WASTE LANDS Sold in the several Divisions of the Mysore Territory to Europeans and to Natives in each of the Years from 1 January 1858 to 30 September 1863, and submitted under the Orders of the Government of India, as conveyed in Circular Docket No. 236; dated 18 August 1863, from the Assistant Secretary in the Foreign Department (Revenue).

0.48.

Year.	To whom Sold.	NUNDIDROOG DIVISION.			ASHTAGRAM DIVISION.			NUGGUR DIVISION.			Total showing the extent of Land Sold to each Class, the Amount, and in what Year, throughout the Mysore Territory.	
		Extent of Land.	Average Rate per Acre in Rupees.	Amount.	Extent of Land.	Average Rate per Acre in Rupees.	Amount.	Extent of Land.	Average Rate per Acre in Rupees.	Amount.	Extent of Land.	Amount.
		<i>Ac. r. p. y.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Ac. r. p. y.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Ac. r. p. y.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Ac. r. p. y.</i>	<i>Rs. a. p.</i>
1858	Europeans	-	-	-	0 0 13 26½	193 7 9	16 12 -	-	-	-	0 0 13 26½	16 12 -
"	Natives	-	-	-	4 0 18 6½	10 11 11	41 3 -	291 1 28 30	2 1 7	618 10 6	295 2 7 6½	662 13 6
	TOTAL	-	-	-	4 0 32 3¼	-	60 15 -	291 1 28 30	-	618 10 6	295 2 21 3	679 9 6
1859	Europeans	-	-	-	5 0 4 5	45 2 -	226 7 -	-	-	-	5 0 4 5	236 7 -
"	Natives	-	-	-	2 3 5 12½	65 4 -	179 10 -	328 2 10 27½	1 11 11	574 15 -	331 1 16 10	754 9 -
	TOTAL	-	-	-	7 3 9 17½	-	406 1 -	328 2 10 27½	-	574 15 -	336 1 20 15	981 - -
1860	Europeans	-	-	-	0 0 21 14½	89 12 -	12 - -	-	-	-	0 0 21 14½	12 - -
"	Natives	-	-	-	2 2 39 7½	26 8 -	72 12 -	973 0 4 6	7 11½	485 3 -	975 3 3 13½	557 15 -
	TOTAL	-	-	-	2 3 20 22½	-	81 12 -	973 0 4 6	-	485 3 -	975 3 21 28½	569 15 -
1861	Europeans	-	-	-	0 0 0 0	-	-	60 0 18 15½	3 1 8	205 - -	66 0 18 15½	205 - -
"	Natives	-	-	-	3 1 32 2½	12 12 -	41 - -	562 0 20 2	8 3	276 15 8	535 2 12 4½	320 15 8
	TOTAL	-	-	-	3 1 32 2½	-	41 - -	598 0 38 17½	-	481 15 8	601 2 30 20	525 15 8
1862	Europeans	-	-	-	995 1 11 28½	2 - 10	2,034 -	115 3 25 15½	2 - 3	233 10 1	1,111 0 37 14½	2,267 10 1
"	Natives	0 2 38 12½	10,032 - -	7,424 8 -	260 2 18 14	21 5 -	6,433 12 -	1,539 3 5 10½	4 14 5	8,074 4 0	1,301 0 22 7½	21,932 8 -
	TOTAL	0 2 38 12½	-	7,424 8 -	1,255 3 30 12½	-	8,167 12 -	1,655 2 30 26½	-	8,307 14 1	2,912 1 19 21½	24,200 2 1
1863 to 30th Sept. only.	Europeans	0 1 1 0	925 - -	237 - -	0 0 0 0	-	-	227 1 3 19½	2 0 3	585 - -	227 2 4 19½	822 - -
	Natives	6 1 19 15½	1,134 - -	7,265 - -	55 1 34 15½	31 7 10	3,410 9 5	1,060 3 12 0	3 1 3	3,263 - -	1,122 2 26 0½	13,938 0 5
	TOTAL	6 2 20 15½	-	7,502 - -	55 1 34 15½	-	3,410 9 5	1,288 0 15 28½	-	3,848 - -	1,350 0 30 28½	14,760 0 5
	GRAND TOTAL from 1 January 1858 to 30 September 1863	7 1 18 28	-	14,926 8 -	1,329 2 39 13¼	-	12,474 1 5	5,135 0 0 14½	-	14,916 10 3	6,472 0 27 20	41,717 3 8

REMARKS.

Nundidroog.—The land sold in this Division consists wholly of building sites in the town and cantonment of Bangalore.
 Ashtagram.—With a trifling exception, the land sold in this Division consists of cultivable waste.

• Average per acre, Rs. 6. 7. 1½.

ABSTRACT 1858 to 30 September 1863.

Total Extent,	{	Europeans	-	1,410 0 20 4½	Average	-	2 8 3	Amount	-	3,540 13 1	Total Amount,	Rs. 41,717. 3. 8.
Ac. 6,472. 0. 27. 26		Natives	-	5,062 0 7 21½		"	-		7 8 7	"		

Bangalore, 23 October 1863.

(signed) L. Bowring, Commissioner, Mysore.

AND REDEMPTION OF LAND TAX IN INDIA.

— No. 19. —

Home Department.—Revenue.—No. 32 of 1863.

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

Sir,

Fort William, 30 November 1863.

IN continuation of letter, No. 31, dated the 27th instant, we have the honour to transmit the accompanying copy of a communication from the Government of Bombay, No. 4032, dated the 14th instant, reporting that no waste lands have been sold in the province of Sind, either to Europeans or Natives.

We have, &c.

(signed)

*R. Napier.**H. B. Harington.**H. S. Maine.**C. E. Trevelyan.**W. Grey.*

Enclosure in No. 19.

From *A. D. Robertson*, Esq., Officiating Chief Secretary to the Government of Bombay, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 4032); dated 14 November 1863.

No. 4582, dated
24 July 1863.
No. 6425, dated
9 October 1863.

WITH reference to Mr. Under Secretary Wyllie's letters noted in the margin, I am directed to state, for the information of the Government of India, that the Commissioner in Sind has, in a communication dated 4th instant, No. 302, reported that no waste lands have been sold to Europeans or Natives in that province during the years from 1858 to 1862 inclusive, and the first nine months of 1863.

— No. 20. —

Home Department.—Revenue.—No. 33 of 1863.

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

Sir,

Fort William, 30 November 1863.

IN continuation of letter, No. 24, dated the 19th ultimo, we have the honour to transmit for your information copy of a letter from the Commissioner for the Affairs of Coorg, No. 33, dated the 24th October 1862, regarding the applications made for waste lands in that district, under the Resolution of 17th October 1861. We also forward copies of two letters from the Commissioner of Mysore, Nos. 41 and 11, dated respectively the 14th July and 7th ultimo, showing that no action was taken in Mysore under that Resolution, together with a copy of the communication of 23d August 1862, which is specially referred to in the above letters, and which contains considerable information on the subject of coffee planting in the Mysore territories.

I have, &c.

(signed)

*R. Napier.**H. B. Harington.**H. S. Maine.**C. E. Trevelyan.**W. Grey.*

Enclosure 1, in No. 20.

From *L. Bouring*, Esq., Commissioner for the Government of the Territories of his Highness the Maharajah of Mysore, to *E. C. Bayley*, Esq., Secretary to the Government of India, Home Department (No. 11); dated Bangalore, 7 October 1863.

IN reply to Mr. Under Secretary Wyllie's letter, No. 5831, dated 12th ultimo, I have the honour to state that no statistics are available in Mysore, showing the extent to which waste lands have been sold in the province, in accordance with the rules prescribed in the Governor General's Resolution of 17th October 1861.

2. As explained in my letter, No. 41, dated 14th July 1863, of which a copy was submitted for the information of the Honourable the President in Council, the Resolution in question

question had never been acted on in Mysore up to the time of my arrival in April 1862. Grants for coffee planting were made under the Commissioner's signature, according to the form submitted with my letter, No. 26, dated 23d August 1862, on such liberal terms that it did not appear to me necessary or advisable to introduce any change pending a determination of the system to be followed hereafter, for which I believe sufficient materials were presented in the letter quoted.

3. Practically there is no land to be had now in Munjerabad, the great coffee-growing talook, except by purchase from the villagers; all that was available having been already occupied by the many planters who have settled in that part of Mysore. Attention is, however, being directed to certain talooks of the Nugur division (where, however, there is not much ground available), and to the dense jungles in the southern part of the Mysore district; where, however, the climate is prejudicial to health.

Enclosure 2, in No. 20.

From *L. Bowring*, Esq., Commissioner for the Territories of His Highness the Maharajah of Mysore to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department, with the Governor General (No. 41); dated Bangalore, 14 July 1863.

WITH advertence to your letter, No. 132, dated 18th June, regarding the arrangements made for the sale of waste lands in Mysore, I have the honour to state that the system depicted in my communication of 23d August last is still in full force in this province.

2. I was under the impression that my letter above adverted to, which was despatched before the receipt of your instructions, No. 480, dated 30th August, gave all the information which the Government required in connexion with the subject so far as regards Mysore, and that it would not be desirable to interfere in any way with the terms on which waste lands were assigned under the puttahs of which a specimen was forwarded with my letter, No. 26, dated 23d August, until the Government had pronounced an opinion on the general question of coffee cultivation in Mysore.

3. As I understand the purport of paragraph 76 of the Right Honourable the Secretary of State's Despatch, No. 14, dated 9th July 1862, the local administrations were directed to report to what extent the late Governor General's Resolution of 17th October 1861 had been acted on. To this the answer is that no action was taken on it in Mysore up to the date of my letter of 23d August last; and that the rules promulgated by General Cubbon, as specified in that letter and its accompaniments, continued in force. No alteration, moreover, has since been made, as I conceived that my letter detailing the arrangements for assigning grants for coffee cultivation (for which purpose alone waste lands have been granted in Mysore) entered so fully into all details as to place the whole question in such a shape as to admit of instructions being conveyed for its ultimate disposal.

4. Should I have been in error in this conception, I must crave the indulgence of Government.

5. In regard to the district of Coorg, a reply was submitted with my letter, No. 33, dated 24th October 1862.

6. I have the honour to state that a copy of this letter has been forwarded to the Secretary to Government, Home Department, together with copies of my letter, No. 26, dated 23d August 1862, regarding Mysore coffee lands, and of my letter, No. 33, dated 24th October 1862, respecting Coorg grants.

Enclosure 3, in No. 20.

From *L. Bowring*, Esq., Commissioner for the Affairs of Coorg, to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department (No. 33); dated Bangalore, 24 October 1862.

IN reply to paragraph 2 of Mr. Bayley's letter, No. 4206, of 15th August, forwarded with your letter No. 480, dated the 30th idem, I have the honour to state that 21 applications have been received in Coorg from Europeans and Natives for the purchase, as waste, of 41 estates.

2. Of the above, all but two estates have already been given in grants, and are either cardamom jungles, or former "Jungle Waste," such as is referred to in paragraph 9 of my letter, No. 26, dated 23d August.

3. There are two pieces of land, however, of the latter description ("Jungle Waste"), which have not yet been granted; but for the purchase of which as waste, applications have been received. They being, however, identical in character with other grants of jungle waste, referred to in my letter above quoted, the question does not appear to be affected by them.

Enclosure 4, in No. 20.

From *L. Bowring*, Esq., Commissioner of Mysore and for the Affairs of Coorg, to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department. (No. 26); dated Bangalore, 23 August 1862.

* From Mr. Mann, dated 25th June 1862. I HAVE the honour to submit, for the consideration and orders of the
 To " " 30th " " Government of India, the accompanying letters* from Mr. H. Mann, on
 From " " 22d July " behalf of the European planters in the district of Coorg.

2. It will be observed that these gentlemen request permission to purchase their coffee estates in fee simple, according to the terms prescribed for the sale of waste lands in the Resolution of Government, dated 17th October 1861.

3. As the subject of coffee planting in Mysore and Coorg comprises many features, which are peculiar to this province, and presents difficulties of no ordinary nature, I do myself the honour to place before the Government the fullest information in my power on the several matters of detail which require explicit instructions. In order to do this effectually, it is necessary for me to describe the development and progress of coffee cultivation in Mysore.

4. As the Government are aware, this branch of agriculture is of comparatively recent origin; and during the rule of the Maharajah, the monopoly of Mysore coffee was in the hands of a Madras firm. This system was abolished in 1837, and an excise of one rupee per maund of 28 lbs. substituted, which was reduced gradually to four annas, the existing rate, which equals one rupee per cwt.

5. Many years passed before the cultivation of coffee attracted the special attention of the Government officers; but in 1854, Major Onslow, then superintendent of the Nuggur division, brought to the notice of the Commissioner, that matters were in a very unsatisfactory state. He represented that, notwithstanding the existence of orders prohibiting the cultivation of Government lands without permission, many more coffee plantations were then held without puttahs than with them; that he had issued notifications two years before, calling upon all planters to register their lands and take out puttahs, on pain of resumption; but that this injunction had not been generally obeyed. Major Onslow stated that, in consequence of the jungly and inaccessible nature of the country in which most of the plantations were situated, supervision was very difficult; and he added that a great deal of the land occupied nominally for growing coffee was used only for grazing, procuring firewood, timber, &c., or for the purpose of keeping other people out, only a few trees being planted for the sake of appearances, and to justify possession, although the rules in force prescribed that a certain number should be planted within a given time. Major Onslow observed, that the average produce of 1,000 trees, grown in the common slovenly fashion of the Ryots, was not more than five maunds, if so much. An absence of all boundary marks was the rule, and smuggling was largely practised under an excise system. Major Onslow further remarked that, in the Company's territory, the tax was one rupee per acre, producing 25 or 30 maunds, and that consequently the excise of four annas a maund was unduly high on *bonâ fide* planters. He, therefore, suggested the imposition of a moderate land tax, a survey of plantations, and a register of them, so as to define the rights of the proprietors, and to recognize the holdings as being their private property, on which basis alone could the Government expect that the cultivation would be carried on with success and credit. He added that in the Mulnad, *i.e.* the hilly portion of Nuggur, where sooparee is largely grown, proprietary right has long been acknowledged. The following gradation of assessment was recommended by him, *viz.* the land to be held rent-free for four years, one-third the assessment to be put on in the fifth, two-thirds in the sixth, and the whole in the seventh year. Major Onslow proposed that if, pending the introduction of a survey, it should be necessary to maintain the halut or excise, it should be reduced considerably. He wound up by advising that coffee plantations on Inam land should be taxed, on the ground that any cultivation on such lands was by custom limitable, and that all coffee raised on them had up to that time paid the excise duty.

6. The above-mentioned report entered very fully into the principal points which at that time forced themselves upon the notice of the superintendent, but it was not till 1860, when the existence of extensive evasion of the duty and smuggling was reported to the Commissioner, that any definite orders were issued. In consequence of the reports which then reached him, Sir M. Cubbon directed that puttahs in the annexed form should be given to all holders of coffee plantations. It will be observed, that the principal feature of the puttah is to declare, that an average minimum number of 500 coffee trees must be planted in every acre within the period of five years, and that, if this provision is not observed, the Government may resume summarily the whole or any uncultivated portion of the land specified in the puttah. The halut or excise of four annas is declared to be in substitution of the ancient warum or Government share of the produce, and to be subject to revision while any evasion of it is visited with penalties. Lastly, it was ordered that puttahs must be taken out within six months, the grants being, on failure, subject to resumption. These orders bear date the 20th May 1860; but on 19th July 1860, it was intimated that, if a fair proportion of any grant was cultivated prior to the expiration of the first term of five years, the Commissioner would deal liberally with the holder, even to the extent of renewing the conditions as they stood in the grant for five years more, provided that he did not undersell the land previous to its being brought under cultivation.

7. Liberal as these terms undoubtedly were, the superintendent of Nuggur reported in February 1861, that several persons had not acted up to the orders, and had not taken out puttahs; that the provisions of the puttahs regarding the number of trees to be planted had, in many cases, been neglected; and that, sub-letting by the original grantees, had given rise to numerous demands on the part of the sub-lessees for separate grants in their own names. In fact, it is evident that, for a long series of years, threats have been held out, but never acted upon, and that, consequently, the actual state of possession is at present as much debatable ground as it was in 1854 when Major Onslow submitted his report. All that the Government can legitimately do, is, to revise the system of excise, either by lowering it, or by substituting an acreage system.

8. As great uncertainty prevailed regarding the actual position of the planters, and their alleged grievances, I called upon the superintendents of Astagram and Nuggur, as well as the superintendent of Coorg to report fully on the subject, after ascertaining the views of the leading European planters, and I have in this way obtained much valuable information. There is, however, great discrepancy of opinion even among the latter gentlemen, some advocating the retention of the halut system, others the substitution of an acreage; but the impression I derive from the correspondence is that the more experienced and practical of the planters are in favour of an acreage, always supposing that the Government does not accede to their request to treat the coffee gardens as waste land.

9. I regret that I cannot consider this last request to be reasonable. I am fully aware of the advantages of encouraging European capital, and of the moral support which the presence of many English gentlemen gives to the Government, while the indirect advantages accruing from their presence in a new country are undoubted. But I must candidly admit that, in the case of Mysore and Coorg, there are substantial advantages realized by them at present, which do not seem to necessitate the adoption of the extreme measure of permitting them to purchase their plantations as waste land. Their profits are already large, and their undertaking is unquestionably successful, notwithstanding the extreme eagerness of the natives to rival them, and notwithstanding the uncertainty of their tenure. The main reasons why I do not consider that the coffee plantations in Coorg can be treated as waste lands are :—

1st. That in the greater part of those gardens which are held by Europeans, coffee is now grown where cardamoms were formerly reared, paying a tax to Government; coffee in Coorg is also grown in some parts inland which was jungle waste. The rules for bringing such land under culture, laid down in 1834, were to the effect that the land tax shall be remitted for five years, half to be payable in sixth year, three-fourths in seventh, and the whole in the eighth year. The late Sir M. Cubbon, in assigning land of this description in Coorg for coffee cultivation, distinctly informed the grantees that they would be liable to the rules with regard to the tax or duty on coffee plantations in the country (letter to Coorg Superintendent, No. 167, dated 17th August 1854).

2d. It has always been ruled that, if certain products are grown in Government forest lands, the ancient warum, or division of the produce, can be exacted by the Government. The former argument I consider to be unanswerable, and although, as regards the second, it has been urged that the rule is a barbarous one, and unsuited to a liberal Government, it must be remembered that, if the doctrine holds good in this instance, it would be equally applicable to all unassessed Butai land throughout the province of Mysore,—an argument which, in the face of the ascertained facts as to the great proportion of this species of tenure, cannot be for a moment upheld. In addition to which I may observe that an excise on agricultural produce is not unknown even in England, where a duty of this description is levied on hops.

3d. There is a third reason why, in my opinion, it is inadvisable to extend the waste land resolution to Coorg, and that is the great loss of revenue which it would entail in this small district, not only from the immediate sacrifice of the halut income, but from the loss of the rents now realised from cardamoms. There would be an immediate loss of 38,000 rupees, the income from coffee halut last year, of which a great portion would be irretrievably given up, as being the sum represented by coffee grown on the backyards of Coorg farms which are considered as taxed lands, being included in the rental of the farms themselves. I shall suggest, in a succeeding paragraph, a course in dealing with these patches, which will avert the loss of the whole revenue now derived from them. The present income from cardamoms is, however, 28,000 rupees, and this would disappear as coffee cultivation is extended in the forests where they are now grown.

4th. In the fourth place, if one refers to the nature of the coffee holdings in the adjoining district of Wainad, it will be seen that an acreage tax of two rupees has been fixed as the rate payable to Government in the fourth year after the date of planting.

Lastly, as it is very questionable whether a fee simple tenure based on the waste land resolution could be introduced in Mysore, it appears to me that to sanction it in Coorg would be to give them an unfair advantage over their brethren in the former province.

10. The above reasons are, in my opinion, sufficient to justify the Government in declining to accede to the request of the Coorg planters to be permitted to purchase their coffee lands on the terms of the waste land resolution; but in order to afford them the fullest opportunity of urging the grounds which they consider to warrant their application, I beg to recapitulate the arguments which they have brought forward.

11. The Coorg Association represent in their letter of July 22d that the proceeds of the sale

sale of waste lands, together with the advantages, direct and indirect, which must necessarily accompany an increase of European settlers, and the consequent flow of English capital, will soon compensate for any temporary loss of revenue. This, though somewhat vague, may be admitted to be quite correct in the case of fresh ground being broken, which, without European enterprise, would be waste, and also were there any indisposition on the part of others to come forward. But, as I have above remarked, the land chiefly occupied by the European planters has, for generations, paid a rental to Government in the shape of the tax on cardamoms, and the natives, though their enterprise is on a smaller scale, and generally carelessly managed, are keenly alive to the profits derivable from coffee produce. In fact, the halut system, though undoubtedly a heavy tax, has not had in any way a repressive effect, as the existence in spite of it of so large a number of planters in Mysore and Coorg evidences.

12. The Association proceed to say that Europeans will no longer be satisfied with any tenure, but fee simple. This observation is doubtless quite correct as regards European capitalists in England; but, if I have shown to the satisfaction of Government that the excise on coffee is in reality a land tax, it follows that the fee simple can only be attained in conformity with the rules prescribed for the redemption of the land revenue, and that the waste land resolution is not applicable to the Coorg coffee plantations.

13. I concur, however, most entirely in the last argument addressed by Mr. Mann, viz. that the excise is a tax upon industry, the most industrious planters being taxed the most heavily in proportion to the skill and capital which they have brought to bear on their cultivation. But I fail to perceive that this fact is an argument in favour of their purchasing their lands as waste. There is no absolute connexion between the two subjects. If the tax presses heavily, it should be altered, and the only feasible way of doing this which occurs to me is either to reduce it to two annas per maund of 28 lbs, i. e., eight annas or one shilling per cwt.; or to substitute for it an acreage either on the whole area, or on the cultivated portion of each coffee plantation.

14. Before laying any distinct proposition on this subject before the Government, it appeared to me advisable, in the first instance, to dispose of the question of granting permission to purchase the plantations as waste land, because this is the main point aimed at by the Coorg planters. I proceed now to submit, for the information of Government, such statistics as are available regarding the extent of coffee cultivation in Mysore and Coorg, and the financial effect of the excise system, both on the Government revenue and the interests of the planters.

15. When grants of land for growing coffee in Mysore were first assigned, it rested with the superintendents to make the allotments and regulate their extent. No limit was fixed, and the grants comprise areas varying from 10 acres to 10,000 acres, the smaller ones being held by natives, the larger by Europeans. No restriction appears to have been placed upon the authority of the superintendents to make the allotments, and the sanction of the Commissioner was not, therefore, considered necessary. It was not till many years had elapsed that puttahs in the present form were taken out, and penalties laid down for neglecting to register them. The registers which have been sent in for my inspection are now being carefully arranged, but sufficient attention had not been previously paid to them.

16. The coffee plantations in Mysore are for the most part confined to certain talooks, the following being an approximate statement of the number of acres taken up for coffee cultivation in the two coffee-growing divisions of the province, as well as in Coorg:—

COFFEE PLANTATIONS.

DIVISION.	Number or Name of Talooks.	Acres.	Remarks.
Astagram - - -	3 - - -	45,00	{ 20,000 European. 25,000 Native.
Nuggur - - -	6 - - -	30,000	{ 2,650 European. 27,350 Native.
Coorg - - -	1. Mercara - - - 2. Puddynacknaad - - - 3. Yeddennaaknaad - - - 4. Kegutnaad - - - 5. Veerajaputten - - - 6. Yaloosaveraseemay - - -	5,000	Europeans and Natives.

Of the above, the vast majority of grants is held by Natives, generally for small areas, while the larger holdings are in the possession of Europeans. The best land has, in most places, been already taken up, and it would not be possible for any European gentleman now to secure an estate of the extent of that held by Mr. Middleton in the Munjerabad Talook, which has been estimated as comprising an area of 16 square miles.

17. It is not easy to estimate accurately the produce of the coffee plantations, for the yield varies greatly according to the locality, and according to the experience and energy of

of the planter. The following table may, however, be considered as approximately correct:—

	Maunds.	Cwts.	Rs.	Rs.
Coorg produce - - - - - per acre	30	=	7½	worth 180 at 6 per Md.
Astagram & Nuggur new plantations do. „	25	=	6½	
Old Munjerabad plantations do. - - „	18	=	4½	
Native plantations do - - - - „	5	=	1½	

It will be observed that there is a vast difference between the two extremes, the native style of cultivation being comparatively worthless and unprofitable; but it is for this reason that the halut, which is an indirect tax, not paid by the actual cultivator, but by the merchant who buys the produce, is popular with the natives, while an acreage, however low, would be distasteful.

18. One can readily understand that this view of the case is generally held by the native planters, none of whom have suggested the abolition of the halut, and that the question of a different system is in truth one affecting principally the interests of European colonization. But there is no denying the fact that the halut is in its present shape a heavy tax, and a greater burden upon the productiveness of the land than a light acreage would be. For example, taking the yield of a Coorg acre of coffee land as above given, the halut is equivalent to a tax of 7½ rupees on the bearing portion, whereas in Wainad the land tax is two rupees only. Even in the case of native plantations it is equivalent to Rs. 1. 4. per acre, or, supposing the yield to be only four maunds to one rupee. The objections to the halut are, on the one hand, that it gives a tacit encouragement to careless and unthrifty planting, and, on the other, that it falls most severely on those estates which have been brought into a flourishing state, solely owing to the enterprise and costly disbursements of the planters themselves, the reward of which ought to be reaped by them, instead of additional taxation being placed on their produce.

19. It has also been asserted that smuggling prevails extensively, and it was the supposed existence of this evasion of the duty that led to the stringent orders of 1860 about taking out puttahs; but I do not find this view corroborated by the various reports now before me; the superintendents and planters asserting that, if it does occur, it is on a very small scale.

20. The superintendent of Nuggur is in favour of the halut system, both because he considers it in itself not heavy, and because it is the most profitable to Government. He asserts that, making every allowance for the charges of cultivation, the capital expended in Coorg (where he was for some time superintendent) is returned in 12 years with interest, and with a surplus of 15.12 per acre, and that intermediately from the 6th to the 12th year the profits are 55 per cent. I do not place much reliance on figures based on administrative experience, unless they are the result of an inspection of the actual accounts of the charges and income of an estate. I believe, however, that the outside cost of clearing an acre is 1,000 rupees under any circumstances; and as no tax whatever is levied on the ground (except the small cardamom rent in Coorg) until the 4th year, when the trees come into bearing, the system under which the halut is levied is not in itself oppressive, whatever may be said as to its amount.

21. It might be argued that a reduction of the halut to two annas the maund, or half the present excise, would meet the difficulty, and obviate the charge of levying a burdensome tax; but it is clear that, if the validity of tenure which is sought after by the Coorg planters is to be accorded, this can only be effected by an acreage on the land, an alternative which they themselves suggest in case they are not permitted to purchase their land as waste in fee simple. Of the Mysore gentlemen, who have been consulted, Colonel Porter (who was formerly in the commission) is the only one who advocates the retention of the halut in preference to an acreage. I confess, however, that after weighing all the arguments for and against it, I am decidedly in favour of an acreage rental on the land. I feel assured that it will be ultimately advantageous to all parties, European and Native, and that it is the only sound basis on which to place coffee cultivation. The validity of tenure which makes estates valuable is not incompatible with a fixed land assessment, though it is certainly opposed to a fluctuating excise; and there are obvious benefits in defining accurately the boundaries of estates, and adjusting disputes which even now arise, and which will assuredly increase as the cultivation becomes more profitable. The price of land will arise immensely by the establishment of a proprietary right such as a light assessment fixed for the future will afford, and there can, in my opinion, be no question that it will give a beneficial stimulus to the cultivation of coffee by natives. Those of them, who perceive its benefits, will introduce a better system, such as some of the Native gentlemen who keep English overseers, and really attend to the value of their produce, have already inaugurated with success. Those on the other hand, who are incompetent to improve their estates, will do well to dispose of them to other people who will give the cultivation fair play. Some officers are of opinion that an acreage would oblige many Native cultivators to dispose of their coffee lands to Europeans. I do not think so myself; for the experience of late years, both in Bengal and elsewhere, has shown that the natives readily apprehend any advantages which the cultivation of any particular product will afford them. They do not originate an improvement and lead the way; but, if once convinced by example that any crop will be especially remunerative, they are not slow to follow in the footsteps of those who have demonstrated its profits.

22. It is necessary that I should place before the Government the difficulties which stand

stand in the way of introducing an acreage such as I have proposed: The first of these is the expense; but as the necessary survey would not enter into minute details, and would merely define boundaries, and the extent of cultivated and uncultivated lands in each estate, it need not occupy a long time. We have the experience of Wainad to guide us in this respect. Secondly, the hilly and difficult nature of the country where the plantations lie. This obstacle is not, however, greater, I conceive, in Mysore and Coorg than it proved to be in Wainad, where it has been successfully surmounted.

23. The third point is not easy of solution. To most of the farms in Coorg are attached certain lands, which are considered already as taxed, being included in the rental of the farms themselves. They are divided into two classes, one called "Banay," or the high forest land which supplies the farms with firewood, grass, &c., and the other "Barakay" or grazing land below the farms. In the former of these coffee is now largely grown, and, of course, when exported, pays excise or halut. To give up the duty thus realised would be to sacrifice a considerable sum yearly; to tax the land thus cultivated with coffee might appear an infringement of the terms on which the local assessments are fixed. It is, however, in the power of the Government to prohibit the cultivation of any particular kind of forest produce, and I think that the difficulty might be met by allowing any such "Banay" land to remain unassessed if its extent is below an acre, and to assess it proportionately if more than that acre. Following this principle, I would exempt from assessment all backyard lands in Mysore below one acre in extent. Such lands are very common in the greater part of the coffee-producing talooks, and the exemption made in favour of small patches will be a very acceptable boon to the people. It would not be profitable for the Government to undertake the minute measurement which an assessment of all such fragments would entail, so that all small plots held by any single individual, of which the aggregate area is less than one acre, should be exempted from assessment.

24. The fourth point which occurs to me is the course to be followed in respect to the cultivation of coffee on Inam lands referred to at the close of paragraph 5. As above remarked, the cultivation of any produce on such lands may be prohibited by Government, or rather, properly speaking, it is by custom limitable. At present, coffee grown on Inam lands pays the halut duty; but to impose a land tax on it would appear to be contrary to the principle of a rent-free holding, while the prohibition of the cultivation would, I think, be an arbitrary measure. At the same time, it must be remembered that a double system, both of excise and of acreage, cannot be maintained, as all the coffee grown on rent-free lands would be smuggled out as the produce of assessed lands; while it would not be worth while wholly to keep up an excise agency for the collection of the Government dues from Inam lands only. As coffee, however, was never grown on Inam lands when they were assigned on rent-free tenure, and as the Government has from the commencement levied a duty on coffee, whether grown on Sirkar or Inam lands, there does not appear to me to be any impropriety in informing the Inamdars that, if they elect to grow coffee, they must submit to the imposition of an acreage on all the coffee-growing portions of their tenure. Should this be considered open to objection, it will, I think, be necessary to circumscribe the holdings of the Inamdars who grow coffee to the precise limits and area specified in their Sunnuds. Of the two alternatives, they would undoubtedly prefer the former, as it is a well-ascertained fact that the principal holdings of this nature are far larger than the terms of the Sunnuds warrant.

25. I now come to the principle which should, in my opinion, be adopted in fixing an acreage. It must be remembered that, as regards the greater portion of the grants, we have to deal with an enterprise which, where real capital and not mere speculation has been brought to bear on it, has been avowedly successful. The merits of this result are due to those who led the way, and have sunk much money and laboured hard to make the most of their undertaking. I should, therefore, feel inclined to advocate an acreage sufficiently low to encourage judicious cultivation and to promote the influx of English capital; while at the same time, by imposing the assessment on all land comprised in grants, whether cultivated or uncultivated, it would be sufficiently high to induce people to turn the land to the purpose for which it was allotted, so that no man should hold an extensive grant with a view to keeping others out, or until it may rise in value and he can sell it piecemeal; or, in other words, that it would not be for his interest to retain a larger area than he could plant *bonâ fide* with coffee within a reasonable period.

26. I have remarked above that coffee-trees generally come into bearing in the fourth year; but the produce is only about a half crop, if so much, and I should not, therefore, recommend any assessment before the fifth year. After full consideration of the subject, and weighing the views of the superintendents, I am inclined to suggest the following scale of assessment:—

From 1st to 4th year.—The land to be rent-free from the date of acceptance by the district officer of the tender for the grant.

From 5th to 9th year.—One rupee per acre on the whole area.

From 10th and subsequent years.—Two rupees per acre on the whole area.

27. Two other calculations have been suggested:—

I. Assuming that 1,000 trees are planted in an acre, according to the existing form of puttah, one-half the grant should be planted at the close of five years. It has been proposed on this basis to assess the planted portion at two rupees, commencing from the sixth year,

year, leaving the rest of the grant for five years longer, when the whole would be assessable at that rate.

II. As the number of trees in an acre, according to the improved system of planting, ranges from 500 to 700 only, it may be assumed that more than half the grant will in reality be planted within the term prescribed in the puttah. But an assessment of two rupees on the whole planted portion of the grant would be probably very heavy in some cases, and prove a serious obstacle. It has, therefore, been proposed to charge one rupee per acre in the fifth year, and during the succeeding five years two rupees on half (the assumed planted area), and one rupee on the remainder—*i. e.*, one and a half rupee on the whole grant. This to be continued till the tenth year, when the whole would be rated at two rupees.

28. My proposition is more liberal than either of the above; but I think that, in substituting an acreage for a long established duty, which is cheerfully paid by the native planters, who form numerically the bulk of the individuals engaged in coffee cultivation, regard must be paid to local usages, and care be taken to introduce a new system in the shape which will be most acceptable to the people. It may also be deemed advisable to give as much encouragement as possible to the European settler who, though he cannot in my opinion claim his land as waste, will hold it on such favourable terms as cannot but promote his enterprise. It is self-evident that the terms according to which the puttahs have been hitherto issued are, under any circumstances, most liberal, ample time and opportunity being given to make the most of the grants before any Government tax is levied on them, while no restriction has been placed on their area.

29. I do not think it possible to give any trustworthy statement of the financial bearing of the proposed change: *first*, because the area of the plantations given in paragraph 16 is of doubtful accuracy; and *secondly*, because I have no means of ascertaining with certainty whether the halut returns may be looked upon as *bonâ fide* statements. Last year 68,000 rupees were realised in Mysore, and about 40,000 rupees in Coorg; that is, 1,08,000 rupees for the two countries. At four annas per maund, this would represent an out-turn of 4,32,000 maunds, or 1,08,000 cwt.; but it is impossible to strike on this an average per acre, and so deduce the number of acres, owing to the remarkable difference between the produce of the several talooks and plantations. An examination of the return shows, however, that, if one calculates the average yield of an acre cultivated with coffee by European agency to be 20 maunds, and that of one cultivated by natives to be four maunds, the quantity of acres under cultivation is vastly in excess of the total shown in the superintendent's papers.

From *H. Mann*, Esq., President of the Coorg Coffee Planters' Association, Mercara, to
L. B. Bowring, Esq., Commissioner of Mysore, Bangalore; dated 25 June 1862.

I HAVE the honour, by desire of the Coorg Coffee Planters' Association, to convey to you, through the officiating superintendent of Coorg, the accompanying address of congratulation on your assumption of office, and to enclose a petition, respectfully submitting for your favourable consideration, with a view to their redress, the several points which bear with hardship on the Coorg planters, compared with other colonists under the British rule in India.

The Association of Planters feel assured that you will liberally interpret the prayer of their body, as set forth in their petition, and trust that you will transmit it to the Government of India with your powerful support.

To *L. B. Bowring*, Esq., Commissioner of Mysore.

WE the undersigned Members of the Coorg Coffee Planters' Association, beg respectfully to congratulate you on your appointment to the Commissionership of Mysore and Coorg.

From your intimate knowledge of the wise and enlightened policy of Lord Canning's Government, we feel assured that you will liberally interpret the Resolution of the Governor General in Council, dated 17th October 1861, regarding the sale of waste land in perpetuity, free from all prospective demands, from which we anticipate that the most beneficial results will flow to this Province.

We entertain most sanguine hopes that in our enterprise here we shall receive encouragement and assistance from you; and that on our making known to you the difficulties under which we labour, they will receive your attention and consideration, and that our condition as colonists will be ameliorated. The existing state of things here has now the effect of deterring rather than encouraging settlers. But we who are now engaged in coffee cultivation have felt assured that on our united representation to Government of the impediments to colonisation here which do not obtain elsewhere, those obstructions would be removed, being obviously impolitic and at variance with the best interests of Government.

We need scarcely point out to you the benefits that have accrued to this Province since the introduction of European capital with energy to direct it: the revenue is increased; the

46. PAPERS RELATING TO THE SALE OF WASTE LANDS

the condition of the people employed by planters is improved, and they are enabled both to live and clothe better. The Coorgs themselves are enriched; grain, and, in fact, everything the country produces is enhanced in price nearly two-fold, and Coorg is now essentially in a flourishing condition.

We confidently believe that, in your administration here, you will be actuated by the same liberal principles that have of late characterised the acts of the Supreme Government.

We trust that you may enjoy perfect health to enable you to conduct your labours, and that your accession may be the inauguration of a period of increased prosperity to all under your rule.

We beg respectfully to subscribe ourselves,

(signed) *Henry Mann,*
and 63 other Members.

The 25th June 1862.

Dated Mercara, the 25th June 1862.

THE PETITION of the European and Native Colonists and Planters, under Her Majesty's Rule in the Province of Coorg, adjoining the Mysore State, East Indies, to the Commissioner over the said Province, for the consideration of the Government of India,

Praying,—That they may be identified with settlers in other parts of Her Majesty's British dominions, and that they may be released from certain rules existing in this district, which preclude them from deriving any advantage from the liberal Resolution of the Government of India, lately published, regarding the disposal of waste land and the redemption of the tax on assessed land.

Humbly sheweth,

1. That so long as the present halut or transit duty is levied on coffee in Coorg, no benefit can be derived by your petitioners in purchasing the land on which their plantations are formed, and therefore that the boon offered to settlers in all other parts of India is denied to them.

2. That the withdrawal of this tax should be immediate, as the recurrence of liabilities connected with the tenure of land in this district subjects planters to periodical expenditure, which might be avoided by an early settlement of this question.

3. That their land may all be considered as waste land, the only part now under cultivation having been brought so entirely at the expense of your petitioners, without any assistance from Government whatever, so that the fact of having spent a large sum of money, and exerted themselves to the utmost to improve their land, may not operate against them.

4. That grants-in-aid be given to parties constructing roads, which meet with the approbation of the Local Superintendent of Coorg; and that the two great trunk roads to the sea be kept in good repair.

5. Having no means of making remittances for their current expenses, save through the Government Treasury, your petitioners ask that facilities for this purpose may be extended, and, as in duty bound, shall ever pray.

(signed) *H. Mann,*
and 63 other Members.

From *L. Bowring*, Esq., Commissioner of Mysore, to *H. Mann*, Esq., President of the Coorg Coffee Plantation Association; dated Bangalore, 30 June 1862.

I HAVE the honour to acknowledge the receipt of the address of June 25th, which you have forwarded to me on the part of yourself and other residents of Coorg, European and Native, and beg to return to you my sincere thanks for the kind wishes contained in it.

I shall always be ready to give you every encouragement in my power in promoting your enterprise, so far as may be consistent with the intentions of the Government and the general interests of the district.

I beg that you will favour me with your views as to the system which may most advantageously be introduced, in substitution of the present halut or excise on coffee; for although I observe that you recommend its abolition, it does not appear that you advocate the introduction of any other arrangement as preferable.

I have called upon the Superintendent of Coorg to prepare a report on the general bearings of the question, on the receipt of which, and of your views, I shall be prepared to submit my own opinion for the orders of the Government.

As regards roads in the district, I beg to state that I have already addressed the Government of India on the subject; and I trust that a larger allotment from the revenues of the district will be made in future, with the object of developing the communications.

I request that you will have the goodness to inform me in what respect the facilities of making remittances through the Government Treasury are at present deficient, so that I may give the question early consideration.

From *H. Mann, Esq.*, President of the Coorg Coffee Planters' Association, Mercara, to
L. Bowring, Esq., Commissioner of Mysore, Bangalore; dated 22 July 1862.

I HAVE the honour, on the part of the Association over which I preside, to acknowledge the receipt of your letter of the 30th June, and with reference to that passage in which you express a wish to have our views as to the system which may most advantageously be introduced in substitution of the present halut, I beg to state that we propose in lieu thereof to purchase our land outright on "fee simple," according to the terms of the Act of the Government of India lately promulgated;* and we consider that the proceeds of the sales, together with the advantages, both direct and indirect, which must necessarily accompany an increased and extensive settlement of European cultivators in the district, and the consequent flow of English capital thereto, will soon compensate for any temporary loss of revenue the Government may sustain in abolishing a tax in its nature exceptionable, and in its effect, in this instance, both burdensome and vexatious.

* Resolution of Government, No. 3264, 17 Oct. 1861, paras. 29 and 33.

We need not here expatiate on the general benefits which the country at large would derive from a full operation of the Land Sale Act, as these are known as well to you, sir, as to ourselves; but with regard to our own district, we may be permitted to say, that we feel assured the best policy the Government could pursue would be to remove all difficulties from the attainment of lands on fee simple, as such a measure would ensure the immediate flow of English money into the country, a great increase in the cultivation of waste lands, and a great improvement in the condition of the people.

For those who do not free their land by purchase, a land-tax may be imposed, and perhaps an acreage tax would be the most suitable, but this should merely be in default of purchase.

Natives may continue to invest capital in land under different guarantees and different modes of taxation; but Europeans will no longer be satisfied with any tenure but the fee simple, nor will property in land in this country have any negotiable value in England, or amongst European capitalists, which is not secured by this indemnity, and it is from England that capital to cultivate on a large scale must be looked for.

We can understand that the abolition of the halut will occasion some immediate loss to the Government in the item of revenue raised on coffee, and we have no scheme to propose which will at once offer a money equivalent; but the proceeds of sales of waste land with the tax on those not purchased will prove a considerable "set-off" against the loss, and this, coupled with all the collateral advantages attendant on extended colonization, will soon make recompense for the loss of any direct revenue it may be expedient for the Government to relinquish in the meantime.

We shall not here dwell on the objectionable nature of the halut, nor need we point out to you the fact, that the source from which the main loss to the Government will accrue is one in itself mischievous, being, in fact, no less than an income from a tax on industry, the proceeds of an additional imposition on those who at their own cost and labour improve their circumstances, by developing the resources and improving the cultivation of their already taxed lands. We allude, of course, to the effects of the halut on the cultivators of Government farms or wurgahs.

With regard to further facilities for making remittances through the Government treasuries, we would deem it a favour if the periods in which the sums available for bills were lengthened, say from one month to a quarter or half a year, the balance undrawn carried from one month into the other (which at present is not the case); for instance, if, instead of 20,000 rupees for the month of June, 20,000 for the month of July, and 20,000 for the month of August, 60,000 rupees were held available for the quarter consisting of June, July, and August, the balance in June held available in addition to the full sum for July, we should then find the sums already sanctioned at present sufficient. But it is impossible for us beforehand to specify exactly the amount of cash we shall require in each month, though we might make an approximate guess with regard to three or six months.

We thank you for your kind offer of assistance in forwarding our enterprise, and we shall avail ourselves from time to time of the liberty of communicating with you on subjects which bear upon our interests.

PUTTAH* FOR COFFEE LANDS.

The Commissioner for the Government of the Territories of his Highness the Maharajah of Mysore.

Grants this puttah to _____ on this
day of _____

You having tendered to plant coffee trees in the lands of the village of _____
in the hobly of _____ in the talook of _____

Your tender is accepted, and the land in question is granted, the boundaries being as follows:

These lands are granted to you for the purpose of planting coffee, and should you raise any other crop upon them, lands thus appropriated will be liable to assessment according to the _____ the

* The puttahs issued to planters and ryots are half margin, English and Canarese.

the prevailing rates in the talook. By this, however, it is not intended that plantains, castor oil plants, or fruit trees, planted for the *bonâ fide* purpose of affording shelter or shade to the coffee, should be liable to taxation.

On the coffee trees coming into bearing you are to pay Government an excise duty or halut of four annas on every maund which is produced. This is in substitution of the ancient warum. This tax is subject to such revision as the Government of Mysore may at any time deem expedient.

For every acre of land which you take up under this puttah you must, within a period of five years, plant a minimum average number to the whole holding of 500 coffee trees to the acre. The Government reserves to itself the right of summarily resuming the whole or any uncultivated portion of the land mentioned in your puttah should you not conform to this condition.

You are exempt from the visits of all jungle and petty izardars, who will be prohibited from entering hereafter lands taken up for coffee cultivation, and you are empowered to fell and clear away the jungle; but previous to doing so you are bound to give six months' notice to the Sircar authorities, to enable them to remove or dispose of all teak, sandal, blackwood, or poon trees which may exist on the holding.

Should you wish to sell or alienate in any way the lands mentioned in this puttah, you must notify the same to the superintendent of the division, and this puttah must be forwarded for registration under the name of the new incumbent. Any attempt at evading the halut will involve confiscation of the article itself, together with a fine of twice the amount of halut leviable upon it.

All coffee gardens must be registered, and a puttah in this form taken out, within six months from this date, subject to summary resumption in case of failure.

Bangalore, 186

Commissioner.

— No. 21. —

Home Department.—Revenue.—No. 35 of 1863.

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

Sir,

IN continuation of our letter, No. 32, dated the 30th ultimo, we have the honour to transmit a report* submitted by the Government of Bengal, showing the extent to which waste lands have been sold to Europeans and Natives in the Bengal Presidency from January 1858 to the end of September last.

We have, &c.
(signed) *W. Denison.*
R. Napier.
H. B. Harrington.
H. S. Maine.
W. Trevelyan.
W. Grey.

Fort William,
15 December 1863.

Enclosure 1, in No. 21.

EXTRACT paragraphs 1 and 2 from a Letter from the Officiating Secretary to the Government of Bengal, to the Under Secretary to the Government of India (No. 4482); dated 30 November 1863.

WITH reference to your letters No. 4582, dated 24 July last, and No. 6422; dated 9th ultimo, I am directed to forward herewith copy of one* from the Secretary to the Board of Revenue, giving cover to a statement of waste lands granted and sold to Europeans and Natives from 1858 to end of September last, as required by the Right Honourable the Secretary of State for India.

2. The Assam Returns, transferred to this office by the Foreign Department for re-submission to the Home Department, are not separately re-submitted as they are included in the Board's Returns.

* Extract paragraphs 1 and 2 from a letter from Bengal, No. 4482, dated 30th November.

Extract paragraphs 1 to 3, from a letter from Board of Revenue to Bengal, No. 401, dated 10th November, and its enclosed Statements.

* No. 401, dated 10th instant.

LETTER from the Secretary to the Board of Revenue to the Secretary to the Government of Bengal (No. 401); dated 10 November 1863.

In reply to the Under Secretary's endorsement, No. 2977, dated 27th July last, I am directed by the Board of Revenue to forward the statements, called for by the Right Honourable the Secretary of State, of waste lands granted and sold to Europeans and Natives from 1858 to the end of September last.

2. Statement A shows the lots settled under the old rules which did not provide for sales. Sales have taken place under the new rules, and, as far as regards Darjeeling, under the rules of 1859 also; these are included in Statement B.

3. Besides the lots shown as settled in Statement A, 128 applications from Europeans for waste lands in Cachar, comprising 423,511 acres, await survey and settlement; and, besides those shown as sold in Statement B, five applications from Europeans for waste lands in Sylhet, covering 10,500 acres, await disposal.

4. In the Soonderbuns the new rules have checked applications altogether. The Commissioner observes, that, except in the case of a few favoured localities, no applicants will be found willing to pay so high a price as Rs. 2. 8. an acre for waste lands. The Board have already, in the No. 192, dated 24th June last, addressed the Government on this subject; they have expressed themselves as opposed to a reduction of the minimum price.

(A.)

STATEMENT of Grants of Waste Lands under the old Rules from 1858 to 1863.

YEARS.	DISTRICTS.	Number and Area of Lots granted to Europeans.		Number and Area of Lots granted to Natives.	
		No.	Area in Acres.	No.	Area in Acres.
1858	Kamroop - - - -	2	322	-	-
	Durrung - - - -	1	201	-	-
	Nowgong - - - -	2	712	-	-
	Sunderbuns - - - -	-	-	10	50,440½
	Cachar - - - -	1	742	-	-
	Sylhet - - - -	1	2,117½	-	-
	Darjeeling - - - -	1	10	-	-
1859	Kamroop - - - -	1	9,326	-	-
	Durrung - - - -	2	642	-	-
	Nowgong - - - -	8	8,261¾	-	-
	Sebsaugor - - - -	7	3,778½	-	-
	Luckhimpore - - - -	4	4,211¼	-	-
	Sunderbuns - - - -	3	25,123	11	62,942½
	Cachar - - - -	4	4,049¾	-	-
Sylhet - - - -	9	3,202½	-	-	
1860	Kamroop - - - -	2	409	-	-
	Durrung - - - -	3	1,280	-	-
	Nowgong - - - -	7	6,044½	-	-
	Sebsaugor - - - -	7	4,503¾	-	-
	Sunderbuns - - - -	-	-	1	4,234½
	Cachar - - - -	10	33,238¾	-	-
	Darjeeling - - - -	1	1,200	-	-
1861	Nowgong - - - -	3	1,264¼	-	-
	Sebsaugor - - - -	8	7,359¼	-	-
	Luckhimpore - - - -	6	4,214	1	192
	Sunderbuns - - - -	9	68,065½	14	102,774¾
	Cachar - - - -	3	4,539½	-	-
	Darjeeling - - - -	38	18,754½	6	916
1862	Durrung - - - -	-	-	1	165
	Nowgong - - - -	11	9,639¾	-	-
	Sebsaugor - - - -	39	22,164¼	-	-
	Sunderbuns - - - -	6	46,258½	12	85,031¾
	Cachar - - - -	12	12,869½	-	-
Darjeeling - - - -	-	-	1	258	
1863, Jan. to Sept.	Kamroop - - - -	14	5,625¼	4	1,014½
	Sebsaugor - - - -	2	1,028½	4	1,733
	Luckhimpore - - - -	4	2,960	2	1,398¾
	Cachar - - - -	21	96,759¼	-	-
	Sylhet - - - -	5	5,175	-	-
TOTAL - - - -		257	416,051¾	67	311,101

(B.)

STATEMENT of Grants sold without reservation of Proprietary Rights from 1858 to 1863.

YEARS.	DISTRICTS.	Number and Area of Lots sold to Europeans.		Number and Area of Lots sold to Natives.	
		No.	Area in Acres.	No.	Area in Acres.
1860 - -	Darjeeling - - -	13	4,179	-	—
1861 - -	Darjeeling - - -	8	6,982	-	—
1863, Jan. to Sept. -	Darjeeling - - -	32	31,051½	5	1,100
	Durrung - - -	1	150	1	335
	Nowgong - - -	6	2,943	-	—
	Luckhimpore - - -	2	1,437	-	—
	TOTAL - - -	62	46,742½	6	1,435

Enclosure 2 in No. 21.

From *J. W. S. Wyllie*, Esq., Under Secretary to the Government of India, to
F. R. Cochereil, Esq., Officiating Secretary to the Government of Bengal (No. 7940);
dated 15 December 1863.

IN returning the original enclosures of your letter, No. 4482, dated the 30th ultimo, I am directed to request that you will state, for the information of the Governor-General in Council, whether the Lieutenant-Governor would propose in any way to modify the arrangements now in force for the disposal of lands in the Sunderbunds. The Board of Revenue may be understood from the fourth paragraph of their letter of November the 10th, No. 401, to the Government of Bengal, as adhering to the opinion expressed in their previous communication of June 24, No. 192, that no modification should be allowed except that which had already been conceded in respect of a preliminary survey, though if the opinion of the Commissioner stated in the same paragraph of the Board's letter of November 10 is accepted as correct, namely, that, "except in the case of a few favoured localities, no applicants will be found willing to pay so high a price as Rs. 2. 8. an acre for "waste lands," it might have been expected that it would lead the Board to modify the view which they had previously indicated.

— No. 22. —

Home Department.—Revenue.—No. 37 of 1863.

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

Sir,

IN continuation of letter No. 35, dated the 15th instant, we have the honour to transmit the accompanying return* of waste lands sold to Europeans and Natives in the Madras Presidency from 1st January 1858 to the end of September 1863.

* From Madras Government, No. 2236, dated 9th December 1863, and enclosures.

We have, &c.
(signed) *W. Denison.*
R. Napier.
H. B. Harrington.
H. S. Maine.
W. Grey.

Fort William,
22 December 1863.

Enclosure in No. 22.

From *J. D. Sim*, Esq., Secretary to the Government of Fort St. George, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 2236); dated 9 December 1863.

WITH reference to Mr. Under Secretary Wyllie's letters dated 24th July and 9th October 1863, Nos. 4582 and 6424, I am directed to forward, for submission to the Government of India, the accompanying letter* from the Board of Revenue, giving cover to a statement showing the extent of waste lands sold to Europeans and Natives in the several districts of this Presidency from 1st January 1858 to the end of September 1863.

* Dated 1 December 1863, No. 7571.

(No. 7571.)

From *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, R. D.

Sir,

WITH reference to the Despatch from the Right Honourable Secretary of State for India, and Orders of the Supreme Government, communicated with the proceedings of this Government, dated 6th August 1863, No. 1464, I am directed by the Board of Revenue to submit the accompanying statement, showing the extent of waste lands sold in the several districts of this Presidency, distinguishing the sales to Europeans from those to Natives. The return embraces all the years from 1858 to 1862 inclusive, and the first nine months of the current year 1863. As the information had to be brought down to the latest date, *i. e.* to the end of September last, the Collectors could not furnish their returns to this office immediately on the receipt of the Board's Circular on the subject. The extent of land sold for building sites and other purposes under the Freehold Rules of August 1859, is included in the present statement.

2. The districts noted in the margin in which no sales took place are excluded. Of the extent sold in the remaining districts from 1858 to September 1863, the proportion of land sold to Europeans is smaller than that to Natives. The bulk of the sales took place in Coimbatore, being 2,571 acres out of 3,841 sold in the entire Presidency. Vizagapatam.
Trichinopoly.
South Arcot.
Nellore.

Revenue Board Office,
Madras, 1 December 1863.
Copy to all Collectors.

I have, &c.
(signed) *W. Hudleston*,
Secretary.

ABSTRACT STATEMENT showing the extent of Waste Lands sold to Europeans and Natives from 1st January 1858, to 31st December 1862, and also in the first Nine Months of 1863, in the several Districts.

DISTRICTS.	1858.		1859.		1860.		1861.		1862.		January to September 1863.		TOTAL.			
	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Sold to Europeans.	Sold to Natives.	Total.	
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	
1. Ganjam - - -	-	-	-	-	21	-	17	-	-	-	-	-	-	38	-	38
2. Godavery - - -	-	-	-	-	69	-	58	-	3	1	3	-	133	1	134	
3. Kistna - - -	-	-	-	-	-	-	1	-	2	1	-	-	3	1	4	
4. Cuddapah - - -	-	-	-	-	4	46	1	63	-	8	-	33	5	150	155	
5. Bellary - - -	-	-	-	-	-	-	2	-	26	5	-	-	28	5	33	
6. Kurnool - - -	-	-	-	-	6	6	-	-	-	-	6	2	12	8	20	
7. Madras - - -	-	-	-	6	9	-	5	47	6	89	-	26	20	163	188	
8. North Arcot - - -	-	-	-	-	-	2	-	-	-	-	-	-	-	2	2	
9. Tanjore - - -	-	-	-	-	-	-	-	-	-	3	-	5	-	8	8	
10. Madura - - -	-	-	-	-	-	-	11	-	113	6	108	3	232	9	241	
11. Tiunevelly - - -	-	-	-	13	-	4	55	4	-	-	-	-	55	21	76	
12. Coimbatore - - -	54	35	343	38	63	22	236	1,176	13	170	307	114	1,016	1,555	2,571	
13. Salem - - -	-	-	-	-	-	-	-	-	1	-	-	-	1	-	1	
14. South Canara - - -	-	-	-	-	-	-	-	4	16	65	-	-	16	69	85	
15. Malabar - - -	-	-	-	62	-	79	2	47	-	41	-	54	2	283	285	
TOTAL - - -	54	35	343	119	172	159	388	1,341	180	389	424	237	1,561	2,280	3,841	

(signed) *W. Hudleston*,
Secretary.

— No. 23. —

Home Department.—Revenue.—No. 38 of 1863.

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

Sir,

* From Secretary to Chief Commissioner, Central Provinces, No. 5364, dated 3d December, and enclosure.

In continuation of letter No. 33, dated the 30th ultimo, we have the honour to transmit the accompanying copy of a Return* of waste lands sold in the Central Provinces under the Resolution of 17th October 1861.

2. The information now furnished by the Officiating Chief Commissioner must be taken as modifying to some extent the Report made regarding the Central Provinces in our letter No. 21, dated 21st September last.

We have, &c.

(signed) *W. Denison.*
R. Napier.
H. B. Harington.
H. S. Maine.
W. Grey.

Fort William,
28 December 1863.

Enclosure in No. 23.

From Captain *Hector Mackenzie*, Secretary to the Chief Commissioner, Central Provinces, to Colonel *H. M. Durand*, C.B., Secretary to the Government of India, Foreign Department (No. 5364); dated Nagpore, 3 December 1863.

In compliance with the instructions contained in your letter No. 325, dated 6th ultimo, I have the honour, by direction of the Officiating Chief Commissioner, to transmit a statistical return of the sale of waste lands in the Central Provinces, under Resolution of Government, Home Department, dated 17th October 1861. This includes the grant of land sanctioned in Mr. Meik's favour only, no other having taken place besides in these Provinces.

STATISTICAL RETURN of the Sale of Waste Lands in the Central Provinces, under Government Resolution of 17 October 1861.

District.	Zemindaree.	Number of Acres.	Value.	Date of Orders for Grant.	Name of Grantee.	Remarks.
Belaspore	Confiscated Estate of Sonakhan.	16,000	4 annas per acre.	24 June 1863	Mr. J. P. Meik	Mr. Meik has not yet taken possession of the land.

Nagpore, 3 December 1863.

— No. 24. —

Home Department.—Revenue.—No. 1 of 1864.

N.B.—The last letter in this Department was No. 40, dated 31st December 1863.

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

Sir,

* No. 29A, dated 11th January 1864, and enclosures.

In continuation of letter No. 38 of 1863, dated the 28th of December, we have the honour to transmit copy of a Report* from the Government of the North Western Provinces, "showing the extent to which arrangements have been completed for the sale of waste lands and the redemption of land revenue under

under the terms of Lord Canning's Resolution, No. 3264, dated the 17th October 1861."

2. The further Report promised by the Government of the North Western Provinces will be forwarded when it is received.

We have, &c.

(signed) *John Laurence.*

R. Napier.

H. B. Harington.

H. S. Maine.

C. Trevelyan.

W. Grey.

Fort William,

6 February 1864.

Enclosure in No. 24.

(No. 28 A of 1863.)

From *R. Simson*, Esq., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India, Home Department, Fort William; dated Camp, Agra, 11 January 1864.

Sir,

With reference to the letter from your Department, No. 4206, dated 15th August 1862, and subsequent correspondence, I am directed to forward a copy of the papers noted in the margin, showing the extent to which arrangements have been completed for the sale of waste lands and the redemption of land revenue under the terms of Lord Canning's Resolution, No. 3264, dated 17th October 1861.

From Secretary, Sudder Board of Revenue, No. 92, dated 30th January 1862.

To Secretary, Sudder Board of Revenue, dated 15th April 1862.

From Secretary, Sudder Board of Revenue, North Western Provinces, No. 835, dated 19th November and Enclosures.

To Secretary, Sudder Board of Revenue, North Western Provinces, No. 27A of this date.

2. You will be again addressed as soon as the additional information called for has been submitted by the Sudder Board of Revenue.

I have, &c.

(signed) *R. Simson,*

Secretary to Government, North Western Provinces.

(No 92 of 1862.)

From *G. H. M. Batten*, Esq., Officiating Secretary to the Sudder Board of Revenue, North Western Provinces, Allahabad, to *Sir George Couper*, Bart., & c. b., Secretary to Government, North Western Provinces; dated Allahabad, 30 January 1862.

Sir,

I AM directed, by the Sudder Board of Revenue, to submit, for the approval of his honour the Lieutenant Governor, the following replies, which the Board propose to issue, to questions put by the Commissioner of Kumaon, on certain points in connexion with the grants of land in that division. The questions and answers are as follows:—

Present:—*W. Muir*, Esq., Senior Member.

First. A village containing five square miles, within its settlement boundaries, paying 100 rupees of revenue on the assessed cultivated area of 100 acres, is applied for in fee simple by A. Does A. by paying 2,000 rupees acquire full right and title within the five square miles included within his settlement boundaries; or is such right limited to the assessed cultivated area with a portion of waste land? Of the latter what proportion of waste is to be assigned to 100 acres of cultivated land?

2. *First.* The Commissioner inquires whether a Zemindar by paying 20 years' jumma acquires a full proprietary right over the entire area assigned to the village at settlement? Under the system of settlement pursued in the plains, he undoubtedly would; but the settlement in Kumaon, Gurhwal and Jounsar, has been necessarily made on other principles.

3. The assignment of areas to villages in those districts does not convey a full proprietary right as against Government, but only a certain exclusive right as against neighbouring Zemindars, and the contingent right of extending cultivation throughout those areas.

4. In so far as they cultivate, and actually occupy, any portion of their areas, the Zemindars acquire a full proprietary right; but it has been held that, in respect of all uncultivated and unoccupied land, the Government has the right to resume it and assign it in grants or otherwise to third parties. Redemption of the land tax does not create any new rights of proprietorship, but only fixes existing rights in perpetuity free of Government demand.

5. The Board, therefore, hold that a Zemindar by redeeming his revenue simply redeems the land he has in actual occupancy, or may during the currency of the existing settlement cultivate and occupy without infringing the Government right above indicated.

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6. There would, however, be no need to assign any limit of waste and grazing land, until the necessity for so doing should arise in consequence of the Government asserting, in any case, its right to appropriate any unoccupied part of the areas of a village.

Second. A village of 90 acres was assessed at last settlement at two rupees yearly jumma, in consequence of insalubrity of climate, danger from tigers, and destruction to crops from deer. Can this area be purchased in fee simple for 40 rupees? The whole is now under cultivation. If the land cannot be bought for 40 rupees, can it be purchased at five rupees per acre, the price of cleared land?

7. *Second.* Supposing a village to be entirely cultivated, and settled in proprietary right at an assessment of two rupees per annum, the Board do not see what hindrance there is, under the resolution, to its being redeemed at 40 rupees for ever. This price may be entirely inadequate, but the provisions of the Resolution must be maintained inviolate even where reduction of assessment has been allowed with an avowedly temporary view; the reduced jumma will be the standard of redemption unless the precaution had been taken of keeping the former jumma, on the books of Government, as the assessment to be eventually reverted to.

Third. The Ghurwal settlement has expired; can the proprietors of land, in cases similar to the one above, purchase by paying 20 years' revenue if the offer be made before the new jumma is sanctioned, or at what date does the would-be purchaser forfeit his right?

8. *Third.* Under the rules submitted by the Board to Government the old jumma would be the standard until the new jumma had been given out. If this will be approved by the Government of India, it will answer the question.

Fourth. The Kumaon and Ghurwal settlements were made by guess as regards area. Village A contains by the settlement record 30 acres, and is assessed at 20. Village B. by the same record has an area of 60 acres, and is assessed at 50. By actual measurement Village B. has only 30 and Village A. 50 acres; can the proprietor of A. purchase his village at 400 rupees? The difference above shown not arising from inequality of soil but from false reports of native officials as regards area. In this case A., in consequence of false returns, would have the advantage of purchasing 50 acres at the price demandable on 30, while B. could only avail himself of the same order by paying for 30, the price of 60 acres.

9. *Fourth.* Actual areas cultivated or occupied would be redeemable at the recorded jummas; cases of fraud, of course, would be liable to re-consideration on their merits.

Fifth. In the Kumaon and Ghurwal Hills no one per cent. Road Fund has ever existed, and the sum would be utterly inadequate to the work,—every village is compelled to supply a fair amount of labour. If this system were abolished, a one per cent. Road Fund would not be sufficient to build a few bridges, without repairing a foot of road. According to Government order, regarding the sale of waste lands, the fee simple purchaser is to pay one rupee on every 1,000 paid. If this be recognised in these Hills, are those who do not purchase to do the road and bridge work of those who do buy?

10. *Fifth.* Existing liabilities are unaffected in case of redemption, and where there is at present liability to furnish labour for the repair of the roads, there the labour system would continue; but in the case of sale of waste lands the provision in Article IV. of the Grant Farm would hold good, and no further demand would be legal.

Sixth. Up to the present time no demand was ever made on account of Putwarrees. It is found that the number of Putwarrees, equal to the work of the district 20 years ago, is now quite insufficient; and in the current Ghurwal settlement a cess to supply the deficiency is being levied. Are fee simple purchasers exempted from this cess? As all police duties are performed by Putwarrees in these Hill districts, can grantees be called on to pay in lieu of the Chowkedaree tax towards the Putwarree establishment? In the Hills there are no Chowkedars.

11. *Sixth.* The same principle applies to Putwarrees. In new grants the entertainment of these cannot be enforced.

Seventh. Are such grantees exempt from all demands on account of Dāk Funds and School Cess? If liable to the demand, may they commute the yearly payment by giving it in one sum equal to 20 years?

12. *Seventh.* They are exempt.

13. I am to add that these constructions were concurred in by Mr. Money before his departure.

I am, &c.
(signed) G. H. M. Batten,
Officiating Secretary, Sudder Board of Revenue, North West Provinces.

(No. 321 A.)

From Sir *George Couper*, Bart., and C. B., Secretary to Government, North Western Provinces, to *G. H. M. Batten*, Esq., Secretary, Sudder Board of Revenue; dated Nynee Tal, 15 April 1862.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 92, dated 30th January last, in which the Sudder Board of Revenue submit certain replies which they propose to issue to the Commissioner of Kumaon regarding the grant of waste lands in fee simple.

2. In reply, I am desired to state, for the information of the Board, that, under the explanation furnished in your 4th paragraph of the principles on which the settlements in the Hill districts have been made, and of the right reserved to the Government of granting away uncultivated and unoccupied lands, the Lieutenant Governor agrees in the opinion which the Board have expressed in paragraphs 5 and 6, and in the instructions which they propose to issue to the Commissioner of Kumaon, to the effect that a zemindar by redeeming his revenue simply redeems the land he has in actual occupancy, or may, during the currency of the existing settlement, cultivate and occupy without infringing the Government right above indicated.

3. The Lieutenant Governor also concurs in the 7th paragraph of your letter under acknowledgment that, supposing a village to be entirely cultivated and settled in proprietary right at an assessment of two rupees per annum, there should be no hindrance, under the Resolution, No. 3264, dated 17th October 1861, to its being redeemed at 40 rupees for ever; and that, although the price may be deemed inadequate, the provisions of the Resolution must be maintained inviolate, even where reduction of assessment has been allowed, with an avowedly temporary view. The case would be different, however, if the precaution had been taken of keeping a higher jumma on the books of Government, as the assessment to be eventually reverted to.

4. The view taken by the Board in your 8th paragraph, that in cases where the settlement has expired, the old jumma should be the standard for purchase until the new jumma has been given out, is, I am happy to state, correct.

5. The Lieutenant Governor further approves of the opinion expressed in the 9th paragraph of your letter, that actual areas, cultivated or occupied, should be redeemable at the recorded jummas, cases of fraud in false returns being held liable to re-consideration on their merits.

6. His Honor agrees with the Board that the liabilities which at present exist in Kumaon and Ghurwal, to furnish labour for the repair of roads, should continue as heretofore. With advertence, however, to the latter clause of your 10th paragraph regarding the provision in Article IV. of the Grant Farm being held good in the sale of waste land, and that no further demand would be legal, I am to refer the Board to the letter from the Secretary to the Government of India in the Home Department, No. 1376, dated 11th March 1862, copy of which was forwarded to your address with Government Order, No. 250 A, dated 2d instant, and to remark that, according to the instructions therein contained, the one per cent. Road Fund, where it exists in the Hill districts, cannot be redeemed, but must continue to be paid separately.

7. The Commissioner of Kumaon states in his sixth question that no demand has ever been made on account of Putwarrees; that the number at present employed is not equal to the work of the district, and that consequently in the current Ghurwal settlement a cess is being levied to supply the deficiency. His Honor is of opinion that under the provisions of paragraph 7 of Mr. Grey's letter, No. 1376, dated 11th March, as all police duties are performed by Putwarrees in the Hill districts, purchasers in fee simple can be called on to contribute towards keeping up the Putwarree establishment in lieu of the Chowkeedaree tax.

8. In conclusion, I am to state that grantees are exempt from all demands on account of Dâk Fund and School Cess, unless at any time, prior to purchase, they covenanted to pay them. In that case they would not be redeemable, but payable separately.

I have, &c.

(signed) *George Couper*,
Secretary to Government, North Western Provinces.

(No. 835 of 1863.)

From *B. Hardinge*, Esq., Officiating Secretary, Sudder Board of Revenue, North Western Provinces, Allahabad, to *R. Simson*, Esq., Secretary to the Government of the North Western Provinces; dated Allahabad, 19 November 1863.

Sir,

Present:—*W. Muir*, Esq., Senior Member, and *R. Money*, Esq., Junior Member.

In reply to the Orders of Government, No. 945 A (Revenue Department), dated 26th August 1862, and subsequent reminders, I am desired by the Sudder Board of Revenue to submit the accompanying statements showing the applications made under the terms of the Resolution of the Government of India, No. 3264, dated 17th October 1861, for the purchase of waste lands and the redemption of the land revenue.

2. Her Majesty's Secretary of State for India, in the 76th paragraph of his Despatch, dated the 9th July 1862, declared that any arrangements which had been actually completed under the provisions of the above-quoted Resolution, must be scrupulously carried into effect.

3. The rules regarding the purchase of waste lands under that Resolution having been prepared by the Board, were approved by the Government, North Western Provinces, and published under a Notification, No. 1358 A, dated the 11th December 1861. Those regarding the redemption of the land revenue were also prepared by the Board and submitted on the 6th December 1861, No. 873; but questions having arisen on certain points, the publication of the rules was postponed by Government, and before the points were decided, Sir C. Wood's Despatch of the 9th July 1862* was received, abrogating the rule for redemption excepting on certain special cases, and modifying the principles laid down for the sale of waste lands.

* First published in the "Allahabad Gazette" of the 26th August 1862.

4. Meanwhile applications not only for the purchase of waste lands but also for the redemption of the land revenue had in some districts been received, although it was impossible to take any definite action on them, until the expected rules should be issued.

5. Some of the applications for the purchase of waste lands having been reported to Government, his Honor the late Lieutenant Governor, in Orders No. 1297 A, dated 1st November 1862, reminded the Board that a general return of all such transactions which had been completed was required, and proceeded to determine how the word "completed" should be understood. The 4th paragraph of the Orders referred is quoted below.† The Board were desired to make up the statement to be guided by this construction. Subsequently, in dealing with the case of Mr. Meaking, who had made an application for land in Kumaon, had deposited earnest money, had had the land surveyed, and in anticipation of obtaining formal possession had prepared it for seed, and had shown the tea which he had obtained from the Government factory, his Honor observed that if the application was not registered, it was the omission of the local authorities, and that Mr. Meaking was certainly entitled to obtain land under the terms of the cancelled rules.

† Government Order to Commissioner of Kumaon, No. 42 A, dated 12th January 1863.

6. Statement A. contains a list of all the applications for the purchase of waste lands which were made under the terms of Lord Canning's Resolution before Sir Charles Wood's Despatch of the 9th July 1862 was published. Some of the cases are applications for the purchase of lands held under the grant rules as allowed by paragraph 33 of the Resolution. In no such case except in No. 18 were the provisions of paragraph 50 applicable, as 20 years' purchase of highest jumma fixed for any year of the grant always considerably exceeded the price at Rs. 2. 8. per acre for uncleared land, and 5 rupees per acre for lands unencumbered with jungle.

7. Applying the liberal construction of Government to the word "completed," the Board would recommend that in all these cases the sales be carried out strictly in accordance with the terms of the Resolution of October 1861 and the rules laid down by Government, and the price might fairly be calculated on the assumption that the quantity of cleared land correspond with the amount which, under the terms of the grant ought to have been cleared at the date of application to purchase. For the purpose of calculation it would be necessary to assume that the clearing had proceeded at an equable yearly rate. It would not be fair to take into account the clearances made subsequently, and it would now be difficult to ascertain the amount that had been cleared at the time the application was registered. In cases Nos. 34 and 35 the separation of the shares to be purchased must of course be first effected. With regard to case No. 18, the Board would recommend that, under the circumstances,

† The Lieutenant Governor had proposed to recommend to the Government of India, that all transactions in respect of which an application had been made, and the requirements of the Resolution of October 1861, and the Rules originally published for these Provinces, so far as they relate to such application, had been fulfilled by the applicants, so far as it rested with him individually to fulfil them, should be regarded as "completed." But no such reference to the Government of India will now be necessary, the point, it is believed, having been ruled by the Government of India in accordance with the 22d of the Rules issued by the Government of Bengal, which is in the following words:—"Lands for the purchase of which application has been made under the Resolution of the 17th October 1861 will, if such application were duly registered, be dealt with in accordance with the terms of the said Resolution so far as the law allows."

stances, the Government right to the timber be sold to the applicants at the price fixed by the Collector and agreed to by the applicants. The Collector reports that the trees are chiefly saul, which have been mostly cut for the purpose of making ploughs, &c.; from what he can learn there is no timber likely to be serviceable for the Public Works Department. There are other descriptions of wood, mostly used for firewood, and there is young saul of an inferior description called "korin." The timber has not been preserved, the right of cutting being farmed yearly. The reservation of such a right would no doubt be seriously detrimental to the grantees, if they be allowed to purchase the feesimple of the grant.

8. The actual price to be paid in each case is not stated, as the details of cleared and uncleared lands have not been definitely ascertained. The exact amount will be settled on his Honor's communicating orders on the principle proposed in the preceding paragraph.

9. In Statement B. are entered all the applications for redemption of the land revenue of settled estates. As before mentioned, no rules for carrying into effect this part of Lord Canning's Resolution were issued by the Government; it was therefore impossible to take any action on the applications which were made for redemption.

10. In applying the instructions of Sir Charles Wood's 76th paragraph, as to the maintaining of transactions "actually completed," to cases of redemption of the land revenue, in these cases the Board think that a distinction may reasonably be drawn between them and applications to purchase waste lands.

11. In case of waste lands, the exact sum to be paid was not known till measurement, and, moreover, only one-tenth of the amount was required to be paid down. It was therefore reasonable in such cases to take the mere application as entitling the applicant to the full privilege of Lord Canning's rules.

12. But in the case of redemption of settled estates, the sum to be paid was actually known, and was by the original rules to be paid down at once. The Board would accordingly suggest for his Honor's consideration, whether it might not be fair and proper to restrict the application of the term "actual completion," as used by the Secretary of State, to those applications for redemption which were accompanied by an actual tender of the full redemption money.

13. Under paragraph 46 of the Resolution, it was declared that "in districts not permanently settled the party who has the right to pay the Government land revenue, rent, or jumma will be permitted to redeem it only when he also possesses the right of occupancy of the land." The Board understand by "right of occupancy" proprietary possession, and not tenant-right of occupancy, as under Act X. of 1859 many tenants may have a right of occupancy, and so, as it were, intervene between the proprietor and the soil. Where, therefore, the applicants are both malgoozars and zemindars the Board would allow of the redemption being carried into effect, provided that the land the revenue of which is sought to be redeemed be solely the property of the applicants. The redemption of undivided shares cannot be allowed unless reparation be first effected.

14. In the districts of Goruckpore, Dehra Doon, and Ghurwal resettlement was in progress. The Board suggest that if the new jummas had not been declared previous to the application for redemption, the purchase-money be calculated on the former jummas, otherwise on the new jummas.

15. With regard to the villages in Kumaon and Ghurwal, there is this peculiarity. In the nominal village boundaries are included vast tracts of waste land, the possible assets of which were not taken into consideration in making the settlement. The proprietors have no rights in such land beyond those of pasturage and collection of fuel, though it is understood that they are entitled to bring land under cultivation without any enhancement of the Government demand. Such rights have, however, only been allowed in the absence of any desire on the part of Government to make other use of the land, which is in fact exclusively Government property, the villagers being allowed to exercise certain rights on sufferance. It will therefore be necessary very carefully to define the redeemed area, which will ordinarily consist of the land under cultivation or recently thrown out of cultivation, together with such amount of uncultivated and waste lands as may serve for pasturage and fuel, and make the redeemed estate compact. The determination of this may be left to the local officers. Such rights as already exist in the remaining area included within the nominal village boundary will remain on the same footing that they have hitherto been.

I am, &c.

(signed) *B. Hardinge*,
Officiating Secretary, Sudder Board of Revenue.

STATEMENT (A.)

LIST of APPLICATIONS for Purchase of Waste Lands under the Terms of Lord Canning's Resolution, dated 17th October 1861, made previous to the Publication of the Despatch of Her Majesty's Secretary of State.

Division.	District.	Number.	Name of Applicant.	Locality.	Date of Application.	Number of Acres.	Value.	REMARKS.	
MERRUT.	Dehra Doon.	1	Colonel Smith - -	Chunderbunce -	8 Feb. 1862	635	1,595 - -	Ten per cent. of the purchase-money has been paid down in these three cases.	
		2	Mrs. C. B. Carbery -	Ditto - -	16 Jan. "	754	3,255 - -		
		3	Kadir Khan and Koora.	Ditto - -	27 Feb. "	312	1,177 8 -		
		4	Mrs. Vansittart -	Central Hope Town.	6 Feb. "	3,327	7,762 8 -	This land has been offered by Government to Mrs. Vansittart either as a grant at Rs. 7,762. 8., or as a zemindaree at an annual jumma of 500 rupees: vide General Order, No. 6404, dated 18 June 1862.	Mrs. Vansittart has not yet said which alternative she will adopt, and a petition from her has lately been sent to the Board for report: she is, however, entitled to the full benefit of Lord Canning's Resolution if she pleases.
		5	Dr. Whittall, Manager, Dehra Doon and N. W. of India Tea Company (Limited).	Eastern Hope Town.	7 Aug. "	3,503	14,285 - -	These are grants taken under the old rules. No new survey has been made, the Superintendent of the Doon having represented that the maps of the regular survey, made by Major Browne, were sufficient for the purpose, although small portions of the forest standing in the grants might have subsequently cleared. A survey by Plane Table would probably be less free from error than if Major Browne's details were accepted. This was approved by the Board.	
		6	Ditto - - -	Arcadia - -	Ditto -	5,400	23,730 - -	The document prescribed by paragraph 18 of the Resolution of the 17th October 1861 (Form A. of the Rules of N. W. Provinces Government, dated 11th December 1861) has been given to the applicant.	
		7	Mr. J. Mackinnon -	Altic Farm -	10 Feb. 1862	2,590	9,452 8 -		
		8	Major J. Macpherson	Pirtheepore -	17 Feb. "	1,000	Ditto; the measurement of these lands was not completed when the applications were reported.		
		9	Lieut. Swetenham -	Ditto - -	13 May "	2,000			
		10	Major Swetenham -	Chandpore -	Ditto -	400			
		11	Mr. Lemaistre - -	Bangala and Bumba Ruddee.	19 May 1862	3,000			

MERRUT.

ROHILCUND.

Dehra Doon.

Shajehanpore.

12	Captain Lyster -	Bangala and Bumba Rudee.	5 Dec. 1861		
13	Ram Sing - -	Ditto - -	19 May 1862		
14	Ram Nath, Debee Dutt, Mr. Snew, and Hunoomunt Pooree.	Ditto - -	6 May "		
15	Major Swetenham and Lieut. Swetenham.	Nawada - -	30 May "	4,000	
16	Gunput Roy - -	Ditto - -	25 Feb. "	75	
17	Mrs. Dick - -	Dhool Kote - -	19 Nov. 1861	1,000	
18	Messrs. Carew & Co.	Grant No. 1, Pergunnah Poorunpore.	1 May 1862	3,156	4,786 14 4

Both parties applied for land in the same forest. Captain Lyster advanced the price of measurement until the measurements are completed; it is not known whether the claims will clash.

All these parties applied for the same land; measurement was delayed owing to the rains, after which it was proposed to proceed to auction-sale, under Lord Canning's Resolution, paragraph 30.

The land applied for by these parties is in the same forest, but it has not been ascertained whether the larger application includes the smaller. The proclamation prescribed by paragraph 17 of Lord Canning's Resolution was made, but no further steps taken. If the two claims were found not to clash, it was proposed to proceed under that Resolution.

Proclamation was made, but no further steps taken. All the above cases in Dehra Doon were reported by the Board, and General Order No. 1,207A, dated 1st November 1862, were thereon issued.

It is proposed to treat all of them under Lord Canning's Rules.

This was a grant under the old rules made in 1852. The applicants are the representatives of the grantee. The whole area of the grant is 3,156 acres, of which about 560 acres had been cleared at the time of the application, which would give 7,890 rupees as the purchase-money; but 200 rupees is the highest jumma fixed for any year during the currency of the grant. The applicants would therefore have been entitled to purchase the grant for 4,000 rupees, under paragraph 50 of Lord Canning's Resolution. At the time of the grant Government reserved the right to the timber, the cutting of which has been leased yearly at an average rent of Rs. 78. 7. 10. The grantees wish to purchase this right; and the Collector considers that 10 years' purchase is sufficient, as the value decreases yearly as the ground is cleared away. The grantees agree to this, and represent that unless they be allowed to purchase the Government right to the timber, the grant will be valueless to them, and they are prepared to relinquish it altogether. The Board recommend the arrangement being carried out accordingly.

If it be found that these claims clash, then that portion of the land which has been applied for by both must be put up to auction, under paragraph 30 of the Government Resolution.

This also must be put up to auction, under paragraph 30 of the Government Resolution.

If the claims do clash, then the smaller claim of 75 acres must be put up for sale, under paragraph 30 of the Resolution.

The whole of the other Dehra Doon cases might be treated under the general rules laid down in Lord Canning's Resolution.

The arrangement seems equitable, and might be sanctioned.

STATEMENT (A).—LIST of Applications for Purchase of Waste Lands under the Terms of Lord Canning's Resolution, &c.—continued.

Division.	District.	Number.	Name of Applicant.	Locality.	Date of Application.	Number of Acres.	Value.	REMARKS.
GORUCKPORE.	Goruckpore.	10	Unnund Pershad -	Jungle Jurlaha, Plot No. 2.	14 April 1862	Acres. 887	Rs. 2,002 8 -	<p>These plots were taken, under the old Grant Rules, in June 1861, at a premium of Rs. 280. 5. ; but before the warrant was given Lord Canning's Resolution appeared, and the Collector offered the grantee the option of purchasing under the terms of that Resolution. This was accepted, and Rs. 3,412. 8. deposited after issue of an advertisement. The Board directed that these grants be considered as purchased under the terms of Lord Canning's Resolution.</p> <p>This was a grant made under the Grant Rules in 1857; the highest jumma for any one year was 330 rupees, which, at 20 years' purchase, could give 6,780 rupees; but as only 23 acres were cleared, the price would not exceed 2,775 rupees, under paragraphs 20 and 50 of Lord Canning's Resolution.</p> <p>This was a similar grant, the highest jumma being 242 rupees. No land had been cleared.</p> <p>This land was all uncleared. Rs. 2. 12. per acre was offered for it, and a notification for objectors issued.</p> <p>The advertisement for objection was in all these cases issued.</p>
		20	Luchit Pershad -	Ditto, No. 3 -	Ditto - -	670	1,675 - -	
		21	Misree Lal - -	Jungle Bankec, Plot No. 4.	25 Aug. 1862	1,087	2,775 - -	
		22	Ditto - - -	Ditto, Plot No. 5.	Ditto - -	778	1,032 8 -	
		23	Mrs. E. Ludovicus -	Tilkonea, Plot No. 3.	1 Feb. 1862	990	2,720 - -	
		24	Dwarkanath Gungoly	Sukhnee, Plot No. 1.	17 May 1862	600	1,500 - -	
		25	Thakoor Dutt - -	Bankee, Plot No. 2.	Ditto - -	787	1,067 8 -	
		26	Govind Doss - -	Ditto, No. 3	Ditto - -	1,175	2,937 8 -	
		27	Sama Churn - -	Ditto, No. 10	21 May 1862	923	2,307 8 -	
		28	Ditto - - -	Ditto, No. 11	Ditto - -	1,014	2,622 8 -	
		29	Ditto - - -	Ditto, No. 12	Ditto - -	1,023	3,357 8 -	
30	Beebee Chunda -	Doomree, Plot No. 1.	12 April 1862	2,085	5,212 8 -			
31	Choonee Lall - -	Ditto, No. 2 -	Ditto - -	2,523	6,307 8 -			

32	Mr. W. Cooke	Bagbagara	17 Mar. 1862	18,023	65,115
33	Mr. F. M. Gibbon	Birdpore	27 April "	29,316	
34	Ditto	Doolaba	Ditto	3,619	
35	Mr. K. M'Iver	Doomlote	1 Dec. 1861	348	
36	Ditto	Timlee	Ditto	380	
37	Ditto	Bhowtpore	Ditto	139	
38	Ditto	Komanee Grant	17 Dec. 1861	1,429	
39	Colonel E. Money	Doonagir	8 Jan. 1862	2,424	
40	Ditto	Paneea Koolec	18 Mar. "	not measured.	
41	Mr. Meakin	Near Oodyaree Chiffloa, Dole and Loha Thal Mororria.	13 Feb. "	2,000	
42	Ditto	Nag-ka-Danda	Ditto	700	
43	Ditto	Near Soma Oodiyar.	Ditto	300	
44	Mr. Lyall	A patch north-east of Rye-koth.	20 Mar. 1862	104	
45	Ditto	Adjoining Chena-Panee.	20 Mar. "	24	
46	Captain Darsey	Adjoining present property of applicant.	27 Mar. "	176	
40 A.	Mr. C. J. R. Troup	Jouna	16 July "	470	

This land is all cleared. It is a grant made in 1843. The highest jumma for any one year is 5,006 rupees, which would give 1,00,120 rupees as the purchase-money at 20 years.

In these lands the applicant holds undivided share, which he wished to purchase; i. e., a three-anna share in No. 33, and one-third of No. 34. He was directed to get his share divided off before his application could be complied with.

The applicant has been put in possession, and the steps taken for completing the survey.

This is a grant under the old rules.

No steps taken to ascertain area, &c. These should now be taken.

Mr. Meakin made three distinct applications, on behalf of himself and his two brothers in England. He has deposited 850 rupees. He was called on for some assurance that the concerns were *bona fide* separate, and not in partnership, as the maximum under the rules was 2,000 acres. Orders were passed on Mr. Meakin's application by Government to the address of the Commissioner of Kumaon, No. 42A, dated 12th January 1863.

After rough survey Mr. Lyall wished to take only 86 acres. He has not yet been put in possession. The land adjoins a grant under the old rules. Mr. Lyall would, perhaps, wish to take this land under those rules. The Senior Assistant Commissioner suggests that he be offered the option, which the Board, under any circumstances, would always advocate being given.

The applicant has been put in possession.

Land surveyed, and applicant put in possession; the purchase-money was offered but not accepted, pending correct survey.

It having been ascertained that there are no adverse claims, the applicant has been put in possession.

The division must, of course, first be made.

Mr. Meakin seems clearly to be entitled to the benefit of the rules, provided that he shows satisfactorily that the concerns are quite distinct.

It seems quite fair to allow Mr. Lyall to have the option.

STATEMENT (A).—List of Applications for Purchase of Waste Lands under the Terms of Lord Canning's Resolution, &c.—continued.

Division.	District.	Number.	Name of Applicant.	Locality.	Date of Application.	Number of Acres.	Value.	REMARKS.	
								Rs.	a. p.
KUMAON.	Ghurwal.	47	Mr. Warrant - -	Gwuldun - -	20 Feb. 1862	Acres. About 400	-	-	Nos. 47 to 55 are grants under the old rules; the surveys are in progress; the applicants all wished to purchase under paragraph 88 of Lord Canning's Resolution. It has been reported that the grantee of No. 55 has since thrown up his grant. This should be ascertained without delay, and reported to Government.
		48	Silkoth Tea Company	Mut Kota Khul and Ghoree Khurk, &c.	4 June 1862	- -	-	-	
		49	Mr. Richards - -	Seetoolee and Tolla Bheetea.	Feb. 1862	- -	-	-	
		50	Ditto - - -	Nugger Kanday and Latooryee.	Ditto -	- -	-	-	
		51	Mr. Warrant - -	Talwarree -	7 April 1862	„ 400	-	-	
		52	Major Mayne - -	Jukh and Bhourkia, &c.	23 June 1862	- -	-	-	
		53	Ditto - - -	Patol Chouree Kona Khet, &c.	Ditto -	- -	-	-	
		54	Mr. Richards - -	Bhundareyee, Kunai Nunda, &c.	Feb. 1862	„ 600	-	-	
		55	Mr. Gonne - - -	Beenee Tal -	9 June 1862	- -	-	-	
		56	Mr. Troup - - -	Bena Tolee Surtolee.	20 Feb. 1862	„ 800	-	-	
		57	Mr. Warrant - -	Kouria Sango and Dourh.	7 April 1862	„ 400	-	-	
58	Mr. Henry - - -	Binsur - - -	April 1862	„ 800	-	-			
59	Major Mayne - -	Mulla Seewan Soomerpore	8 July 1862	- -	-	-			
60	Mr. Webber - - -	Ugrora - - -	15 Aug. 1862	„ 300	-	-			
61	Mr. Warrant - -	Below Jola -	4 Sept. 1862	- -	-	-			

PAPERS RELATING TO THE SALE OF WASTE LANDS

North-Western Provinces, Allahabad, }
19 November 1863.

(signed) B. Hardinge,
Officiating Secretary, Sudder Board of Revenue.

STATEMENT (B.)

LIST of APPLICATIONS for the Redemption of Land Revenue under the Terms of Lord Canning's Resolution, dated 17 October 1861, made previous to the Publication of the Despatch of Her Majesty's Secretary of State, dated 19 July 1862.

Division.	District.	Number.	Name of Applicants.	Name of Estate.	Date of Application.	Amount of Jumma to be Redeemed.	REMARKS.
MEERUT.	Dehra Dhoon.	1	Mrs. Vansittart	West Hope Town Grant	13 Nov. 1861	<i>Rs. a. p.</i> 1,374 - -	In all these cases the applications were duly registered, but no further steps have been taken. It should have been stated whether the applicants ever offered to deposit the redemption money. This should now be ascertained.
		2	Mrs. Dick	Dolunwala	19 " "	170 - -	
		3	Baboo Ramcoomar	Shirpore	27 " "	53 - -	
		4	Mr. Hobson	Mukriete	5 Dec. "		
		5	Major Swetenham	Horawala	12 " "	173 - -	
		6	Ditto	Birsunnee	Ditto	32 - -	
		7	Ditto	Chandpore Kulan	Ditto	80 - -	
		8	Ditto	Tilwaree	Ditto	89 - -	
		9	Ditto	Doom Nuggur	Ditto	20 - -	
		10	Rai Nundram	Bajawala	19 Dec. 1861	98 - -	
		11	Ditto	Nowa Nuggur	Ditto	24 - -	
		12	Ramnath and Nundlal	Meronwala	Ditto	48 - -	
		13	Ditto	Hurbhujwala	Ditto	65 - -	
		14	Ditto	Kundholee	Ditto	89 - -	
		15	Mohunt Pretum Dass	Umbeewala	20 Dec. 1861	68 - -	
		16	Ditto	Bamunwala	Ditto	127 - -	
		17	Ditto	Nalee Kulan	Ditto	50 - -	
		18	Dhoom Singh	Lukkunwala	21 Dec. 1861	195 - -	
		19	Ditto	Byrageewala	Ditto	26 - -	
		20	Raja Lal Singh	Nutunpore	Ditto	154 - -	
		21	Chotea	Kanswala Kotce	5 Jan. 1862	47 - -	
		22	Ditto	Puttee Misras	Ditto	36 - -	
		23	Ditto	Bhanwala	Ditto	50 - -	
		24	Nyn Singh	Kotce	3 Jan. 1862	10 - -	
		25	Ditto	Langta	Ditto	49 - -	
		26	Ditto	Keshowala	Ditto	32 - -	
		27	Bulram	Biarna	Ditto	20 - -	
		28	Ram Singh	Bhoputwala, Khoord	7 Jan. 1862	3 - -	
		29	Buktawur Singh	Pirtheepore	4 Mar. "	48 - -	

STATEMENT (B).—LIST of Applications for the Redemption of Land Revenue under the Terms of Lord Canning's Resolution, &c.—continued.

Division.	District.	Number.	Name of Applicants.	Name of Estate.	Date of Application.	Amount of Jumma to be Redeemed.	REMARKS.
ROHILCUND.	Bijnour.	30	Choudrees Omrao Singh and Busunt Singh.	Khojistabad - -	20 Nov. 1861 -	Rs. a. p. 149 1 -	Case No. 30 was reported to Government by the Board on which G. O. No. 305 A (Revenue Department), dated 25 April 1862, were issued. Under those orders action was suspended on these cases. In case No. 30 is included a resumed maafee patch of which the jumma is paid by the ex-maafedar through the Chowdrees, the Zemindars of the village, who have no other rights in the patch (the jumma of the Chowdrees' own land in Khojistabad is Rs. 104. 8 a.), the transaction would, of course, extend only to the latter amount.
		31	Ditto - - -	Toorabpore - -	Ditto - -	60 10 9	
		32	Ditto - - -	Bhagee Jote - -	9 April 1862 -	249 10 -	
		33	Ditto - - -	Allehpore Moobarick - -	Ditto - -	60 10 9	
		34	Raja Pertap Singh -	Bullea Nuglee - -	31 Mar. 1862 -	90 15 9	
		35	Gholam Kadir Khan -	Ourungabad - -	1 May " -	56 9 8	
		36	Ditto - - -	Ghasscewala - -	Ditto - -	21 4 3	
		37	Ditto - - -	Soondurwala - -	Ditto - -	14 2 2	
		38	Ditto - - -	Mitheewala or Kotkadir.	Ditto - -	24 4 4½	
		39	Ditto - - -	Mooradbukshpore -	Ditto - -	7 1 1	
		40	Mr. Berkeley - -	Manpore Chubsotiya -	10 Dec. 1861 -	1,000 - -	
		41	Ditto - - -	Nubbee Nuggur - -	Ditto - -	650 - -	
		42	Ditto - - -	Doobaree - -	Ditto - -	150 - -	
		43	Ditto - - -	Palpore Kumalpore -	Ditto - -	937 - -	
		44	Ditto - - -	Furreedpore - -	Ditto - -	189 - -	
	45	Ditto - - -	Kanbeerpore - -	Ditto - -	268 8 -		
	46	Ditto - - -	Ghunghora - -	Ditto - -	450 - -		
	47	Ditto - - -	Pusra Tans - -	Ditto - -	450 - -		
	48	Ditto - - -	Town - house compound.	Ditto - -	100 - -		
	49	Ditto - - -	Mohunpore - -	Ditto - -	498 7 2		
	50	Ditto - - -	Mutkapore Bahampore.	Ditto - -	450 - -		
	51	Barcilly.	Shaikh Umeer Alee -	Semra - - -	8 Jan. 1862 -	125 - -	Ditto. In these cases the redemption money was deposited in the Collector's Treasury, but has since been refunded.
	52		Ditto - - -	Balpore - - -	Ditto - -	160 - -	
	53		Motee Ram Sah -	Chengree - - -	20 Jan. 1862 -	71 - -	
	54		Sheikh Budroo-deen	Untooa - - -	Ditto - -	25 - -	

PAPERS RELATING TO THE SALE OF WASTE LANDS

The same remark applies to these cases.

Ditto . . ditto.

These are apparently the only cases in which the redemption money was actually deposited in the Government Treasury.

It appears from the enclosures to the Board's letter to which G. O. No. 127 A is a reply, that in this case "no money was lodged, but the applicant has been informed that his tender cannot be received." It should be ascertained and reported whether the redemption money was tendered and refused.

Region	Sub-Region	No.	Name	Location	Date	Area (Annas)	Area (Guntas)	Area (Sars)	Notes
ALLAHABAD.	Allahabad.	55	Mr. Masson	Monzah Baghea Balum.	May 1862	124	3	6	The land in question formed the compound of Mr. Masson's dwelling-house. The redemption was approved in G. O. No. 726 A, dated 5th July 1862, the money has been paid, and Mr. Masson given a warrant.
		56	Mr. J. Greenfield	Pooundeepore annas share) (4	30 Jan. 1862	144	-	-	On the dates mentioned, the applications were forwarded by the Collector to the Commissioner, who issued orders allowing the applicants to deposit the redemption pending the issue of the Rules by Government. No money was deposited, and no further action taken. The jumma is that of the settlement just expired, and would stand good, provided the new jummas had not been given out when the applications were made.
		57	Ramsuroop	Proskhas	14 Mar. "	187	-	-	
58	Ditto	Chynporé	Ditto	179	-	-			
59	Ditto	Gungaram	Ditto	204	-	-			
60	Ditto	Luchmeepore	Ditto	160	-	-			
61	Ditto	Siswaraja	Ditto	228	-	-			
62	Ditto	Sidhoana	Ditto	192	-	-			
63	Ditto	Belraeen	Ditto	148	-	-			
64	Ditto	Doheea	Ditto	50	-	-			
65	Ditto	Rancee Deeha	Ditto	13	-	-			
66	Ditto	Boodha Deepkulan	Ditto	95	-	-			
67	Ditto	Ditto Khoord	Ditto	87	-	-			
GORUCKPORE.	Goruckpore.	68	Mr. K. McIver	Konsariee Nakonce	17 Dec. 1861	4	-	-	No steps taken beyond ascertaining the amount of jungle and clearing, at the time of application.
		69	General Story	Chuttea	9 Nov. "	22	-	-	
		70	Ditto	Beenga	Ditto	22	-	-	
		71	Ditto	Leealee	Ditto	9	-	-	
		72	Ditto	Part of Mowa	Ditto	20	-	-	
		73	Mr. Troup	Ojoola	1 Feb. 1862	30	-	-	
		74	Ditto	Maingree	Ditto	32	-	-	
		75	Mr. Rich	Chinsoo	18 Mar. 1862	14	-	-	
		76	Ditto	Goomchu	Ditto	10	-	-	
		77	Kartheej and others	Bamunsowal	16 April 1862	26	-	-	
78	Ditto	Moondgul	Ditto	10	-	-			
79	The Hissahdars of Kussoun	Kussoun	20 May 1862	50	-	-			
KUMAON.	Kumaon.	80	Gujadhur and others	Bussan Puttee Run-gore.	30 June "	4	-	-	In regard to all these cases, it should be ascertained and reported whether the redemption money was tendered by the applicants and refused by the local authorities.
		81	Jai Sah	Bhainsora Puttee Ochoor.	7 Aug. "	12	-	-	
		82	Mr. A. Warrand	Dhunkark in Pergunnah Kutyoor.	24 April "	-	-	-	
GHURWAL.	Ghurwal.	83	Mr. Richards	Phurkundyal	Feb. "	-	-	-	No steps taken beyond ascertaining the amount of jungle and clearing at the time of application.
		84	Mr. Warrand	Chiringa	7 April "	-	-	-	
		85	Silkoth Tea Company	Silkoth	4 Jun. "	-	-	-	
		86	Ditto	Ghindyal	Ditto	-	-	-	
		87	Ditto	Chupalee	Ditto	-	-	-	
		88	Ditto	Phurkundes	Ditto	-	-	-	
		89	Major Mayne	Soman	23 June 1862	-	-	-	
		90	Mr. Webber	Ugsora	15 Aug. "	-	-	-	

(No. 27A of 1863.)

From *R. Simson*, Esq., Secretary to the Government of the North-Western Provinces, to *G. H. M. Batten*, Esq., Secretary, Sudder Board of Revenue, North-Western Provinces; dated Camp Agra, 11 January 1864.

Sir,

I AM directed to acknowledge the receipt of your letter No. 835, dated the 19th November, with which you submit Statements A. and B., showing the applications made under the terms of the Resolution of the Government of India, No. 3264, dated 17th October 1861, for the purchase of waste lands and the redemption of land revenue, and am desired to communicate the following orders in reply:—

2. The delay which has been allowed to occur, in the submission of this report, is very much to be regretted, as has already been intimated to the Board in a separate communication.

Statement A.—
Purchase of Waste
Lands.

3. Among the cases reported in Statement A. there are several applications for the purchase of lands held under the Grant Rules; and the Board recommend that the sales, in all these cases, be carried out in conformity with the Resolution of October 1861. They think that the price might be calculated on the assumption that the quantity of cleared land corresponded with the amount which, under the terms of the grant, ought to have been cleared at the date of application; this proposal is made because a considerable time has since elapsed, and it is impossible now to ascertain the exact amount at that particular period. I am to express the concurrence of the Lieutenant-Governor in this view.

4. The Lieutenant-Governor, I am to observe, agrees with Mr. Edmonstone and the Board as to the construction to be put upon the words "actually completed" in paragraph 76 of Sir Charles Wood's Despatch, dated 9th July 1862, under which most of the grants entered in Statement A. will be maintained, although further inquiries must be awaited in several cases noted in the Statement before final instructions can be issued. The attention of the Board is called to the remarks recorded by his Honour in the appropriate column of the Statement, and it is requested that the required information may be furnished as soon as possible.

Statement B.—
Applications for
Redemption of Land
Revenue.

5. In regard to the cases entered in Statement B., the phrase "actually completed," used in Sir Charles Wood's Despatch, has also to be defined. The Board are of opinion that as the actual sum payable for the redemption was known in every case, and by Lord Canning's rules had to be paid down at once, it would be fair and proper to restrict the term to those applications for redemption which were accompanied by an actual tender of the full redemption money. The Lieutenant-Governor, however, is very doubtful if the phrase can be considered applicable even to such cases; the non-issue by the local Government of rules under which the redemption could be carried out, appears to his Honour fatal to any idea of completion.

6. Further information seems to be required in regard to several cases in this Statement, and I am to request that this may be called for and submitted without delay; particulars will be found in the proper column.

* No. 321, dated 15th
April.

7. As regards the grants in Kumaon and Ghurwal, I am to state that the orders passed by Mr. Edmonstone in April* 1862, on a reference from the Board, provide for all the questions now raised by the Board.

8. The Board's construction of the phrase "right of occupancy," in paragraph 46 of the resolution, to mean proprietary possession, and not tenant right of occupancy, is in his Honour's opinion, correct.

9. It is to be observed that in three cases only in Statement B has the purchase-money apparently been paid in; but, as already stated, the Lieutenant Governor is not prepared to concur with the Board in thinking that even in these cases the arrangements can be held to be completed. His Honour is of opinion that this question differs materially from that of grants of waste lands. In the latter case all the proceedings required under the resolution of Lord Canning might have been completed, and where the delay was attributable to defective action of local officers after the issue of the orders of the Government, the grants may fairly be considered good; but in the case of redemption of the land revenue the rules under which it might have been effected were never even issued by the Government; in no sense, therefore, can the proceedings be legitimately regarded as "completed" whether the redemption money has been paid in or not; moreover, in these cases, there is no good ground for overstepping the strict requirements of equity.

I have, &c.
(signed) *R. Simson*,
Secretary to Government, North-Western Provinces.

— No. 25. —

From Major *W. Agnew*, Officiating Commissioner of Assam, to *J. T. Wheeler*, Esq., Assistant Secretary to the Government of India, Foreign Department (No. 6); dated 13 October 1863.

IN accordance with the request contained in your circular memorandum 236, of the 13th August last, I have the honour to submit herewith the returns called for by you.

AND REDEMPTION OF LAND TAX IN INDIA.

No. 1.—STATEMENT of Grant of Waste Lands under former Rules in the Division of Assam.

DISTRICT.	YEARS.	Number and Area of Lots granted to Europeans, in Serial Order.		Number and Area of Lots granted to Natives, in Serial Order.		REMARKS.
		No.	Area in Acres.	No.	Area in Acres.	
Kamroop - -	1858 - - -	2	322 0 0	-	-	Of this, only 36 acres have been commuted to freehold on the 20th April 1863.
Durrung - -	1858 - - -	1	201 0 0	-	-	
Nowgong - -	1858 - - -	2	712 0 0	-	-	
Seeksagor - -	- - -	-	-	-	-	
Luckimpore - -	- - -	-	-	-	-	
	TOTAL - - -	5	1,235 - -	-	-	
Kamroop - -	1859 - - -	1	9,326 0 0	-	-	
Durrung - -	1859 - - -	-	642 0 0	-	-	
Nowgong - -	1859 - - -	8	8,261 0 0	-	-	
Seeksagor - -	1859 - - -	7	3,778 1 16	-	-	
Luckimpore - -	1859 - - -	4	4,211 1 0	-	-	
	TOTAL - - -	22	26,219 1 17	-	-	
Kamroop - -	1860 - - -	2	409 0 0	-	-	
Durrung - -	1860 - - -	3	1,280 0 0	-	-	
Nowgong - -	1860 - - -	7	6,044 2 15	-	-	
Seeksagor - -	1860 - - -	7	4,503 3 22	-	-	
Luckimpore - -	1860 - - -	-	-	-	-	
	TOTAL - - -	19	12,237 1 37	-	-	
Kamroop - -	1861 - - -	-	-	-	-	
Durrung - -	1861 - - -	-	-	-	-	
Nowgong - -	1861 - - -	3	1,264 1 0	-	-	
Seeksagor - -	1861 - - -	8	7,359 1 0	-	-	
Luckimpore - -	1861 - - -	6	4,214 0 0	-	-	
	TOTAL - - -	17	12,837 2 -	-	-	
Kamroop - -	1862 - - -	-	-	-	-	
Durrung - -	1862 - - -	-	-	1	165 0 0	
Nowgong - -	1862 - - -	11	9,693 3 30	-	-	
Seeksagor - -	1862 - - -	39	22,164 1 5	-	-	
Luckimpore - -	1862 - - -	-	-	-	-	
	TOTAL - - -	50	31,804 0 35	1	165 0 0	
Kamroop - -	{ For nine months from } { from Jan. to Sept. 1863 }	14	5,625 1 0	4	1,014 2 0	
Durrung - -	Ditto - - -	-	-	-	-	
Nowgong - -	Ditto - - -	-	-	-	-	
Seeksagor - -	Ditto - - -	2	1,028 1 37	4	1,733 0 21	
Luckimpore - -	Ditto - - -	4	2,960 0 0	2	1,398 3 0	
	TOTAL - - -	20	9,613 2 37	10	4,146 1 21	
	1858 - - -	5	1,235 0 0	-	-	
	1859 - - -	22	26,219 1 7	-	-	
	1860 - - -	19	12,237 1 37	-	-	
	1861 - - -	17	12,837 2 0	1	192 0 0	
	1862 - - -	50	31,804 0 35	1	165 0 0	
	1863 - - -	20	9,613 2 37	10	4,146 1 26	
	GRAND TOTAL - -	133	93,947 0 36	12	4,503 1 21	

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No. 2.—STATEMENT of Grants sold without Reservation of Proprietary Right in the Division of Assam.

DISTRICT.	YEARS.	Number and Area of Lots sold to Europeans, in Serial Order.		Number and Area of Lots sold to Natives, in Serial Order.		REMARKS.
		No.	Area in Acres.	No.	Area in Acres.	
Kamroop	{ From January to September 1863 }	—	—	—	—	
Durrung	Ditto	1	150 0 0	1	335 0 0	
Nowgong	Ditto	6	2,943 0 0	—	—	
Sebsagor	Ditto	—	—	—	—	
Luckimpore	Ditto	2	1,437 0 0	—	—	
	TOTAL	9	4,530 0 0	1	335 0 0	

Commissioner's Office, Assam,
13 October 1863.

(signed) *W. Agnew,*
Officiating Commissioner.

No. 26.

From *J. Geoghegan, Esq.*, Under Secretary to the Government of Bengal, to *A. M. Monteath, Esq.*, Under Secretary to the Government of India (No. 471); dated 28 January 1863.

I AM directed to acknowledge the receipt of your letter, No. 474, dated the 19th instant, and with reference to Paragraph 2 of Orders No. 4206,* dated 15th August last, to forward, for the information of his Excellency the Governor General in Council, the papers noted in the margin, and to state that the full report called for from the Board of Revenue, regarding the arrangements made for the purchase of waste lands and the redemption of land revenue under the resolution of the 17th October 1861, will be forwarded as soon as it is received.

2. The attention of the Board has been particularly directed to the question of permanent settlements, and their report will be submitted in due course.

From *H. L. Dampier, Esq.*, Secretary to the Board of Revenue, to *E. H. Lushington, Esq.*, Secretary to the Government of Bengal (No. 2); dated 5 January 1863.

WITH reference to your No. 3463, dated 22d December, calling attention to Paragraph 13 of your No. 377 T, dated 30th August last, I am directed by the Board of Revenue to state that in his letter, No. 960, dated 26th September 1862, which was submitted to Government with my No. 349, dated 28th October 1862, the Superintendent of Darjeeling gave an account of every case of application for waste lands in which his predecessor had taken any steps under the misapprehension that he was authorised to act on the resolution of the Supreme Government, dated 17th October 1861. The detail was given Mr. Wake, with special reference to Clause 76 of the despatch of the Secretary of State of July 1862. The letter was disposed of by Government Order, No. 3112, dated 2d December 1862, which directed that no exception need be made in the issue of the advertisement required by Paragraph 17 of the resolution of the 17th October 1861. The subsequent Government letter, dated 30th December, somewhat modifies this order.

2. In his No. 171, dated 27th September last, the Commissioner of Dacca, referring to the resolution of the 17th October 1861, wrote that no lands had been assigned, but that "in Cachar 25 applications have been registered" for the redemption of the revenue and purchase of the fee simple of grants made under the old rules.

3. The Commissioner of Chota Nagpore wrote in his No. 1541, dated the 11th September that "in the Lohar Dugga District three applications for lands, made by different parties have, however, been registered."

4. It appears to the Board that Supplementary Rule O, annexed to Rule 22, in their Circular Order No. 63, dated 14th of October 1862, contains instructions sufficiently explicit for the guidance of local officers in the disposal of these cases.

5. The Commissioner of Assam has not stated whether any such applications were registered in his division. He has been called on to supply the information. The same call has been addressed to the Commissioner of Nuddea; but the Board believe that no such applications were made in the Soonderbunds; the result will, however, be reported.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to *E. H. Lushington*, Esq., Secretary to the Government of Bengal (No. 3); dated 6 January 1863.

Present:
A. Grote, Esq.
Member.

IN reply to the Under Secretary's letter, No. 3402, dated 22d December, calling attention to Paragraph 11 of your Office Letter, No. 377 T, dated 30th August, I am directed by the Board of Revenue to state that no sales of waste lands or redemption of revenue have as yet been reported. They have called the attention of local officers to the subject, and expect that the statement, up to the end of January, will contain several items of sale.

From *S. C. Bayley*, Esq., Officiating Junior Secretary to the Government of Bengal, to *H. L. Dampier*, Esq., Secretary to the Board of Revenue (No. 292); dated 16 January 1863.

I AM directed to acknowledge the receipt of your letter No. 2, dated the 5th instant, and in reply to state that the Lieutenant-Governor will await a full report from the Board regarding the sale of waste lands and the redemption of the existing land revenue. As it will have to be submitted to the Government of India, his Honour expects that the report may be made complete in itself without necessitating reference to separate correspondence.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *H. L. Anderson*, Esq., Chief Secretary to the Government of Bombay (No. 567); dated 23 January 1863.

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

2. It appears to have been decided by the Governor in Council that "the question of redemption of land tax will not apply to Scinde," owing to the unsatisfactory character of the existing settlement, which does not enable the Government as yet "to fix any fair assessment on the land." The question, however, which was asked in the 3d paragraph of this Office Letter, No. 4245, dated 15th August last, had reference not to the redemption of the land tax, but to the permanent settlement of the land revenue. It is presumed that the words "redemption of the land tax" have been used in your letter under acknowledgment, and its enclosures, by mistake for "permanent settlement."

REPORT by *S. Mansfield*, Esq., Commissioner in Scinde (No. 188); dated 3 July 1863.

THE Commissioner in Scinde begs to report that a permanent settlement of the land revenue in Scinde could not be introduced into Scinde till the operations of the revenue survey are completed, or about 10 years hence; for there are no data in existence on which a fair and equitable assessment could be fixed on the land.

2. Regarding the general question of a permanent settlement of the land revenue of India, the Commissioner in Scinde is inclined to think that it would be extremely

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

extremely hazardous on the part of Government to concede its right to increase the assessment on land as it increases in value.

3. It is almost unnecessary to remark that the land tax is extremely popular with the native community. It has been paid without a murmur from time immemorial, and an increase in it has never been objected to when the exigencies of the State demanded it. It is lighter now than it ever was before, and admits of indefinite extension. Such being the case, which nobody acquainted with India and its inhabitants can deny, the undersigned cannot understand why, in the absence of all complaint by the people, the Government should deprive itself of such a fertile source of revenue.

4. Her Majesty's Government appear to think that great political advantages would be gained in the security and in the increased value given to the land by the Government limiting its claim in perpetuity, and the people would be more loyal and attached to Government in consequence. With all due deference, the Commissioner begs to dissent from these conclusions; he is not aware that the holders of rent-free lands showed themselves in the mutinies more loyal than the occupants of land paying revenue to Government, and he does not think that a permanent settlement, in lieu of the present system of leases, would create in the minds of the landholders a feeling of greater security and greater attachment to Government than exists at present, because they are in a better position than they ever were before; they know that as long as they pay their rent they cannot be turned out of their land; that no additional rent will be demanded during the term of the lease if the land is made more valuable by improvements; that, in the event of a failure of crops, a portion of the rent will be remitted; and that they can, if they wish, throw up the whole or a portion of their land whenever they please. Under a permanent settlement the same rent would always be demanded, whatever might be the fluctuation in the value of the precious metals, and to whatever extent too the crops might fail, and in the event of non-payment the tenant would be sold out.

5. Secondly, I very much doubt if the concession of Government to limit its demand would be at all appreciated by the landholder. At the time of making the permanent settlement, a rate of assessment would be fixed quite as high as the land could then bear, and higher than the last two generations have been in the habit of paying. The occupant might, perhaps, find it quite as much as he could do to pay it, and if he were told it would never be raised again, would not understand that the Government intended conferring any benefit on him. He is very illiterate, and very short sighted. He has had no experience of the wonderful manner in which property increases in value by good government; till within the last 20 years he had great difficulty in paying his rent, and though, from various causes, he is now in a much better position than formerly, he cannot look so far forward as to realise to himself the probability of a gradual rise in the value of land, and the benefit he and his posterity would enjoy in consequence.

6. The Commissioner in Scinde is strongly of opinion that, taking into consideration the present state of the great body of the landholders, their ignorance and their want of capital, that they are better off under a system of leases than they would be under a permanent settlement. As civilisation progresses, the cost of administration tends to increase, and if a limit to the demands of the State on the land is fixed, it will be difficult to provide funds to meet the wants of Government. The natives of India are most impatient of taxation. They look on the salt-tax and stamp duties as most oppressive. They have evaded payment of the income-tax by every possible means; and had it not been for the successful manner in which the mutinies were put down, would have resisted payment by force, and would, if they dared, make the same opposition to any other tax. They consider the land the property of the State, that the revenue derived therefrom is sufficient for its expenses, and all other taxation arbitrary and unjust.

7. The Commissioner in Scinde must, therefore, repeat that he considers the limitation of the Government claims on the land a most hazardous measure, and calculated to cause great financial confusion hereafter.

RESOLUTION.—Copy to the Government of India. The remark in Paragraph 2 of the letter to the Government of India, No. 4267, of 22d November 1862, had reference

reference to Paragraph 9 of the letter from the Commissioner of Scinde, No. 232 of the 24th October, of which a copy was sent to the Government of India.

Ordered, that copies of the above be forwarded to the Commissioner in Scinde

No. 2554, dated the 1st August 1863.

Submitted to the Governor of India.

(signed) *A. D. Robertson,*
Secretary to the Government of Bombay.

From *I. W. S. Wyllie*, Esq., Under-Secretary to the Government of India, to *A. D. Robertson*, Esq., Secretary to the Government of Bombay (No. 5426); dated 28 August 1863.

WITH reference to your endorsement No. 2554, dated the 1st instant, I am directed by the President in Council to enquire whether it is to be understood that the Government of Bombay concur in the views expressed by the Commissioner of Scinde in regard to the expediency generally of a permanent settlement of the land revenue.

MEMORANDUM by Mr. *S. Mansfield*, Commissioner in Scinde; dated 17 March 1863.
No. 122.

WITH reference to Mr. Acting Chief Secretary Robertson's letter, No. 4266, dated 22d November last, and former correspondence, the Commissioner in Scinde has the honour to submit, for the perusal of His Excellency the Governor in Council, and for republication, a draft of Rules for the sale of unassessed waste lands in the province of Scinde.

RULES for the Sale of Unassessed Waste Lands in the Province of Scinde.

1. All unassessed waste lands, in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule 20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. All sales of waste land made under these rules in each division will be reported immediately to the Commissioner in such form as he may direct; but no sale of waste lands once made by a collector, in conformity with these rules, will be disturbed by any higher executive authority.

20. Reserves of grazing and forest land, of land for the growth of fire-wood near towns and stations, of building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government.

21. The purchaser, under these rules, of any lot of land which shall have already been surveyed by the settlement officers of the revenue survey now in progress in Scinde, shall defray such expenses as have been incurred by Government in the survey of the said land.

22. The purchaser, under these rules, of any lot of land which is irrigated by, or capable of irrigation by water taken from any Government canal, shall, in excess of the price paid for the said lot of land, be liable to a water-tax, of such amount as shall be determined prior to the day of sale by the collector, with the sanction of the Commissioner.

23. If the said land is irrigable from a private canal, the purchaser must make his own arrangements with the owner thereof for a supply of water.

Resolution.—The sanction of the Government of India to be requested.

2. The advertisement of the proposed scale (paragraph 5) should be published in the village to which the land is attached, as well as in the public offices named.

Ordered, that copies of the above be communicated to the Commissioner in Scinde.

(signed) *A. D. Robertson,*
Secretary to the Government of Bombay.

No. 2145, dated the 1st July 1863.

Submitted to the Government of India for sanction.

(signed) *A. D. Robertson,*
Secretary to the Government of Bombay.

From *J. W. S. Wyllie*, Esq., Under Secretary to the Government of India, to *A. D. Robertson*, Esq., Secretary to the Government of Bombay (No. 4748); dated 31 July 1863.

I AM directed to acknowledge the receipt of your letter, No. 2145, dated the 1st instant, submitting for sanction rules for the sale of unassessed waste lands in the province of Scinde.

2. In reply, I am directed to state that the only objection to which the rules appear to be open to is that, under Act XXIII. of the present year, it seems to be necessary that notice of the sale of waste land should be advertised for not less than three months.

No. 2932.—31 August 1863.

RESOLUTION.—Copy of the Letter from the Under Secretary to the Government of India, to be forwarded to the Commissioner in Sind, for information and guidance, and the rules amended as suggested by the Government of India, published in the "Government Gazette."

EXTRACT from Bombay "Government Gazette," 3 September 1863.

REVENUE DEPARTMENT.

THE following Rules are published for general information:—

Rules for Sale of Unassessed Waste Lands in the Province of Sind.

1. ALL unassessed waste lands, in which no right of proprietorship or exclusive occupancy is known to exist, or to have existed, and to be capable of revival, are available for purchase under these rules, unless specially reserved under Rule 20.

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

3. Every lot shall be compact, and shall include no more than one tract of land, and no less than a whole survey field or fields, and when the land touches a public road or a navigable river, the length of the road or river frontage shall not exceed one-half the depth of the lot; no lot will be sold unless it has been previously surveyed and demarcated, or until it shall have been surveyed and demarcated, in consequence of an application for purchase. The survey need only be in sufficient detail to secure the ready identification

of the boundaries of the lot, and to ascertain its gross area. If, on completion of the survey, it shall appear that the area of the lot applied for exceeds the prescribed maximum, the excess shall be excluded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. The upset price will be calculated on the whole area of the lot without any deduction on any account whatever; ordinarily the upset price will be Rs. 2. 8. an acre; but in special cases the collector, with the sanction of the Commissioner, may put a higher upset price

price on any lot, provided that the upset price of available waste lands shall in no case exceed 10 rupees an acre.

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

19. All sales of waste land made under these rules, in each division, will be reported immediately to the Commissioner in such form as he may direct; but no sale of waste lands, once made by a collector in conformity with these rules, will be disturbed by any higher executive authority.

20. Reserves of grazing and forest land, of land for the growth of firewood near towns and stations of building-sites, parks, recreation-grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government.

21. The purchaser, under these rules, of any lot of land which shall have already been surveyed by the settlement officers of the revenue survey, now in progress in Sind, shall defray such expenses as have been incurred by Government in the survey of the said land.

22. The purchaser, under these rules, of any lot of land which is irrigated by, or capable of irrigation by water taken from any Government canal, shall, in excess of the price paid for the said lot of land, be liable to a water-tax of such amount as shall be determined prior to the day of sale by the collector, with the sanction of the Commissioner.

23. If the said land is irrigable from a private canal, the purchaser must make his own arrangements with the owner thereof for a supply of water.

Bombay Castle,
31 August 1863.

By order,
(signed) *A. D. Robertson,*
Secretary to Government.

— No. 28. —

From *J. W. S. Wylie*, Esq., Under Secretary to the Government of India,

To Secretary to the Government of Bengal, No. 5450.
To Secretary to the Government of N.W. Provinces, No. 5451. } Dated
To Secretary to the Government of the Punjab, No. 5452. } 28 August 1863.

I AM directed by the President in Council to request that, with the permission of the Lieutenant Governor, you will have the goodness to report what measures have been taken in respect of the survey of selected tracts of waste lands in * as suggested in the letter from the Government of India, dated the 5th of September last, No. †.

* Bengal, N. W. Provinces, Punjab, 4794.

† 4795, 4796.

2. I am desired to intimate that the Government of India attaches much importance to the measure, and will be glad to know that some steps towards its accomplishment are being taken by the organization of a Survey Establishment to be devoted specially to this work.

3. It would not, I am to remark, seem necessary, having regard to the slight character of the survey required, that any great professional attainment should be looked to; probably Native surveyors, capable of simply surveying with the chain, will be able to do all that is necessary; and the only point which it appears of importance to secure, is the supervision adequate to ensure care and accuracy on the part of the Native surveyors.

From Major *J. Reid*, Secretary to the Chief Commissioner of Oude, to *J. T. Wheeler*, Esq., Assistant Secretary to the Government of India, Foreign Department (No. 2869); dated Lucknow, 28 September 1863.

I HAVE the honour, by direction of the Chief Commissioner, to acknowledge receipt of your Circular Docket, No. 266, dated 15th instant, with its annexure, from the Home Department, enquiring what measures have been taken in respect of the survey of selected tracts of waste lands, as suggested in Letter No. 4794, dated 5th September 1862.

2. In reply, I am desired to report that, of the 12 districts of Oude, in three only, viz., Mahomdee, Baraitch, and Gondah, are any waste lands available for sale. Probably three-fourths of the whole are in Mahomdee, and all the waste land in this district which is not made over to surrounding villages will be surveyed, demarcated, and marked off into suitable allotments for sale by auction, by the end of April next. This duty has been entrusted to Mr. J. Kavanagh, Assistant Superintendent of Survey and Demarcation; and a copy* of the instructions issued by the Chief Commissioner for his guidance are appended.

3. It is the Chief Commissioner's intention to make a similar survey and demarcation of waste lands in the Gondah district, during the cold weather. There is no demand for the remaining waste land in Baraitch, and its survey must be postponed for another year.

* No. 2049, dated 15 July, to Commissioner of Settlement.

From Major *J. Reid*, Secretary to the Chief Commissioner of Oude, to the Commissioner of Settlement, Oude (No. 2049); dated Lucknow, 15 July 1863.

ALL the forest tracts in the Mahomdee district, containing valuable timber that it has been determined to reserve for the use of Government, have been surveyed by Mr. Reid and Captain Anderson, and the boundary pillars set up. It is now of urgent importance that a survey be made of the remaining tracts by demarcating the areas of the settled villages within and bordering on them, and by marking off the waste into suitable allotments for sale by auction.

2. The Chief Commissioner has resolved to entrust this duty to Mr. J. Kavanagh, the Superintendent of Surveys in Oude, by whom the demarcation of village boundaries in other parts of the province is conducted, as he has acquired great experience in the work, and it will be done by him in a systematic and uniform manner.

3. It is not likely that Captain Anderson will be able to survey the area demarcated by Mr. Kavanagh next cold season; but this is of little consequence, as Mr. Kavanagh's survey will be quite sufficient for the purpose for which it is immediately required, which is to ascertain the amount of waste land at the disposal of Government, and render it available for immediate sale.

4. Mr. Kavanagh will enter on this work as soon after October as the season permits, and it is hoped he will be able to conclude it by April 1864. The following instructions are issued for his guidance.

5. It is probable that Dr. Brandis will submit a proposition for including within the limits of the reserve forest tracts, a portion of the surrounding waste land for reasons connected with the conservancy of the forests, and that the proposition will meet with the Chief Commissioner's approval. Intimation of the result will reach Mr. Kavanagh before his operations commence, and it will be his duty to demarcate the boundary of the reserved tracts.

6. The owners of the villages bordering on the waste lands will be entitled to the benefit of Clause 3 of the revised rules for the sale of waste lands, which provides that to each bordering village shall be allotted waste equal to its own area (including village site, cultivated and fallow land, with intervening patches of waste).

7. But a clearer definition of the meaning of the above rule is required, for the areas of villages bordering on waste lands have rarely known limits, and a loose interpretation may involve a needless sacrifice of the public interests.

8. By fallow land is meant land temporarily set aside to rest, or left untilled in the ordinary

ordinary rotation of crops, and does not comprise land that has been neglected for years, or has relapsed into waste. The term will have the same meaning as is given to it by settlement officers.

9. Intervening patches of waste mean small patches of waste lying in a mass of cultivation, and not large tracts of jungle, dotted here and there by clearings; but it has been a not uncommon practice for the owners of these villages to cultivate a beegah or two in the midst of the jungle, merely to give a claim to the intervening waste. For the guidance of the demarcating officer, it will be best to rule that the intervening patches of waste must not exceed (25) twenty-five per cent. of the area composed of cultivated and fallow land. The excess will reckon in the addition of waste.

10. To define the area of the deserted villages in Khyreeghur further instructions are required. The peculiarity of this part of the country is, that the Tharoos, who form the agricultural population, do not cultivate the same land long; after having taken off a few crops, they leave it for some others less exhausted, but will return to it some years afterwards, when rest shall have restored its fertility.

11. It would be unfair, then, to assume that every village at present deserted is so for ever, and it follows that many now occupied will in a few years be abandoned. But the Chief Commissioner believes that the absence of the Tharoos is not very prolonged, and that if they have abandoned a village for seven or eight years, they do not mean to return to it. It will be fair, then, to apply the period fixed to distinguish land recently thrown out of cultivation for culturable waste in the Revenue Survey, which is eight years, to these deserted villages; and to rule that all that have been abandoned for more than that period shall be considered waste land, and the property of the State, and those that have been neglected for less, shall be deemed village lands, to be disposed of with reference to the claims of Government, or of individuals. In the former case, the lands will be measured off into the waste land allotments, and in the latter, regular village areas will be found, with the addition of waste equal to the deserted lands.

12. Instances will, however, often occur where detached patches of land in the centre of a vast plain have been cultivated within the period above fixed, by persons residing in a village situated at a remote distance, the bulk of the cultivation being in the immediate vicinity of the village site. To concede permanent possession of each detached patch would seriously impair the value of the intervening waste land. In such instances, then, it would be advisable to allot waste double the area of the detached patches, in addition to the waste assignable to the compact portion of the cultivated land under the provisions of Rule 3. This will give a village area in one block.

13. The accompanying extract, paragraph 3 of my letter, No. 1613, dated 4th instant, on an application by Captain W. Hearsay, will serve as precedent for guidance in similar cases which are sure to arise.

14. The allotment of waste lands should not exceed 5,000 acres. In marking them off, natural boundaries should as much as possible be followed, and the maximum area of 5,000 acres may be a little exceeded to preserve such boundaries, or render an allotment more compact.

15. The allotments should not differ greatly in the quality of the land. The marked feature of the Khyreeghur Pergunnah is, that grass plains or savannahs alternate with kuthbunnas, or tracts of miscellaneous trees, and the latter, Mr. Read informs the Chief Commissioner, are often unculturable without water. It should be arranged that each allotment should comprise a fair proportion of grass land, as well as kuthbunna. If it would not cause trouble and delay, Mr. Kavanagh should specify the different kinds of timber-producing trees growing within the kuthbunna tracts, and note the kinds that predominate, in case any of the tracts should be worth preserving for the use of Government.

16. A map of each allotment and village area, giving the boundary marks and the course of streams and roads, on the scale of four inches to a mile, should be prepared by Mr. Kavanagh, and another map of the whole tract, on a scale of one inch to the mile, showing the boundaries of the allotments for sale of the village areas, set up within the waste tracts and of the bordering villages.

17. Captain Anderson's map of the reserved forest tracts will also be sent to Mr. Kavanagh.

18. If Mr. Kavanagh fails to understand any portion of the instructions, it is requested that he will seek explanation at an early date.

From *R. Simson*, Esq., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 1095 A); dated Nynce Tal, 24 September 1863.

I AM directed to acknowledge the receipt of the letter from your Department, No. 5451, dated the 28th ultimo, in which inquiry is made as to what measures have been taken in respect of the survey of selected tracts of waste land in the North Western Provinces, as suggested in the letter from the Government of India, No. 4795, dated 5th September 1862.

2. In reply, I am directed to refer you to the letter from this Office, No. 1161 A, dated 17th October, 1862, in which it was stated that the general survey of waste lands would be of little practical utility, while the labour and expense of making it would be very considerable. As no reply was received to this letter, it was concluded that the Government of India concurred in the view taken by the late Lieutenant Governor, and no further action has been taken in the matter. If, however, it is still the desire of the Honourable the President in Council that the survey should be made, immediate orders will be issued to the Board of Revenue to make arrangements for commencing operations.

3. I am to add, that no provision has been made in the Budget for the current year for the expense which will be incurred by this survey, and a special grant will consequently be required.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to *R. Simson*, Esq., Secretary to the Government of the North Western Provinces (No. 6777); dated 28 October 1863.

I AM directed to acknowledge the receipt of your letter, No. 1095 A, dated the 24th ultimo, inquiring, with reference to Sir George Couper's letter, No. 1161 A, dated 17th October last year, whether it is still the desire of the Government of India that the proposed survey of selected tracts of waste land should be carried out in the North Western Provinces.

2. In reply, I am instructed to explain that the terms of the circular from this Office, dated 28th August, were general, and were not intended to supersede the orders, as regards the North Western Provinces, conveyed in this Office letter, No. 7380, dated 18th December 1862.

3. At the same time, while thus now again conveying to you the acquiescence of the Government of India in the views of the Local Government, I am desired by the President in Council to add, that though there is no necessity for any immediate action in the matter, the expediency of arranging for a preliminary survey and demarcation of boundaries, so as to give every practicable facility for intending settlers, will doubtless be recognised by the Lieutenant Governor at any future time, when there may appear a likelihood of the wild lands in any district coming into particular demand for settlers.

— No. 29. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 2203); dated 30 May 1863.

WITH reference to Endorsement No. 403T, dated the 30th August last, I am directed to forward herewith, for the information of the Honourable the President in Council, a copy of the correspondence noted in the margin, from which it will be observed that, owing to the difficulty of obtaining the services of competent surveyors, Rule 3 of the new Waste Lands' Rules, so far as it relates to the survey of such lands prior to their sale, has for a time been partially suspended in the districts of Darjeeling, Cachar, and Sylhet, and in the province of Assam.

From *J. Cormack*, Esq., dated 23 October 1862.
To Board of Revenue, No. 2688, dated 6 November.
From Board of Revenue, No. 87, dated 31 March 1863.
To Board of Revenue, No. 1762, dated 28 April.
From Board of Revenue, No. 128, dated 5 May.
To Board of Revenue, No. 2201, dated 30 May 1863.

To Major *H. C. James*, Private Secretary to his Honor the Lieutenant-Governor of Bengal.

THE Memorial of *J. T. Cormac*, Esq., and other Landholders at Darjeeling.

Sir,

WE, the undersigned members of the Landholders' Society at Darjeeling, beg most respectfully to welcome the arrival of his Honor the Lieutenant Governor at this station, and to express our conviction of the beneficial results likely to be derived from it.

The liberality of the rules issued by his Honor on the 30th August last, in regard to the sale of waste lands, was hailed by this community with much satisfaction, the 22d paragraph of the same leaving no doubt in our minds that all applications for land, under the Resolution of the 17th October 1861, would be dealt with according to the true spirit of those rules.

It has been found, however, with much disappointment, that certain orders lately received by our superintendent from the Revenue Board (making advertisements imperative, also sale by auction if other applicants step in, as well as making complete survey necessary before possession), now press most seriously on the interests of all concerned, and we trust that his Honor will call for the instructions lately received by the local officer from the Board.

It would appear to have been the object of the late Lord Canning to give possession of lands without reference to distant authorities or survey, and he was of opinion that the local records would generally show if there were any prior rights in the soil.

In this district in particular there were no prior rights, as they expired at a given period, the holders of the land not choosing to pay the rents required by the Government.

Auctions would not appear to have been contemplated except in cases of more than one applicant at the same time, and advertisements were only intended to ascertain if there were prior claims.

To call, therefore, for advertisement, after a lapse of many months from the time of the first applications, merely to invite fresh competition, appears in direct opposition to the spirit of the rules of the 17th October 1861, which say that, if there are no prior claims, the land may be given to the applicant at the price fixed.

The 10th clause of the Despatch of the Secretary of State for India shows that Lord Canning's intentions were so interpreted, and that auctions were only to be had recourse to in exceptional cases.

We would therefore earnestly entreat the Lieutenant Governor to cause possession to be given, as far as possible in accordance with the description given in the several applications registered, leaving the final survey for future adjustment, as, should the measures and orders of the Revenue Board be allowed to prevail with the local authorities, we are at a loss to understand of what use will be the 22d clause of the Lieutenant-Governor's orders, or that any privileges or advantages will be gained under the Resolution of the late Viceroy. If his Honor still deems advertisements necessary, we would respectfully suggest that they should at once be issued (in the mass); and where no prior claimant is found, and no applicant has appeared within thirty days (for the same land) of the original application, then auction shall not be held necessary.

To strengthen this view, we bring to notice that our late superintendent, Dr. Campbell, in acting under these rules, considered a public registry in his office equivalent to advertisement, and on any second application not made within 30 days, his answer was "not available."

We have thus endeavoured to point out to his Honor the position of registered applicants in this district, and, according to the promise of the Government, we venture to hope that their interests will be fully protected.

An outline survey of this district has already been made; and from the nature of the lands applied for, there are very few instances in which possession might not be given prior to final survey, as in most cases the description in the applications is sufficiently distinct.

The boundaries are almost always natural ones, watercourses, crests of spurs, compass bearings, &c., and any exceptional cases (where there are any), are sufficiently apparent, and need not interfere with giving possession in the majority of cases. Many of the lands have been actually surveyed, and bills sent in for the expenses.

And your memorialists, as in duty bound, shall ever pray.

(signed) *J. T. Cormac* and others.

EXTRACTS from the Resolution of the late Viscount Lord *Canning*; dated
17 October 1861.

Clause 16. The land registers of the collector of land revenue, or of any local authority exercising collector's powers, when properly kept and perfect, will often enable him to state at once whether there is any other prior claim of property or occupancy in the land applied for.

17. When there is no such claim apparent from the Government records, and the collector knows no other objection to the grant, he will advertise the application in the most customary and effectual manner for a term which probably need rarely exceed 30 days.

18. When, after the expiration of the term fixed, no such claim is preferred, or when, if preferred, it shall have been disposed of, the collector will give to the applicant a document testifying that the land, as described in his application, has been allotted to him, subject to the terms hereinafter specified.

30. In the event of more purchasers than one offering to buy the same tract, neither having any previous right to the land, it may be put up to auction at the upset price of an ordinary grant; but, except in such cases, or in the case of suburban lots, recourse will not be had to sale by auction. The applicant will receive his land at a fixed price.

From the Honourable *A. Eden*, Officiating Secretary to the Government of Bengal, to the Secretary to the Board of Revenue; No. 2688, dated 6 November 1862.

I AM directed to forward herewith a copy of a memorial from Mr. J. Cormac and others, dated the 23d ultimo, and to state that these gentlemen, who applied for lots of waste land in Darjeeling, under the Resolution of the 17th October 1861, whose applications were registered, and who are, therefore, entitled to be dealt with under paragraph 22 of the rules of the 30th August 1862, had an interview with the Lieutenant-Governor whilst at Darjeeling, and explained verbally their wishes and views on the subject.

2. They desired, first, that the lots they had applied for might be made over to them on the terms of the Resolution, but without advertisement, or opportunity given to others to apply for the lots; second, that the lots might be made over to them at once, without waiting for a survey.

3. The Lieutenant Governor explained to them verbally that the advertisement could not be dispensed with, and that, if within the period of advertisement (which is to be 30 days in every case), another applicant for any lot should come forward, it must be put up to auction, and sold to the highest bidder.

4. But his Honor admitted, and is strongly of opinion, that the memorialists are entitled to every consideration that can be shown them consistently with the rules, and that their request to have the lot advertised and disposed of at once, and as soon as possible, without waiting for regular survey, is perfectly reasonable.

5. The large map of the district, prepared by Major Sherwill, on a scale of four inches to a mile, is quite sufficient to enable the superintendent to mark off approximately the lands applied for in each instance, within the limit of 3,000 acres, and to allot the land subject to the conditions prescribed in sections 2 and 18 of the rules of the 30th August 1862. The gross area of each unsurveyed lot may thus be roughly ascertained, and its boundaries made capable of ready identification.

6. The superintendent was authorised by the Lieutenant Governor to act on this view, without waiting for further instructions.

7. The applicants should, of course, point out their boundaries on the map, as required by the terms of the Resolution.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Honourable *A. Eden*, Secretary to the Government of Bengal (No. 87); dated 31 March 1863.

I AM directed by the Board to submit the following cases for the consideration of his Honor the Lieutenant Governor.

PRESENT:
W. J. Allen, A. Grote,
and E. T. Trevor,
Esquires.

2. On the 8th February 1862, Dr. Barry, representing the Imperial Tea Company, applied for a grant of waste lands in Cachar under the old Assam rules. The nominal area was 5,000 acres. No survey has, however, been made as yet, but a rough survey by a Compass Ameen is now in progress. The grant has been sold to the Eastern Bengal Tea Company, but Dr. Barry represents that the sale arrangements contemplate that the lands be made over with a rent-free title. He, therefore, wishes to be allowed to commute the grant to rent-free by an immediate payment.

3. The objection to this course is that the area of the grant is a matter of estimate only. The survey which is now being made by the Compass Ameen is a rough one, and it is not unlikely that errors of area will be detected by the professional surveyor next year.

4. The rules do not provide for commutations on estimated areas subject to re-adjustment of price on correct survey, hence the necessity of this reference to Government.

5. The Board would not allow any commutation until the rough survey now in progress be completed, for the nominal area cannot be in any way depended on; but they recommend that as soon as the Compass Ameen's survey is complete, and tested by the district officer, Dr. Barry be allowed to commute paying the sum required by the rules for commutation of the area given by the rough survey, with the addition of margin of 10 per cent. to meet any increase of area which the professional survey may show. Dr. Barry should further be required to enter into a bond with security to make good any further sum which may be payable under the rules for the commutation of the full area as eventually ascertained to exist by the professional survey.

6. Dr. Barry has also applied to be allowed to commute the Lotakandi grant, of which the circumstances are similar.

7. As such applications are likely to be frequent, the Board suggest that if the principle of the recommendation made above be approved, they be authorised to act on it in all similar cases.

8. Dr. Barry has also applied to be allowed to commute a grant known as the Barakhai and Goongoor Gardens. These are said to consist of 2,500 acres, being part of a larger grant which has been roughly surveyed as 12,057 acres. On this the grantees had failed to make the clearances required of them in the first five years, and for which, in 1861, the Government allowed an extension of three years. The survey of the entire original grant was a rough one, and the area of the portion for the commutation of which Dr. Barry now applies has not been separately surveyed, even roughly. As the collector gives an assurance that the clearances are being rapidly pushed on, the Board recommend that the same permission be accorded with regard to the commutation of Dr. Barry's nominal 2,500 acres, as is proposed above, as soon as a rough survey by a Compass Ameen can be made, but not before.

9. Dr. Barry has deposited 12,300 rupees with the Superintendent of Cachar towards the redemption of these grants.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to *H. L. Dampier*, Esq., Secretary to the Board of Revenue (No. 1762); dated 28 April 1863.

I AM directed by the Lieutenant Governor to reply to your letter, No. 87, dated 31st ultimo, in which you submit the Board's proposal for allowing Dr. Barry to commute certain grants which he holds to rent-free tenures by immediate payment.

2. His Honor is willing to treat this as a special case, and accords his sanction, therefore, to the redemption by Dr. Barry, of the revenue of the two first mentioned grants, in respect to which the time has not yet arrived for enforcing any conditions. Dr. Barry may acquire the rent-free title by paying the fixed commutation on three-fourths of the estimated area. The grantee is entitled to 5,000 acres, and, if on actual survey, it be found impossible to give him as much, or convenient, with reference to natural boundaries, to give him a little more, the account can be adjusted before the title deed is actually delivered.

3. In regard also to the grant referred to in paragraph 8 of your letter, of a portion only of which grant Dr. Barry desires to redeem the revenue, as the three years' extension has not expired; and as the grantee is therefore under no liability to have cleared a certain proportion of the whole, the Lieutenant Governor desires that the same course may be followed.

4. There is no reason, his Honor observes, why Dr. Barry should not be allowed to redeem the revenue of a compact portion of the whole area by paying the fixed commutation on three-fourths of the estimated area of such portion, leaving final adjustment to follow the survey.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Honourable *A. Eden*, Secretary to the Government of Bengal (No. 128); dated 5 May 1863.

I AM directed by the Board to submit, for the consideration of Government, a letter, No. 195, dated 7th April, from the Commissioner of Assam, with enclosure, representing that if the order against selling lands, before they are professionally surveyed, be adhered to, the clearance of ungranted lands, and the extension on them of tea cultivation, will be stopped for two years at least.

2. When the order was issued by the Right Honourable Secretary of State, it is probable that the extreme difficulty of obtaining skilled agency for the purpose of surveying waste lands was not known. Experience has shown that, notwithstanding the anxiety of applicants, even native Ameens, who are competent to make rough provisional surveys, cannot be procured in anything like sufficient numbers to keep up with the requirements. It appears from the report of local officers that such rough surveys of grants which have been given under the old rules are two years in arrear.

3. Under these circumstances, I am to recommend that the rule be relaxed in Assam, Cachar, and Sylhet, as has already been done in Darjeeling, and that sales be allowed in anticipation of survey, precautions being taken that no loss to Government shall accrue by the insertion in the provisional deed given to purchasers of a clause securing the hypothecation of the whole lot for the payment of any amount of purchase-money which may be found due upon it on ascertainment of the actual area by regular survey, calculated on the price per acre at which it is sold.

4. With reference to the objection that such sales of unsurveyed land may lead to confusion of the rights of different purchasers, the Board desire me to point out that, under Rule 18, in their Circular Order, No 63, of 1862, the collector's decision of boundary disputes is final, and a provision to that effect can be introduced into the deed of conveyance. To diminish the chance of such disputes, however, the Board would insist on each applicant cutting a road round the land for which he applies, and erecting masonry boundary pillars *before* sale, the cost of erecting them being of course returned to him if he does not eventually become the purchaser at auction.

5. If sales be allowed in anticipation of survey, the same principle will be applied to commutation of existing grants to rent-free.

From Major *W. Agnew*, Officiating Commissioner of Assam, to *H. L. Dampier*, Esq., Secretary to the Board of Revenue (No. 195); dated 7 April 1863.

No. 713, dated
17 March 1863.
To be returned when
no longer required.

I HAVE the honour to ask for the Board's orders in reference to the matter alluded to in the accompanying letter* from Mr. Beckett, Deputy Commissioner of Seesagur.

2. The question he has brought forward is a most important one, affecting, as it does, the interests of all gentlemen, either connected with tea planting in this province and wishing to extend their operations, or those desirous of embarking in the cultivation. In fact, as Mr. Beckett remarks, if the new rules are to be carried out in their integrity, the extension of tea planting will be brought to an entire stop, for even the rough survey contemplated by Rule 2 is an undertaking of very considerable difficulty in a country like
this

this, and the Ameens at our disposal are wholly insufficient to perform the work requiring to be done.

3. Under these circumstances, I beg to say I would strongly recommend Mr. Beckett's proposal being sanctioned. Doing so cannot possibly entail any loss upon Government, and if confusion of rights be anticipated without a survey in any particular instance, why, previous survey might then be insisted on.

From *W. O. A. Beckett*, Esq., Deputy Commissioner of Seebisagur, to the Commissioner of Revenue, Assam, Gowhatti (No. 713); dated 17 March 1863.

UNDER the Waste Land Rules, published by the Lieutenant Governor of Bengal on the 30th August last, it is stated that the land applied for must, in the first instance, be surveyed before it is put up for auction. This, at least, is what I believe to be the purport of the rules. I beg, however, to point out that, if this plan is carried out in practice, it will bring tea planting to a standstill for at least a couple of years, for there is at present no prospect of the survey of the grants applied for under the old rules even being completed for a long time to come, certainly I should say not under two years.

2. I would, therefore, under the circumstances, propose that the land should be put up to auction prior to the survey at an upset price of *Rs. 2. 8.* per acre.

3. I do not anticipate that any ill effects would arise from this system, for when the land is put up for sale it would be stated that it was situated within such-and-such boundaries, and the purchaser would have to pay for whatever land, provided it did not exceed 3,000 acres, the grant was found to contain on the survey being made; and if some such plan is not adopted, the planters applying for new grants will not be able to put a seed of tea in the ground, for, of course, if they did so, and another person outbid them at a sale, they would lose all they had expended.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to *H. L. Dampier*, Esq., Secretary to the Board of Revenue (No. 2201); dated 30 May 1863.

I AM directed to acknowledge the receipt of your letter, No. 128, dated the 5th instant, with its enclosure, and in reply to state that the Lieutenant Governor approves and sanctions the Board's proposal to suspend for a time in Assam, Cachar, and Sylhet, the rule which renders the survey of waste lands an imperative preliminary to their sale. His Honor would not insist, however, in all cases, on the applicant cutting a road round the land he applies for, and erecting boundary pillars before sale, as this would be to throw too great a burden on an applicant who may not after all become the purchaser.

2. It will be enough if the applicant be required to put in a rough plan of the land he applies for, showing as nearly as may be, the direction of the boundaries, the length, breadth, and area of the land, and any existing land marks, natural or artificial, which may serve to identify the land when it comes to be surveyed.

3. This, with the other precautions proposed by the Board, will effectually prevent any abuse of the concession.

4. The Surveyor General will be requested to state whether he cannot strengthen the establishment now employed in Assam by sending up a few more native surveyors.

(No. 2202.)

COPY of the above correspondence forwarded to the Surveyor General of India, with a request that he will state if he cannot strengthen the establishment already sanctioned for Assam by sending up a few more Native surveyors.

From Lieutenant Colonel *H. L. Thuillier*, Surveyor-General of India, to the Secretary of the Government of Bengal (No. 33A.); dated 16 June 1863.

Adverting to the request made in your No. 2202 of the 30th ulto. to be informed whether the establishment already sanctioned for Assam, cannot be strengthened by sending up a few more Native surveyors, I have the honour to state that there will not, I anticipate, be much difficulty in further recruiting the Assam party, provided the necessary sum be added to the Budget Estimate of the year.

2. At present there are only five Native surveyors attached to this extra or waste lands' survey party, and the assistant in charge is fully competent to superintend a much larger establishment, and it will be good policy to let him do so, as the chief expense is for superintendence.

3. It is impossible to glean from the correspondence what the absolute requirements in Assam will be; but I would suggest that the strength of Mr. Smart's establishment be expended as per margin, to enable him to meet the demands, which appear extensive. The Assam party would then be on a similar footing with the Darjeeling waste land survey party, which has been well considered.

1 Junior sub-assistant surveyor.
14 Native surveyors.
101 Tindals, measures, &c.
13 Peons and burkundauzes.

4. Should his Honor approve of this proposition, the sum now required in a supplemental estimate will be 4,506 rupees, as stated below, on the sanction of which, Mr. Smart can recruit and train accordingly, and it is of the first importance that the earliest possible instructions should be given on the subject, if advantage is to be taken of the ensuing cold season.

ESTIMATE for the WASTE LAND PARTY in ASSAM.

1 Assistant surveyor in charge at 388 rupees per month	-	-	<i>Rs.</i>	4,656
Contract allowance for contingencies at 100 rupees per month	-	-		1,200
1 Junior sub-assistant surveyor at 150 rupees per month	-	-		900
8 Native surveyors, &c.	-	-		2,984
6 Additional do. at 30 rupees per mensem each	-	-		1,080
50 Tindals, measurers, &c.	-	-		3,070
51 Additional do. do.	-	-		1,554
9 Guards, burkundauzes	-	-		659
4 Additional do. at <i>Rs.</i> 5. 8. per month each	-	-		132
			<i>Rs.</i>	
Contingencies	-	-	1,740	
Additional for do.	-	-	300	
Travelling allowance to junior sub-assistant surveyor	-	-	540	
				2,580
			<i>Rs.</i>	
TOTAL	-	-		18,765
Deduct already included in Budget of 1863-4	-	-		14,259
Difference now required in Supplemental Estimate	-	-	<i>Rs.</i>	4,506

From Lieutenant Colonel *J. L. Gastrell*, in charge of Surveyor General's Office to the Secretary to the Government of Bengal (No. 34); dated 26 June 1863.

I HAVE the honour to forward, herewith, the "Supplemental Estimate, for the year 1863-64, for additional Survey Establishment required to meet the demands of the Civil Department for the Survey of Waste Lands in Assam," referred to in, and in accordance with, para. 4 of the Surveyor General's letter to your address, No. 33A, dated the 16th instant.

SUPPLEMENTAL ESTIMATE, for the Year 1863-4, for Additional Survey Establishment, required to meet the Demands of the Civil Department for the Survey (previous to Sale) of the Waste Lands in Assam, during the Cold Season of 1863-64.

No.	Description of Establishment.	Salary per Mensem.			Total per Season.			Period for which Calculated.	Remarks.
		Rs.	a.	p.	Rs.	a.	p.		
1	Junior Sub-Assistant Surveyor	150	-	-	900	-	-	For the latter six months of the Financial Year 1863-64.	
6	Native Surveyors, at Rs. 30 each	180	-	-	1080	-	-		
2	Tindals, - at ,, 8 ,,	16	-	-	96	-	-		
3	Ditto - at ,, 7 ,,	21	-	-	126	-	-		
5	Ditto - at ,, 5. 8. ,,	27	8	-	165	-	-		
20	Measurers - at ,, 5 ,,	100	-	-	600	-	-		
21	Ditto - at ,, 4. 8. ,,	94	8	-	567	-	-		
4	Burkundauzes at ,, 5. 8. ,,	22	-	-	132	-	-		
	Extra contingencies, transit of Instruments, &c. }	-	-	-	300	-	-		
	Authorised travelling allowance for the Junior Sub-Assistant, at 3 rupees per diem }	90	-	-	540	-	-		
GRAND TOTAL		-	-	-	Rs. 4506	-	-		

Surveyor General's Office,
Revenue Branch,
26 June 1863.

(signed) *J. L. Gastrell*, Lieutenant Colonel,
In charge of Surveyor General's Office.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Government of India in the Financial Department (No. 2667); dated 1 July 1863.

I AM directed to forward, for the consideration and orders of the Honourable the President in Council, a copy of the two letters (noted below *) the one from the Surveyor General of India, intimating that the survey party in Assam can, without much difficulty, be strengthened; and the other from the officer in charge of the office at the Presidency, submitting a Supplementary Budget Estimate for 1863-64, to the amount of 4,506 rupees.

2. The

* Letter from the Surveyor General of India, No. 33A, dated 16 June 1863.
Letter from officer in charge of the Surveyor General's Office at the Presidency, No. 34, dated 26 June 1863, with enclosure.

2. The Lieutenant Governor considers this survey of the utmost importance, and concurs with the Surveyor General in thinking that the measure is one of economy, both as regards time and expense. His Honor, accordingly, strongly recommends, for the sanction of the Government of India, the small additional grant of 4,506 rupees to the amount included in the Budget for 1863-64 (4,259 rupees), making the total grant 1,8765 rupees.

3. Early orders are requested, in order that timely preparations for the ensuing cold season may be made.

From *E. H. Lushington*, Esq., Secretary to the Government of India, Financial Department, to the Secretary to the Government of Bengal (No. 3041); dated 9 July 1863.

I AM directed to acknowledge the receipt of your letter, No. 2667, dated the

	Aggregate Cost.	
	Rs.	
1 Junior Sub-Assistant Surveyor for six months, at 150 rupees per mensem	900	1st inst., and to state that the Honourable the President in Council is pleased to authorise the employment, during the next cold season (under Mr. Smart, who is in charge of the survey of the waste lands in Assam), of the additional establishment noted in the margin, at an aggregate cost of 4,506 rupees for the season.
6 Native Surveyors for ditto, at 30 rupees each per mensem	1080	
2 Tindals for ditto, at 8 rupees each per mensem	96	
3 Ditto ditto, at 7 rupees each per mensem	126	
5 Ditto ditto, at Rs. 5. 8. each per mensem	165	
20 Measurers for ditto, at 5 rupees each per mensem	600	
21 Ditto ditto, at Rs. 4. 8. each per mensem	567	
4 Burkundazes for ditto, at Rs. 5. 8. each per mensem	132	
Extra contingencies, transit of Instruments, &c.	300	
Authorised travelling allowance for the Junior Sub-Assistant, at 3 rupees per diem, or 90 rupees per mensem, for six months	540	
Rs.	4506	

2. As the Budget charge for revenue survey parties is on the maximum scale, and savings within that maximum will probably occur, from which the present charge may be met, it is not expedient, so early in the year, to allow any additional grant for the expense now authorised.

—No. 30.—

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to *F. C. Bayley*, Esq., Secretary to the Government of India (No. 3657); dated 21 September 1863.

Assam.

I AM directed to acknowledge the receipt of Mr. Wyllie's letter, No. 5450, dated the 28th ultimo, and, in reply, to state, for the information of the Honourable the President in Council, that in reference to the Assam Survey the Surveyor General reported, on the 16th October last, that Mr. A. Smart, the Assistant Revenue Surveyor in charge of the Assam party, had been directed to proceed to Gowhatty, and report himself to the Commissioner of the province.

2. The party was first organised of the following strength:—

Assistant revenue surveyor in charge.
8 Native surveyors,
1 Duftry.
1 Jemadar.
5 Peons.
4 Burkundazes.
50 Tindals, measurers, and kalassees.

In June last it was found necessary to strengthen this party by the addition of—

1 Junior sub-assistant surveyor.
6 Native surveyors.
51 Tindals, measurers, and
4 Peons and burkundazes.

3. On

3. On the 14th of the same month a party was organized for the Darjeeling survey, under Mr. E. T. S. Johnson, Assistant Revenue Surveyor, of the strength noted in the margin.

DARJEELING.

Assistant Revenue Surveyor in charge.
1 Sub-Assistant Surveyor.
7 Native Surveyors.
1 Duftry.
1 Jemadar.
Tindals, Measurers, Kalassces, Guards
and Burkundauzes.

4. As the survey was to embrace the Darjeeling Terai, and as the field-season there is a very short one, not more than four months at most, it was a great object to complete the work in one season without interfering with the progress of the survey of waste lands, grants, and allotments: an addition was subsequently made to the survey party as per margin, to be especially employed in the measurement of the jote lands in the Upper Morung Division, or Terai of Darjeeling.

6 Native Surveyors.
6 Tindals.
45 Measurers.
4 Peons.
70 Coolies, Bildars.

5. The tract of hill-country, comprising the Garrow, Cossyah, Jynteah, and Naga Hills, will be topographically surveyed by a party under the charge of Captain Austen: to consist of one surveyor, one assistant-surveyor, seven civil assistants of different grades, a native establishment on the uniform scale sanctioned by Government, with police and burkundauze guards.

Cossyah and Jynteah
Hills.

6. On the survey of the districts of Cachar and Sylhet the Surveyor General remarked, in his report, dated 5th February 1862: "I would entrust this survey (Cachar) to the revenue surveyor of the Third Division, Mr. Davey, now employed in the Sylhet district, which is about half finished, but which must be suspended next season to allow of the more emergent and pressing survey of Cachar to be proceeded with.

Cachar and Sylhet.

"Nothing, I am convinced, under a complete re-survey of Cachar, will suffice to meet the necessities of the case, when we consider the very great number of planters already settled there.

"The regular operations in Sylhet are likewise in that critical state just now, that to stop them would involve the loss of the entire season's area, and an expense of nearly half a lac of rupees."

7. In the month of May last the Board of Revenue reported that if the orders against the sale of lands, before they were professionally surveyed, were adhered to, the clearance of ungranted lands, and the extension on them of tea cultivation, would be stopped for two years at least. The Lieutenant Governor accordingly directed a modification of the Rules in Assam, Darjeeling, Cachar, and Sylhet, which was duly reported to the Government of India, in the Home Department, No. 2203, dated the 30th May last.

8. With reference to the 3d paragraph of the letter under acknowledgment, I am desired to state the Surveyor General will be requested to report on the proposed superficial surveys, with a view to the saving both of time and expense.

From *E. C. Bayley*, Esq., Secretary to the Government of India, to
S. C. Bayley, Esq., Junior Secretary to the Government of Bengal (No. 6680);
dated 20 October 1863.

YOUR letter, No. 3657, dated the 21st ultimo, having been placed before the President in Council, I am directed to say that his Honor in Council does not gather from it a precise reply to the question asked in Mr. Wyllie's letter, No. 5450, dated the 28th August,—viz., what measures, if any, have been taken in respect to the survey of selected tracts of waste lands? It does not, for instance, appear from the first two paragraphs of your letter whether the survey party sent to Assam is to be immediately and specially employed on the survey of the waste lands in different parts of that province, or whether it is meant to be employed on a regular and systematic survey of the whole province. I am desired to request that, with the permission of the Lieutenant Governor, more explicit information may be given as to the measures (if any) which have been ordered for the specific object of effecting a survey of waste lands.

2. This object, I am to observe, is obviously of the more importance, from the circumstance reported in your letter of the 30th May, and referred to in

paragraph 7 of your letter under acknowledgment, that the Lieutenant Governor has considered it necessary to partially suspend the operation of Rule 3 of the Waste Land Rules, so far as it relates to the survey of such lands prior to their sale. The local officers, it seems, reported that a strict observance of the rule would bring tea-planting to a standstill, and some modification of the rule was therefore deemed necessary. The President in Council does not feel sure, however, that the rule required so much modification as has been admitted. The rule as to survey stood thus:—"The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area. Thus one of the principal objects was to mark the boundaries of the lot applied for, a point specially insisted upon by the Secretary of State in his Despatch of July 1862." In Mr. Beckett's letter, No. 713, dated 17th March, it was expressly stated that in proposing to dispense with the survey he would not dispense with an indication of boundaries. He said, "I do not anticipate any ill-effects, for when the land is put up to sale (without survey) it would be stated that it was situated within such-and-such boundaries."

3. To effect this object, the Board of Revenue suggested that each applicant should cut a road round the land for which he applied, and erect masonry boundary pillars; but the Lieutenant Governor was of opinion that it would be enough to require the applicant to put in a rough plan of the land, showing as nearly as possible the direction of the boundaries, the length, breadth, and area of the land, and any existing landmarks which might serve to identify the land when it should come to be surveyed. The President in Council, I am desired to say, feels some doubt whether this order does not leave the matter too much in the hands of the applicant. There must be many cases, it is apprehended, in which, in the absence of any existing landmarks, such a rough plan as that suggested would afford little, if any, facility for the subsequent identification of the boundaries of the land sold; and his Honor in Council is disposed to think that, unless the boundaries are clearly shown to be susceptible of sure identification by reference to existing landmarks, some such rule as that proposed by the Board would be very advantageous.

From Lieutenant Colonel *H. L. Thuillier*, Surveyor General of India, to the Secretary to the Government of Bengal (No. 81M); dated Mussoorie, 20 October 1863.

No. 5450, dated
28 August 1863.

I HAVE the honour to acknowledge the receipt of your Docket, No. 3663, dated the 21st September last, giving cover to letter from the Government of India (Home Department), cited in the margin, on the subject of the measures taken in respect of the survey of selected tracts of waste lands in Bengal, and desiring me to report whether Native surveyors, capable of simply surveying with the chain, will be able to do all that is necessary, it being deemed a point of importance to secure the supervision adequate to ensure care and accuracy on the part of the natives so employed.

2. There are two special parties at present employed for the measurement of waste lands—one in the Darjeeling Hills and Terai, the other in Upper Assam, each with suitable Native establishments. A third party is under immediate deputation for Lower Assam, and to aid in the Cossyah Hills in conjunction with the regular topographical survey of the whole of the hill territory lying between Assam and Sylhet now about to be started under Captain Godwin Austen.

3. The waste lands in Sylhet and Cachar are amply provided for by the full survey party, No. 3 Division, under Mr. N. T. Davey; whilst Tipperah is in a similar manner occupied by No. 1 Division Party, under Mr. R. Smart, and Chittagong and Arracan by No. 5 Division, under Mr. O'Donel; Hazareebagh and Palamow by the 6th Division, under Captain G. H. Thompson; and Maunbhoom, Poorulia, &c., by the 2nd Division, under Major Sherwill.

4. It will thus be seen that a very large staff of surveyors is employed in the Lower Provinces, and it appears to me the objects contemplated for the measurements of waste lands available for purchase ought thus to be amply provided for.

Almost

Almost all the districts where waste lands are likely to be available under the fee-simple rules are thus well occupied by surveyors.

5. With regard to the employment of natives capable of surveying with the chain only, I fear it is quite impracticable in a country like this. The deputation of natives on such duty without European superintendence I look upon as quite prohibitory, because in desultory and detached measurements of this nature there can be no sort of check, and there would be far too much temptation for agency of this description to resist. The deputation of native Ameens and surveyors only to lay down important boundaries of allotments or grants must, in my opinion, result in disappointment and future litigation.

6. Moreover, the waste lands of India are for the most part dense jungle, and most intricate ground, where the chain alone cannot be used. The difficulty of sufficiently clearing lines in vast tracts of jungles for survey purposes renders the use of instruments necessary, and a better knowledge of surveying than that usually possessed by natives on low salaries. If the jungle is sufficiently cleared prior to survey the work can be expeditiously and cheaply done; but, except in the immediate vicinity of open cultivated parts, there are no means of penetrating; and, if applicants take up far more land than they have any means of clearing for years to come, and there are no paths through the jungle, the surveyor cannot move. Simple chain measurements, therefore, seem to me quite unavailing and impracticable.

7. Indeed the resources of a surveyor are put to a strong test to enable him to grapple with these descriptions of measurements both in the plains and a portion of the hills. The difficulties are avowedly great, and native agency is totally unequal to meet them singlehanded. Natives are naturally averse to going into jungle, and would inevitably fudge their work rather than do so.

8. It strikes me that in the distribution and sale of allotments of land faithfulness of delineation and absolute truthfulness of the plans on which the Government officer is to be guided is indispensable. This, in my opinion, can never be hoped for with native agency simply using the chain.

Mr. E. T. S. Johnson, Darjeeling.

Mr. A. Smart, Upper Assam.

Mr. J. Nicolson, Lower Assam.

From *E. C. Bayley*, Esq., Secretary to the Government of India, Home Department, to *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal (No. 6,680); dated 20 October 1863.

YOUR letter, No. 3657, dated the 21st ultimo, having been placed before the President in Council, I am directed to say that his Honor in Council does not gather from it a precise reply to the question asked in Mr. Wyllie's letter, No. 5450, dated the 28th August, viz., what measures (if any) have been taken in respect of the survey of selected tracts of waste lands. It does not, for instance, appear from the first two paragraphs of your letter whether the survey party sent to Assam is to be immediately and specially employed on the survey of the waste lands in different parts of that province, or whether it is meant to be employed on a regular and systematic survey of the whole province. I am desired to request that, with the permission of the Lieutenant Governor, more explicit information may be given as to the measures (if any) which have been ordered for the specific object of effecting a survey of waste lands.

2. This object, I am to observe, is obviously of the more importance from the circumstance reported in your letter of the 30th May, and referred to in paragraph 7 of your letter under acknowledgment, that the Lieutenant Governor has considered it necessary to partially suspend the operation of Rule III. of the Waste Land Rules, so far as it relates to the survey of such lands prior to their sale. The local officers, it seems, reported that a strict observance of the rule would bring tea-planting to a standstill, and some modification of the rule was therefore deemed necessary. The President in Council does not feel sure, however, that

the rule required so much of modification as has been admitted. The rule as to survey stood thus:—“The survey need only be in sufficient detail to ensure the ready identification of the boundaries of the lot, and to ascertain its gross area.” Thus, one of the principal objects was to mark the boundaries of the lot applied for,—a point especially insisted upon by the Secretary of State in his Despatch of July 1862. In Mr. Beckett's letter, No. 713, dated 17th March, it was expressly stated, that in proposing to dispense with the survey, he would not dispense with an indication of boundaries. He said, “I do not anticipate any ill-effects, for when the land is put up to sale (without survey) it would be stated that it was situated within such and such boundaries.”

3. To effect this object, the Board of Revenue suggested that each applicant should cut a road round the land for which he applied, and erect masonry boundary pillars; but the Lieutenant-Governor was of opinion that it would be enough to require the applicant to put in a rough plan of the land, showing, as nearly as possible, the direction of the boundaries, the length, breadth, and area of the land, and any existing landmarks which might serve to identify the land when it should come to be surveyed. The President in Council, I am desired to say, feels some doubt whether this order does not leave the matter too much in the hands of the applicant. There must be many cases, it is apprehended, in which, in the absence of any existing landmarks, such a rough plan as that suggested would afford little, if any, facility for the subsequent identification of the boundaries of the land sold; and his Honour in Council is disposed to think that, unless the boundaries are clearly shown to be susceptible of sure identification by reference to existing landmarks, some such rule as that proposed by the Board would be very advantageous.

From *S. E. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department (No. 4420); dated 25 November 1863.

I AM directed to acknowledge the receipt of your letter, No. 6680, dated the 20th ultimo, requesting further information as to the measures which have been ordered for the specific object of effecting a survey of selected waste lands; and in reply I am to offer the following observations:—

2. The letter from your office, No. 5450, of the 28th August last, called for a report as to what measures had been taken in regard to the survey of selected tracts of waste lands in Bengal, as suggested in your letter, No. 4794, dated the 5th September 1862. It was also therein remarked that Native surveyors, capable of simply surveying with the chain, would probably be able to do all that is necessary.

3. In my reply, No. 3657, dated the 21st September, the Government of India was put in possession of what has been done, and what was actually in progress in each of the districts where applications for waste lands were numerous, and it was also stated that the Surveyor General would be consulted as to the expediency of the proposed superficial surveys.

4. As regards the survey of specially selected waste lands, which is the subject of your letter under reply, I am to remark, that in the correspondence noted in the margin* (a copy of which has already been furnished for the information of the Government of India), Colonel Thuillier specially recommended, in reference to the applications for tea grants, that Cachar, Jynteah, and Eastern Sylhet should be re-surveyed,† and that he strongly objected to “desultory patches or detached parcels of land scattered in different parts of a pergunnah being measured and allotted without system or regularity to grantees;” and that the Board of Revenue, on this, recommended an accurate topographical delineation on a large scale of all waste lands, competent district surveyors being appointed, and moved from district to district as their services were required.

5. This correspondence led to the issue of the Orders No. 39 T., dated 7th July 1862, in which, after directing that the survey should show the boundaries

* Proceedings for November 1862, Nos. 10-11, 16-20.

† Para. 21, letter No. 28, dated 29 May 1862. (Proceedings for November, No. 10.)

of all new grants or allotments of waste land, whether actually made or only applied for, and should also show on a large scale, four inches to the mile, the topographical features of the waste land as yet unappropriated, or not applied for, divided into convenient blocks for future allotment, the Lieutenant Governor proceeded in paragraphs 8 and 9 of the same letter (reproduced in the margin*) to lay down the principles on which the survey was to be conducted.

6. Subsequently your letter, No. 4794, dated the 5th September 1862, was received. This letter was forwarded for the Board's information, and for the issue of such instructions as they considered to be necessary to the Surveyor-General with reference to the suggestion "that the waste lands as surveyed should be marked out in suitable allotments." It was added that this point had already been referred to in paragraphs 1 to 9 of the Orders of the 7th July, † and the Board were told that it will be necessary to issue corresponding instructions in regard to the survey of Assam, when the footing on which that operation was to be conducted should be finally determined on. † No 39 r.

7. The Lieutenant Governor having thus fixed the principles on which waste lands generally were to be surveyed, the parties were organized, as reported in the letter from this office, No. 3657, dated the 21st September last, to carry out the survey in Darjeeling and in Upper Assam, for waste lands especially, and in the other districts named in that letter for waste lands in connection with the general topographical survey in course of progress. The party specified in the 1st and 2d paragraphs of my letter above noticed were for the special survey of waste lands in Assam. ‡ For information as to the actual state of these surveys, I am directed to refer you to the enclosed letter § from Colonel Thuillier (a copy of which is annexed), in which moreover is strongly urged the impracticability of simple chain measurement by Native surveyors. ‡ Vide Colonel Thuillier's letter, No. 33A, dated 16 June 1863. § Dated 20 October, No. 81.

8. As regards the second portion of your letter, objecting to the extent to which the rule-making survey and demarcation of boundaries, a necessary preliminary to the allotment of waste lands, has been modified, I am to say that the Board of Revenue have been requested to report whether any practical inconvenience has resulted from the existing practice as authorised in Orders of the 30th May last, and whether any such further precaution as that suggested in your letter is required.

(No. 4421.)

Copy of the above letter, and of the one to which this is a reply, forwarded to the Board of Revenue, with a request that the report required in the last paragraph thereof may be submitted as early as practicable.

* Para: 8. The Lieutenant Governor regards, as of the greatest importance, Lieutenant-Colonel Thuillier's requisition, not only for demarcation of all existing boundaries, but for the erection of permanent boundary pillars, at least at every trijunction, at the expense of the holders. Where the land is still waste, and has not yet been allotted or applied for, the survey must of necessity be rather in the nature of a topographical than of a revenue survey. In this case demarcation by the superintendent or district officer is out of the question, but it will be the duty of the professional surveyor to lay down the geographical features of the country with considerable minuteness and accuracy, so that their maps may form a sure guide to the district officer, and the basis of his proceedings in making future allotments.

9. For the purpose of making, and marking off future allotments, it is essential that the professional maps should be on the scale of four inches to the mile, and that the position of the hills, the course of the rivers, and other geographical marks should be so clearly laid down as to enable the district officer to apportion grants to applicants without delay in anticipation of the more detailed survey, and further demarcation of boundaries which the allotment of such grants will require. If it should be found that, for the more perfect accomplishment of this object, tracks should in some places be cut through the jungle, this must also be done.

— No. 31. —

From Lieutenant-Colonel *H. L. Thuillier*, Surveyor General of India, to the Secretary to the Government of Bengal (No. 65M.); dated 10 October 1863.

Vide Board to Government, No. 26, dated 31 July, and Enclosures.

No. 4277, dated 3 September 1863.

WITH reference to previous correspondence and to the requisitions made by the Commissioner of Assam for qualified surveyors to be deputed to that province for the purpose of meeting the great demand for the measurements of waste lands applied for under the fee-simple rules, I have the honour to submit, for the information of his Honor the Lieutenant Governor of Bengal, extract from the Proceedings of the Government of India in the Financial Department, transferring Mr. J. O. Nicolson, of the Trigonometrical Survey, lately employed in astronomical observations at the Andamians, for the above purpose, and I beg to report accordingly that his services are now available, and I would suggest that they may at once be placed at the disposal of the Commissioner of Assam for such desultory employment in the plains of Lower Assam, as may be available, pending some progress with the general Topographical Survey of the hills which is now about to be instituted under Captain Godwin Austen.

2. Mr. Nicolson is now in Calcutta, employed in bringing up his observations. The salary of his old grade is 400 rupees per mensem, but he has for several years past been on deputation in independent charge of special operations, and he has consequently enjoyed an extra or deputation allowance, of 200 rupees to make up his salary to that of a full surveyor, to which his standing and service of upwards of 27 years fairly entitle him.

3. The sum of 600 rupees per mensem has been duly provided for in the Budget of 1863-64, and has been ordered to be transferred from the Trigonometrical Survey Budget to that of Bengal, I therefore trust his Honor may deem fit to continue the old deputation allowance to Mr. Nicolson, who is an officer of great merit in his own branch, and will doubtless be well able to accomplish all that is required in the measurement of waste lands.

4. A special application will be made to the above effect to the Government of India with reference to para. 2 of the Financial Resolution.

5. The small establishment which Mr. Nicolson will require at starting is as detailed below, amounting to 11,441 rupees, for the remainder of the financial year, similar to the other surveyors employed in a like capacity, and this must be provided out of the grant under B. II. Land Revenue, as directed in the Resolution.

6. The favour of early orders is solicited, and to be sent to my office in Calcutta.

Mr. J. O. Nicolson, Assistant Surveyor in Charge (*vide* paragraph 3 of this Letter).

From 1st November 1863 to 31st March 1864.

	<i>R.</i>	<i>a.</i>	<i>p.</i>	<i>R.</i>	<i>a.</i>	<i>p.</i>
Contract allowances for contingencies, at 100 rupees per mensem	-	-	-	500	-	-
1 Junior sub-assistant, at 160 rupees	750	-	-			
Clerks, draughtsmen, native surveyors, and duftree	2,385	-	-			
Tindals, measurers, &c.	2,880	-	-			
Guards, burkundauzes, &c.	285	-	-			
				6,250	-	-
Purchase of two elephants	-	-	-	2,000	-	-
Travelling allowance for Mr. Nicolson, at 5 rupees per diem	760	-	-			
Travelling allowance for junior sub-assistant, at 3 rupees per diem	456	-	-			
Travelling allowance to clerks, draughtsmen, native surveyors, &c., at three-tenths rupees	550	-	-			
Feed of elephants	225	-	-			
Boat-hire, transit of stores, &c.	100	-	-			
Camp equipage	600	-	-			
				2,691	-	-
TOTAL				11,441		

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Government of India in the Home Department (No. 4212); dated 11 November 1863.

WITH reference to para. 2 of the proceedings of the Government of India, in the Financial Department, No. 4277, dated the 3d September last, copy of which was forwarded with endorsement from your office, No. 6086, dated the 28th idem, I am directed to submit, for the consideration and orders of the Honourable the President in Council, the accompanying copy of a letter, No. 65M., dated the 10th ultimo, from the Surveyor General of India, soliciting a continuance of the deputation allowance of 200 rupees allowed to Mr. J. O. Nicolson, of the Trigonometrical Survey.

2. It will be observed that Mr. Nicolson has for several years past been on deputation in independent charge of special operations; that the deputation allowance of 200 rupees was granted to him to make up his salary to that of a full surveyor, to which his standing and service of upwards of 27 years fairly entitle him; and the continuance of this extra allowance is now strongly recommended by the Lieutenant Governor on the ground of Mr. Nicolson's long and meritorious service, and the peculiar hardship which the withdrawal of this allowance would entail on Mr. Nicolson, causing him, in fact, to be a heavy sufferer by reason of his work hitherto having been in an exceptional, instead of in the regular line of a surveyor's duties.

3. The services of Mr. Nicolson have now been placed at the disposal of the Commissioner of Assam with a view to his being employed in the measurements of waste lands in Assam.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Surveyor-General of India (No. 4213); dated 11 November 1863.

WITH reference to your letter, No. 65 m., dated the 10th ultimo, and its enclosure, I am directed to inform you that the Lieutenant Governor has been pleased to place the services of Mr. J. O. Nicolson, of the Trigonometrical Survey, at the disposal of the Commissioner of Assam from the 5th instant, with a view to his employment in the manner suggested in paragraph 1 of your letter.

2. You will be good enough to instruct Mr. Nicolson to proceed to Assam, and report himself to the Commissioner of that Province.

3. I am directed to request that you will submit the usual Proposition Statement for the establishment required for Mr. Nicolson, showing the monthly cost of the same.

4. The Government of India have been applied to for a continuance^d of the Deputation Allowance of Mr. Nicolson.

From Lieutenant-Colonel *J. E. Gastrell*, in charge of the Surveyor-General's Office, to the Junior Secretary to the Government of Bengal (No. 6); dated 14 October 1863.

IN compliance with the request contained in paragraph 3 of your letter, No. 4213, dated 11th instant, I have the honour to submit for sanction a Budget Estimate, in duplicate for the five months of the financial year ending 31st March next.

2. Mr. J. O. Nicolson has been instructed to proceed to Assam, and report himself to the Commissioner of that Province.

(No. 150.)

From *S. C. Bayley, Esq.*, Junior Secretary to the Government of Bengal, to the Officer in charge of the Surveyor General's Office (No. 4344); dated 20 November 1863.

I AM directed to acknowledge the receipt of your letter, No. 6, dated the 14th instant, and in reply to point out that your office appears to have mistaken the nature of the requisition made in my letter, No. 4213, dated the 11th idem. What was required was a Proposition Statement in the usual tabular form, showing the monthly cost of the establishment required by Mr. Nicolson for conducting the survey of waste lands in Assam, and I am now to request that this statement may be furnished as early as practicable.

From Lieutenant Colonel *J. Gastrell*, in charge Surveyor General's Office, to the Junior Secretary to the Government of Bengal (No. 13); dated 24 November 1863.

I AM sorry that I should have misunderstood the requisition first made, and I have now the honour to forward the accompanying Proposition Statement called for in your letter No. 4344, dated 20th instant, and, in doing so, to observe, that the peculiar operations of the Survey Department necessitate periodical, and often sudden, changes in the establishments of the Revenue Surveyors, entirely dependant on professional requirements, but subsequently checked and regulated by this office. It is impossible, therefore, to give more than a general average for each month, and this has been done accordingly:—

STATEMENT of the approximate Monthly Cost of the Establishment proposed for the second Revenue Survey Party in Assam:—

	Rs.	a.	p.	Rs.	a.	p.
Mr. J. O. Nicolson, Assistant Revenue Surveyor in charge, salary -	400	-	-			
Deputation allowance - - - - -	200	-	-			
				600	-	-
Contract allowance for Contingencies - - - - -	-	-	-	100	-	-
1 Sub-assistant Revenue Surveyor - - - - -	-	-	-	150	-	-
14 Clerks, Draftsmen, and Native Surveyors, from 10 rupees to 75 rupees each - - - - -	-	-	-	407	-	-
1 Native Doctor - - - - -	-	-	-	20	-	-
100 Tindals, Measurers, or Clashies, from Rs. 4. 8. to 8 rupees each -	-	-	-	576	-	-
9 Guards, burkundauses - - - - -	-	-	-	57	-	-
				1,970	-	-
Travelling allowance for Mr. Nicolson, at 5 rupees per diem - -	150	-	-			
Ditto - ditto - for sub-assistants, at 3 rupees per diem - -	90	-	-			
Ditto - ditto - of establishment, at 3-10ths rupee per diem -	110	-	-			
				350	-	-
Feed of two Elephants, at Rs. 22. 8. each per month - - - -	45	-	-			
				45	-	-
Probable average monthly charge - - - - -	-	-	-	-	Rs.	2,365

The other miscellaneous charges provided for in Budget Estimate are not monthly ones, and, therefore, are not included in the above Proposition Statement.

J. Gastrell, Lieutenant Colonel,
In charge Surveyor General's Office.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department (No. 4663); dated 11 December 1863.

WITH reference to paragraph 2 of the orders of the Government of India, in the Financial Department, No. 4277, dated 3d September last, copy of which was forwarded, with the endorsement from your office No. 6086, dated 28th idem, I am directed to state, that the Surveyor General has requested, that a grant of 11,541 rupees out of the amount provided in the Budget of 1863-64, under British India Land Revenue, may be placed at his disposal, to meet the expense of conducting the survey of waste lands in Assam, for five months of the current financial year, viz., from November 1863 to March 1864, both inclusive.

2. The items making up the amount required are as follows:—

ESTIMATE FOR FIVE MONTHS.	<i>Rs.</i>
Contract allowance for contingencies, at 100 rupees per mensem - - -	500
Mr. Nicolson's establishment, at 1,270 rupees per mensem, as per Tabular Statement - - - - -	6,350
Travelling allowance to Mr. Nicolson, at 5 rupees per diem - - -	760
Ditto - ditto - to junior sub-assistant, at 3 rupees per diem - - -	456
Ditto - ditto - to clerks, draftsmen, native surveyors, &c., at <i>Rs.</i> 3. 10. per diem - - - - -	550
Purchase of two Elephants - - - - -	2,000
Feed of two Elephants, at <i>Rs.</i> 22. 8. each per mensem - - - - -	225
Boat-hire, transit of stores, &c. - - - - -	100
Camp equipage - - - - -	600
TOTAL - - -	<u><i>Rs.</i> 11,541</u>

A separate Proposition Statement, showing the monthly cost of the establishment alone, is also submitted, in which it will be perceived, that the deputation allowance to Mr. Nicolson at 200 rupees per mensem, the continuance of which was advocated in my letter No. 4212, dated 11th ultimo, has been included, and I am now to solicit the early sanction of His Excellency the Governor General in Council to the arrangements proposed, the survey being urgently needed in Assam.

FORT WILLIAM.

BENGAL REVENUE DEPARTMENT.

		YEAR.	Revenues.		Charges.		Total.		Net.								
			Ordinary.	Extraordinary.	Ordinary.	Extraordinary.	Revenue.	Charges.	Surplus.	Deficit.							
No.	Date.	Office to which the Proposition refers.	NATURE OF CHARGE.		PROPOSITION.				Casual or Extraordinary.	Grounds of Proposition.	Local Government's Recommendation.	Orders of the Government of India.					
			Present Scale.	Proposed Scale.	Permanent.		Temporary.					Home Department.	Financial Department.				
Increase per Month.	Decrease per Month.	Increase per Month.			Decrease per Month.	Remarks.	Remarks.	Orders.									
									Revenue Survey Department: Establishment required by Mr. Nicolson for the Survey of Waste Lands in Assam.	<i>Rs. a. p.</i> Mr. Nicolson, Assistant Revenue Surveyor in charge 400 - - Deputation allowance - - - 200 - -	<i>Rs. a. p.</i> Mr. Nicolson, Assistant Revenue Surveyor in charge - - - 400 - - Deputation Allowance - 200 - - 1 Sub-Assistant Revenue Surveyor - 150 - - 14 Clerks, Draftsmen, and Native Surveyors, from 10 rupees to 75 rupees each 467 - - 1 Native Doctor - 20 - - 100 Tindals, Measurers, or Clashies, from <i>Rs. 4. 8. to 8 rupees each</i> - - 576 - - 9 Guards, Burkundauzes - - - 57 - - TOTAL - <i>Rs. 1,870</i> - -	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	Period.	<i>Rs. a. p.</i>	Period.	<i>Rs. a. p.</i>
			TOTAL - <i>Rs. 600</i> - -														

Fort William,
11 December 1863. }

S. G. Bayley,
Junior Secretary to the Government of Bengal.

— No. 32. —

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Officiating Secretary to the Government of Bengal (No. 46); dated 8 December 1863.

I AM directed to request that you will submit, for the early consideration of his Honour the Lieutenant Governor, the accompanying copy of a docket, from the Officiating Commissioner of Assam, No. 75, dated 9th November, with its enclosures, asking for instructions as to the course to be pursued, where the grantees of waste lands delay or refuse to cut down the jungle on their boundaries, so as to enable the revenue surveyors to complete their work.

2. The Board of Revenue are not aware of any law by which the grantees of such lands, or any other landholders, can be compelled to make a clear line round their estates for survey purposes, or to provide labour to enable the Government officers to get this necessary duty performed. On the contrary, by Rule XVIII. of the "Survey Manual," it is prescribed definitively, that the expense of cutting jungle and erecting boundary marks, is to be charged in the surveyor's contingent bills. In the regulation districts this could never be other than an inconsiderable item; in Assam, where the lines are to be cut through virgin forest, the charge must be ruinous if imposed on the grantees or owners, and will probably absorb a large proportion of the sale proceeds of the lands if it is to fall on Government.

3. The remedy, therefore, proposed by the authorities in Assam, would be ineffectual. On the other hand it would be probably impossible for the surveyors in Assam, without the assistance of the grantees, to procure, at any price, the labour needful for the work; and, at any rate, the expense would at present be enormous.

4. Where, therefore, the boundaries of contiguous grants are covered with a forest growth, the Board propose, with the approval of the Government, to instruct the surveyors to leave such boundaries for the present unsurveyed. Contiguous grants would, according to this plan, be grouped together, and surveyed at present in one block only. Hereafter, when the grants are cultivated and cleared, the obstacle will have disappeared, and the detailed survey may be made.

5. Of course these instructions would not apply to the case of any grantee, who, for the purpose of securing immediately a professional survey of his grant, was willing to aid the authorities by having the boundaries sufficiently cleared, to make it feasible for the survey to be effected.

MEMORANDUM from Major *W. Agnew*, Officiating Commissioner of Assam (No. 75); dated 9 November 1863.

COPY forwarded to the Secretary to the Board of Revenue for orders, and with a recommendation that Mr. Smart be vested with the powers referred to.

From Lieutenant *J. Gregory*, Officiating Deputy Commissioner of Seebangor, to the Personal Assistant Commissioner of Assam (No. 477); dated 30 October 1863.

I HAVE the honour to report, for the information of the Commissioner, that Mr. Smart, the Assistant Revenue Surveyor, commences operations on the 15th proximo, and request your obtaining definite instructions for me, as to how I am to act, in cases in which the owners of grant of waste land delay or refuse to cut their boundaries; the survey was delayed last year in one instance, for some time, owing to the planter, to whose garden a party had been sent, being unwilling to take his coolies from their work, to cut boundaries. This year, I anticipate more trouble of this kind, as planters can now have their grants put up for sale before survey, and have not the inducement to get their grants surveyed quickly, which they formerly had.

2. In Bengal, it is, I believe, the custom to give the Revenue Surveyor the powers of a deputy collector, and he, in case of any vexatious delay, can fine the offenders 50 rupees for each separate offence, provided that the fines do not, in the aggregate, exceed 500 rupees; unless some provision of this kind is made, I am afraid that the survey may be delayed, as labour is very scarce, and there is great competition for it, and planters grudge every man taken away from the factory work. Under Act XX. of 1848.

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4904); dated 31 December 1863.

I AM directed to acknowledge the receipt of your letter, No. 46, dated the 8th instant, submitting, for orders, copy of a communication from the Commissioner of Assam, asking for instructions as to the course to be pursued when the grantees of waste lands delay or refuse to clear the boundaries of their grants sufficiently to enable the surveyors to complete their work.

2. In reply, I am desired to say that, in the first instance, every endeavour should be made to induce grantees not only to point out their boundaries, but to cut down so much of the jungle as to enable the surveyor to take the bearings, and lay down the boundary accurately on the map. If, after due notice and warning, the grantee refuses or omits to point out his boundaries, or to clear the jungle, so that they may be accurately laid down by the surveyor, the course proposed * by the Board may be adopted.

*Paragraph 4.

3. Every grant of unsurveyed land should be given on condition that the grantee will render all necessary assistance to the surveyor, by cutting jungle, and otherwise facilitating an accurate survey, and that he will abide by the collector's decision as to the proper boundary of his grant; and an agreement to this effect should be invariably taken in such cases.

— No. 33. —

From Captain *Hector Mackenzie*, Secretary to the Chief Commissioner of the Central Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 4165); dated Nagpore, 22 September 1863.

I AM desired by the Officiating Chief Commissioner to acknowledge the receipt of letter, No. 132, of the 18th June last, from the Secretary to Government, in the Foreign Department, calling for a return of arrangements made for the sale of waste lands in these provinces, under the Resolution of the 17th October 1861; and in reply, to inform you, for the information of his Honour the President in Council, that no such arrangements have been made in these provinces beyond the proposed sale of 16,000 acres to Mr. Meik, at four annas per acre, which was specially sanctioned in letter from the Foreign Secretary, No. 685, of the 13th December 1862, and this sale has not yet been actually carried out.

No. 6830, dated 30 October 1863.

COPY forwarded to the Foreign Department, with the remark that in this department there is no information as to the large grant said to have been sanctioned in Mr. Meik's favour, and with a suggestion that, as it is intended apparently to give effect to the grant eventually, the Chief Commissioner may be called on to show it, with all necessary details of explanation in the statistical return for the Central Provinces, required by the Secretary of State.

By order,
(signed) *J. W. S. Wyllie*,
Under Secretary to the Government of India.

From *J. T. Wheeler*, Esq., Assistant Secretary to Government of India, Foreign Department, to the Officiating Chief Commissioner, Central Provinces (No. 325); dated 6 November 1863.

WITH reference to your Secretary's letter, dated 22d September last, No. 4165, to the address of the Secretary to the Government of India, Home Department, I am directed to request that the grant of land sanctioned in Mr. Meik's favour may be entered, with all necessary details of explanation in the Statistical Return for the Central Provinces required by the Secretary of State.

From *R. Simson*, Esq., Secretary to the Government of the North Western Provinces, to *E. C. Bayley*, Esq., Secretary to the Government of India (No. 1270 A); dated Nynee Tal, 30 October 1863.

WITH reference to the letter from your office, No. 6423, dated 9th instant, and to previous correspondence, I am directed to forward, for the information of the Government of India, the accompanying copy of a letter this day addressed to the Sudder Board of Revenue, and to state that the required return will be submitted as soon as possible.

From *R. Simson*, Esq., Secretary to the Government of the North Western Provinces, to *B. Hardinge*, Esq., Officiating Secretary to the Sudder Board of Revenue, North Western Provinces (No. 1269 A); dated Nynee Tal, 30 October 1863.

THE Government of India having again addressed this Government on the subject, I am directed by the Honourable the Lieutenant Governor to draw the attention of the Sudder Board of Revenue to the orders of Government, marginally noted, to the numerous calls which have been made for the report required regarding the sale of waste lands and the redemption of the existing land revenue, and to the great delay which has occurred in its submission; and I am desired by his Honour to request that active measures may be taken to prevent the recurrence of a state of things which is not creditable to the system of conducting public business in these provinces.

No. 945 A, dated 26 August 1862.
 No. 1041 A, dated 17 September 1862.
 No. 1027 A, dated 1 November 1862.
 No. 127 A, dated 26 January 1863.
 No. 927 A, dated 15 August 1863.

No Orders.

From *L. B. Bowring*, Esq., Commissioner of Mysore, to Colonel *H. M. Durand*, c.B., Secretary to Government of India, Foreign Department (No. 379); dated Bangalore, 6 January 1863.

IN reply to paragraph 2 of Mr. Aitchison's letter, No. 708, dated the 31st December 1862, I have the honour to represent that, so far as the Coorg district was affected by the orders contained in your letters, No. 480, dated 30th August 1862, and No. 543, dated 26th September 1862, an answer was submitted with my letter, No. 33, dated 24th October 1862.

2. I did not understand that it was the desire of Government that I should send a similar report for Mysore, as, from the fact of this province being foreign territory, I did not suppose that the circular enclosed in No. 480, dated 30th August 1862, could be considered applicable to it. In fact, there never has been any permanent alienation of land in Mysore, household property in Bangalore, even being held only so long as troops of the British Government may be stationed there. The reason, of course, is, that the territory belongs to the Maharaja, and that the Commissioner, as stated in your letter, No. 42, of 29th January 1862, has not the power of assigning away land in fee simple.

3. As I am doubtful whether the Government would wish me to agitate a question involving the construction of the right of the British Government to alienate land in Mysore, I solicit that I may receive further instructions on the subject, should it be deemed an open question.

From *J. T. Wheeler*, Esq., Assistant Secretary to Government of India, Foreign Department, to the Commissioner of Mysore (No. 69); dated 4 February 1863.

IN reply to your letter, dated the 6th ultimo, No. 379, I am directed to inform you that there is no intention to disturb the orders conveyed in this office letter, No. 42, dated the 29th January 1862, regarding Mysore; but the Governor General in Council wishes to know whether your views, submitted in your letter, No. 26, dated 23d August last, have been modified since the publication of the Despatch regarding waste lands, and is also desirous of receiving your draft rules as soon as possible.

— No. 34. —

From *C. Bernard*, Esq., Officiating Secretary to Chief Commissioner, Central Provinces, to Colonel *H.M. Durand*, c.B., Secretary to Government of India, Foreign Department, with the Governor General (No. 776); dated Nagpore, 25 February 1863.

THE Government of India is aware that there is in these provinces much excess of jungle and waste over and above the requirements of the land tax-paying communities. This excess has not heretofore been especially excluded from village areas, or defined as State property. I am now to submit, for the information and approval of his Excellency the Governor General, a sketch of the steps the Officiating Chief Commissioner proposes to take with the view of securing to the State its just rights.

2. I am to premise that the subject attracted much attention from the revenue authorities of the North-Western Provinces. When revision of settlement in the Saugor and Nerbudda territories was about to take place, much correspondence passed between the Commissioner of the Saugor and Nerbudda territories, the Sudder Board of Revenue, and the Government of the North-Western Provinces, on the subject of reserving, in behalf of the State, the right to all extensive forests and wastes.

3. A short abstract of this correspondence will be found in Appendix (A.) to this letter.

4. From the correspondence above alluded to it would appear:—

1stly. That the right of the State to exclude these excess wastes and forests from village areas has been repeatedly affirmed by high authorities.

2dly. That the right to cut timber, gather firewood, and other manorial perquisites, known as Sayer rights, go with the land. If excess wastes and forests are excluded from village areas, manorial or Sayer rights over those tracts may be denied to village proprietors.

3dly. That it has been determined by competent authority to exclude these excess wastes and forests from village areas in the Saugor and Nerbudda territories, and they ought to be separately demarcated as State property.

5. The Officiating Chief Commissioner finds that nothing has yet been done by revenue authorities in the Saugor and Nerbudda territories in the matter. It remains, then, to issue detailed instructions as to the mode in which the intentions of Government are to be carried out and the rights of the State secured.

6. Before detailing the instructions he would propose to issue, the Officiating Chief Commissioner would observe that the right of the State to excess wastes and forests is as undoubted in the Nagpore Province as it is in the Saugor and Nerbudda territories. He believes, therefore, that the instructions he would propose to issue may be followed in all districts of the Central Provinces.

7. The

7. The following are the instructions which the Officiating Commissioner would issue :—

I. Each Settlement Officer, having examined and disposed of all claims to possession or quasi-possession, direct or indirect, must at once proceed to consider the subject of exclusion of excessive uncultivated area, to which no claim can be substantiated, but which is included, or about to be included in the village measurements.

II. One Hundred per cent. on the cultivated area should be the minimum and 200 per cent. the maximum amount of uncultivated land to which the agricultural community of a village may be considered to have a claim.

III. In tracts already measured or surveyed, the Settlement Officer should proceed to decide generally from what villages a portion of the land included in their areas should according to above rule be excluded.

IV. The Settlement Officer should then take up each case, and decide whether the amount of uncultivated land to be allotted in proprietary right, should be equal to or double the cultivated area, or whether it should be fixed at any intermediate proportion.

V. In tracts not yet measured or surveyed the above investigations should proceed hand in hand with measurement or survey, whichever may be carried out first.

VI. When settlement officer has decided all the cases falling under Rule III., report should be made to the Commissioner before assessments are made.

VII. When measurements have been completed, the boundary line of the areas to be excluded should be laid down afresh on the land itself and on the field maps, information being conveyed to the Revenue Surveyor, with a view to the new boundaries being marked off in his maps. The settlement officer should prepare sketch maps of the newly formed State properties. Where it may be inconvenient to prepare a new map, the boundaries of the State property should be shown on the original village map.

8. With respect to Rule III. the Officiating Chief Commissioner believes the margin of uncultivated land to be included in village area is liberal without being too large. Much would depend on the state of the village, its probable future requirements, and the nature of the soil. In case an agricultural community should bring under cultivation all, or nearly all, its allotted uncultivated land during the currency of the settlement now about to be made, it would be in the power of Government to grant to the village proprietors, on liberal terms, any portion of an adjoining State property that had not been otherwise disposed of.

9. The considerations that should guide the settlement officer in coming to a decision under Rule IV. would be various, and the Officiating Chief Commissioner will not trouble his Excellency the Governor General with an enumeration of them. If these Rules should be approved, the Officiating Chief Commissioner could issue subsidiary instructions to guide Settlement Officers in administering Rule III.

10. In carrying out this Rule, the Officiating Chief Commissioner will take care that the claims of talookdars (superior proprietors) to manorial rights over thinly inhabited and scantily cultivated forest tracts, are carefully and cautiously considered and reported. From a *prima facie* view, however, of talookdaree proprietorship, the Officiating Chief Commissioner is of opinion that tracts which have heretofore been held by talookdars do not require special rules for their treatment in regard to the exclusion of excessive waste. But there may be a few cases where the terms and circumstances of the original talookdaree grant are peculiar. Claims on such grounds will be carefully examined and referred by the Settlement Officer for special orders.

11. In regard to Rule VII. the Officiating Chief Commissioner believes it will be, for many reasons, better to separate wastes, and form them into separate State properties than to include them within village areas. Sketch maps,

too, will be obtained of tracts available to purchasers under the Waste Land Sale Rules.

12. In view of the urgency of the matter, and of the fact that proprietary rights are in course of being conferred in some of the districts of the central provinces, the Officiating Chief Commissioner has circulated to all revenue authorities instructions in the spirit of the Rules which he now submits for the sanction of his Excellency the Governor General.

APPENDIX (A.) to 776, dated 25 February 1863.

ABSTRACT of Correspondence on the subject of the right of the State to excess Wastes and Forest.

(a) Proclamation regarding New Settlement by Government North Western Provinces, dated 24th June 1854, paragraphs 17 and 18.

(b) General instructions in regard to settlement of the Saugor and Nerbudda Territories, paragraph 25.

(c) Note on jungle and waste in Saugor and Nerbudda Territories by Senior Member of Sudder Board of Revenue, North Western Provinces recorded in 1855, paragraphs 1-18.

(d) Commissioner J. to Sudder Board Revenue, No. 407, of 16th June 1855.

(e) Sudder Board Revenue to Government on above, No. 695, 3d July 1855.

(f) Government North Western Provinces on above, No. 1589 A, of 25th July 1855.

(g) Government, North Western Provinces, to Commissioner J., No. 1489 of 24th August 1859, paragraph 3.

(h) Sudder Board Revenue to Government North Western Provinces, No. 886 of 8th December 1859, paragraph 25.

(i) Sudder Board Revenue, to Commissioner J., No. 976 January 1860, paragraphs 3, 4, and 5.

(a). Government reserves the right to all large forests where valuable timber exists, and these forests are to be excluded from settlement.

Government, also, reserves the right to large tracts of land, either forest or uncultivated. This is not, however, to apply to small portions of uncultivated, or jungle, on hills not of much value.

(b). Extensive forest and jungle tracts are to be excluded from settlement. Large areas of waste, held for pasture only, are to be arranged for specially in view to their clearance.

(c). Excepting the three forests of Durassee Dogur Fal, south-east of Seonee, and Gurrukote, in Saugor, no forest lands were excluded from last settlement. At a new settlement the State can determine regarding the disposal of all such lands, viz., all excess of jungle and waste within the limits of villages, and all extensive tracts of forest and waste distinct from village areas.

Owing to the hilly and stony character of these lands, unavailable for agriculture, it would be useless expense for Government to mark off and survey all excess of jungle and waste within the limits of villages for the purpose of making separate farms of the Sayer, which, including the right to pick up fire-wood, other rights of "dhang," and other manorial privileges, the people had heretofore enjoyed and prized. Therefore, although had the lands in question been to any great extent available for agriculture, it might have been advisable to adopt the usual principle of relinquishing a liberal allowance of jungle to the party admitted to the proprietary right, and of assigning the residue in clearing leases; yet, under the circumstances, it has been considered advisable that these lands shall remain attached to the villages to which they have been reputed to belong, and that only extensive and continuous tracts of jungle shall be excluded from the village areas, and from the village settlement.

Although "attached" to the villages, however, the proprietary right would remain with Government, who would concede the right to only that portion of the land which might equal the cultivation of the village. The whole might thus be gradually acquired by the village proprietor.

The manorial privileges would however, remain as before, over the whole, and be unrestricted. The general interdict against the removal of timber is considered profitless and vexatious, and the conservation of timber should be limited to particular localities.

There are few tracts of waste or prairie land available for pasture grounds, which should be separated from village areas. Such might be reserved for clearance leases. It would be advisable *ad interim* to farm them where they are not so separated, providing that portion might be assigned to third parties at the end of any agricultural year, a corresponding reduction being given in the village jumma.

(d). The lands under discussion are not so hilly and sterile as was supposed by Mr. Reade. Only near large towns should any departure from Mr. Reade's plan be allowed, by marking off prairie lands as he proposed.

The particular localities, where alone timber should, according to Mr. Reade, be conserved would form the subject of enquiry and future report.

Commissioner entirely agrees with Mr. Reade on every other point.

(e). Board agrees with Mr. Reade, and requests Government orders on his plan.

(f). Lieutenant Governor disapproves of the plan.

If the amount of jungle now reputed to attach to villages be not sufficient to warrant the exclusion from the village settlement of the lands under discussion, it should be at once declared the village property.

(g). Government, with reference to Deputy Commissioners Jubbulpoor's letter No. 59, of the 1st August 1859, on another subject remarks that, although Deputy Commissioner may not have been in the habit of looking upon jungle and forest as the property of the State, but as attached in every case to one or another village, Lieutenant Governor is disposed to think that, on enquiry, many of the villages would be found to have unlawfully usurped possession of the jungle. This point should be specially enquired into at settlement.

(h). The

(h). The right of Government to extensive forests and wastes is unquestioned.

(i). Sudder Board of Revenue draws attention to Proclamation of 24th June 1854, a.— Adds that the plenary right of the State to forest and excess of jungle and waste exists in principle, and has been especially reserved; also points out the error which would be committed by the relinquishment by the State of large areas of forest and waste to individuals incapable and unwilling to reclaim them, along with the proprietary right of villages or plots of land.

From the Under Secretary to Government of India, Foreign Department, with the Governor General, to the Officiating Chief Commissioner, Central Provinces, (No. 57); dated Camp, Secunderpore, 20 March 1863.

IN reply to your Officiating Secretary's letter, No. 776, dated 25th ultimo, submitting for sanction certain rules respecting excess of jungle and waste lands over and above the requirements of the land-tax-paying communities in the central provinces, I am directed by His Excellency the Viceroy and Governor General to inform you that the rules are approved so far as concerns waste and forest lands in which no proprietary rights of individuals or of villages are found to exist. But where such rights do exist, they must be recognised and secured. Rule II. points to an arbitrary restriction of village claims and no such arithmetical measure of rights is sound or admissible. If there be villages or individuals having definite rights in waste or jungle lands, these rights must be recognised to their full extent, whether the area in which they lie exceeds 200 per cent. on the cultivation or not. You are requested to amend the rules accordingly.

From Captain *Hector Mackenzie*, Secretary to Chief Commissioner Central Provinces, to the Under Secretary to Government of India, Foreign Department, with the Governor General, Camp, (No. 1632); dated Nagpore, 29 April 1863.

I AM directed to acknowledge your No. 57, of the 20th March, regarding the rules relating to excess waste land.

2. The Officiating Chief Commissioner regrets that the wording of Rule II. should have been framed so as to have appeared to indicate an arbitrary restriction of village claims, that is of rightful village claims; it was by no means his intention to impose any such restriction: the arithmetical measure of rights was intended (as now ordered by Government) to apply only to cases where no right or claim could be substantiated, and where no definite limit was ascertainable. The Officiating Chief Commissioner trusts that this intention will be apparent from the wording of the first rule, wherein it was provided that all claims to possession or quasi-possession, direct or indirect, were to be disposed of, and that excess waste could be considered only in cases where no such claim can be substantiated; whence it was intended to follow that 200 per cent. on cultivation was to be the maximum only in cases where there was no substantiated right and no specific limit.

3. In order to place this beyond the possibility of mistake on the part of Settlement Officers, and in accordance with the instruction conveyed in your letter under acknowledgment, the Officiating Chief Commissioner has prefixed to Rule II. the following words, which, together with amended Rule, would stand thus:—"II. In cases where no specific rightful claim shall be substantiated, 100 per cent. on the cultivated area shall be the minimum, and 200 per cent. the maximum per cent. of uncultivated land, which should ordinarily be awarded to the agricultural community of a village."

4. It is hoped that this will be approved by His Excellency the Viceroy and Governor General.

From the Under Secretary to Government of India, Foreign Department, with the Governor General, to the Officiating Chief Commissioner, Central Provinces, (No. 110) ; dated Simla, 18 May 1863:

I AM directed to acknowledge the receipt of your Secretary's letter, No. 1632, dated 29th ultimo, regarding the rules relating to excess waste land, and, in reply, to inform you that the amendment which you propose in Rule II. is approved by His Excellency the Viceroy and Governor General.

— No. 35. —

From *J. D. Sandford*, Esq., B.A., Officiating Secretary to Government of North Western Provinces, to Colonel *H. M. Durand*, c.B., Secretary to Government of India, Foreign Department, with the Governor General (No. 305 A) ; dated Allahabad, 4 March 1863.

In reply to Mr. C. U. Aitchison's letter, No. 11, dated 13th January last, relating to the proposed introduction of a permanent settlement in some of the districts under the administration of the Chief Commissioner of the Central Provinces, I am directed to forward for submission to His Excellency the Governor General the accompanying copy of a letter, No. 102 A, dated 23d ultimo, to the address of the Secretary to the Sudder Board of Revenue, North Western Provinces, together with copies of the minutes recorded by the members of the Board on that subject.

2. I am also desired to forward a printed copy of Mr. R. M. Bird's note on the Saugor and Nerbudda territories, dated 31st October 1834, referred to in the 3d paragraph of Mr. Muir's minute.

From *A. P. Howell*, Esq., Officiating Under Secretary to Government of North Western Provinces, to *G. H. M. Batten*, Esq., Secretary to Sudder Board of Revenue, North Western Provinces, Allahabad (No. 102 A) ; dated 23 January 1863.

*No. 11, dated 13 January, and enclosure.

I AM directed by the Honourable the Lieutenant Governor to forward for report the accompanying copy of a letter* from the Under Secretary to the Government of India in the Foreign Department (Revenue), relative to the proposed introduction of a permanent settlement in some of the districts under the administration of the Chief Commissioner of the Central Provinces.

2. His Honour believes that the 20 years' settlement of the five districts of the Saugor Division was of quite a summary character, such as could ill be made the foundation of a permanent settlement ; but this is a mere impression which the Lieutenant Governor has received from matters which have been brought under his notice from time to time, as especially from the fact that in some districts, Saugor notably, the revenue was found to press so heavily as to demand summary reduction.

3. The Lieutenant Governor believes that the records of your office, and the personal knowledge of the senior member will enable the Board to give a more full and definite reply to the enquiries of the Government of India.

NOTE on the orders of Government, No. 102 A., dated 23 January, and of the Supreme Government, dated 13 January, on the question of a permanent settlement of the Land Revenue in the Jubbulpore Division by the Senior Member of the Sudder Board of Revenue, North Western Provinces.

Mr. Temple is of opinion that a permanent settlement of the Land Revenue may be introduced partially into five of the districts of the Jubbulpore Division, noted in the margin,* on the ground that sufficient experience has been gained by the 20 years' settlement, which expired seven or eight years ago, and that, with "the aid of a professional survey, there will be few estates of which it may not be safely affirmed that their assessment is as good as that of the estates of any Province in India."

* Jubbulpore.
Saugor.
Dumoh.
Nursingpore.
Hoshungabad.

2. The question has been referred to this Board for report generally, and specially in reference to the nature of the 20 years' settlement above referred to.

3. The 20 years' settlement was based upon the proposals made by Mr. Robert Merttons Bird, in his note, dated 21st October 1834,† see paragraphs 2, 3, 8 and 9. Mr. Bird found the Province labouring, among other evils, under the effects of a heavy assessment, with the demoralising result of continued application for the remission of balances, and he advocated a light assessment, such as could be realised uniformly and without difficulty for a period of 20 years.

† Reprinted by Mr. E. A. Read in 1859; copies will probably be in the Secretariat office.

4. The main object was thus, from the rough materials at command, to assess a moderate demand. In referring to the Settlement Reports, it will be found that the basis of the settlement was for the most part of a very rudimentary character. Sometimes there was no measurement at all, sometimes the measurements of one of the preceding quinquennial settlements was adopted. In Nursingpore, Hoshungabad, and Dumoh, the measurement Amceers are described as so inefficient that "Their crude calculations rather confound than assist."

5. Had these settlements been formed even upon superior materials, their subsequent history shows that they were ill fitted to be a standard for future assessment. In Seonee it became necessary to arrest the advance of the progressive assessments. Notwithstanding the moderation urgently inculcated, the settlements were found to press so heavily, that a general reduction of 10 per cent. was allowed by Major Sleeman. This revision being a rateable and indiscriminate remission left inequalities of pressure unaffected.

6. In spite of this measure, it was found a few years since that the Government demand pressed so heavily in Jubbulpore, Dumoh, and Saugor that extensive relief was required. The need was so immediate, that the regular settlement, then close at hand, could not be availed. The District Officers were accordingly authorised on a rough survey of the assets and condition of all the oppressed estates, to make heavy summary reductions, which received the sanction of Government. These embraced a large proportion of the villages in the districts named.

7. Thus, neither as regards their original mode of formation, nor as tested by their actual working, can the 20 years' settlement pretend to hold out any sure light to guide towards a permanent assessment.

8. It is true that in Hoshungabad, Nursingpore, and Baitool, the settlement was found to be more moderate, and the jumma has been realised without difficulty. But while the assessment may thus be held to be moderate in these districts, there is no proof that it is either sufficient in amount or equally distributed.

9. It is less, however, in reference to the past settlements than to the existing state of the Jubbulpore Division, that I should hesitate before recommending the immediate introduction of a permanent settlement. At the time the opinion of our Board was called for on the general question of a permanent settlement, the Jubbulpore Division was still under us; and in my Minute on the subject, dated 5th December 1861, para. 58,‡ I briefly alluded to the exceptional state of this Division.

10. The two main considerations are, that the Division has never yet had any outlet for its vast production, and that the right of private property in the soil has not hitherto been conceded.

11. Both

‡ I am doubtful likewise whether the Jubbulpore Division and Chundeyree, and perhaps part of Jhansi, may not also fall under the same category, (i.e. of not being sufficiently advanced for a permanent settlement). In the first-named division the proprietary title has hitherto been declared vested exclusively in Government; and the occupants have been held to be only farmers. The proprietary right is now about to be recognised. Moreover, the revenue arrangements there, have never been in a satisfactory state, there are large tracts of land lying waste, and the region is emphatically in a transition state. The opening of the Bombay Railway will at once raise prices to an enormous extent. And altogether it may be prudent to see the effect of the new settlement for some years, before finally fixing it for ever. The point is one on which further discussion may throw new light, and I am unwilling at present to express a decided opinion upon it.

11. Both causes have tended to depress the territory. The first neutralised the benefit of fertile seasons and general prosperity, by keeping prices low; the markets were glutted with grain—there was no demand. On any failure of crops again, the agricultural population suffered in a corresponding degree; for the communications were so imperfect and distant, that the importation of grain was tedious and expensive. The population lived from hand to mouth. Now that a double outlet towards Allahabad and towards Bombay will soon be provided, this evil will disappear. Demand will be created and sustained uniformly, rents will rise, capital will accumulate, and a marvellous improvement may be shortly expected in this fertile Province.

12. So in respect of proprietary right it was formerly held to vest exclusively in the Government, the occupants were treated simply as farmers. They could not alienate their rights without the consent of the District Officer, their title to possession was altogether insecure. The new settlement will remedy this also, for it is to be concluded with the occupants on the footing of a full proprietary title.* The proprietors will henceforth have a new and powerful incentive to exertion and to the expenditure of skill, labour, and capital in the improvement of their estates.

* See Appendix to
Directions to Set-
tlement Officers,
page 157.

13. I believe that Mr. Bird's impression, as expressed in paragraph 7 of his note, would be still the impression of any traveller from the north-west. "In passing through the country," he writes, "it was impossible not to be struck by the remark how little the hand of man had done for its improvement. The natural fertility and high capabilities of the tract exhibited, in yet more prominent contrast, the negligence, improvidence, and indifference of the rural population. I could not but feel what a contrast the face of a country possessing so many natural advantages would present, if tilled even by the cultivators of Upper India."

14. In short, it appears to me, that this part of India is hardly prepared yet for a permanent settlement.

15. But the next 10 years will probably produce a vast development, both in its resources and in the character of the people, and it might possibly then be ripe for the measure.

16. I am inclined to think that the settlements now under preparation might consequently be sanctioned, in the first instance, for 10 years only, leaving the Government then free to deal with the question according to the circumstances of the day, or preferably, the settlement might be made according to existing instructions, for 30 years, with the condition that at any period after the first 10 years, the Government should be at liberty to revise it, with a view of effecting a permanent settlement. This latter plan would probably make the inducements to improvement stronger than a settlement limited to 10 years.

17. I would not advocate under any circumstances the permanent settlement of occasional villages here and there in a district. The measures, when resolved on, should extend to all the estates comprised within some considerable limits.

Allahabad, 14 February 1863

(signed) *W. Muir,*
Senior Member.

NOTE by the Junior Member of the Sudder Board of Revenue, North Western Provinces, on Permanent Settlement of the Land Revenue in the Jubbulpore Division.

I ENTIRELY concur in the remarks recorded by Mr. Muir.

I have no doubt it will be found that the average rate of assessment on each acre of culturable land, under the settlement now in progress, is considerably below the existing average of the North Western Provinces, notwithstanding the soil in the Central Provinces is certainly not less productive. The lowness of the rents on which the assessment is made, is a necessary consequence of the lowness of prices caused by the non-existence of any outlet for surplus produce. The value of land will be so greatly increased by the opening of the railway through the heart of the Provinces, that the present state of the country can only be regarded as one of transition, and the amount of culturable but uncultivated land, is so large that any permanent settlement which could be immediately effected, must either be beyond measure inadequate, with reference to the prospective resources of the country, or too partial and limited in its operation to be productive of general benefit.

Allahabad, 17 February 1863.

(signed) *R. Money,*
Junior Member.

NOTE by *R. M. Bird, Esq.*, on the Saugor and Nerbudda Territories; dated
31 October 1834.

I BEG leave to record, for the information of the Board and eventually of Government, the observations and remarks which have occurred to me during my late tour through the ceded districts of Saugor and the Nerbudda.

My course was by the Sohagee Pass through Rewah to Nagond, Huttah, Saugor, thence through the Bhopal country to Hoshungabad, Nursingpoor, and Jubbulpoor, and thence by Rewah home. I did not visit Baitool or Seonee, those two stations being inaccessible by any mode of travelling which I could command. I obtained, however, from Captain Low, who has been long in charge of Baitool, and is acquainted also with Seonee, such information as compared with my personal observations on the remaining districts, enabled me to include those two districts also in the remarks and propositions which I propose to make.

The local officers divide the territory into the hill and valley districts, the latter term being applied to distinguish the country comprised in the jurisdiction of Hoshungabad and Nursingpoor, and lying principally in the valley of the Nerbudda from the remaining portions of the territory. There is, however, no real distinction, as far as my observation went, between them except the greater depth of the soil in the valley of the Nerbudda, and the greater extent of the valley itself.

The whole surface of the country is intersected with ridges of lime and sand-stone hills, with interjacent valleys of greater or less extent, down each of which a stream, larger or smaller in proportion to the length of its course, finds its way. The soil in all those valleys is of great depth and fertility. It is formed of decomposed basalt, which lies in masses on the face of the sand-stone strata, and of which the fertilising deposit is carried by every successive rain to renew the lower soil. Except in the valley of the Nerbudda the water is everywhere near the surface, and may be obtained in any quantity by digging to the depth of 18 feet. In the valley of the Nerbudda, the basaltic soil being of the depth of 30 feet, and always loose and crumbling, wells cannot be made except at a considerable outlay. But there are throughout every part of the territory numerous streams which cross the valley at short intervals, affording every facility for irrigation, and the most suitable materials for the formation of dams lie loose in the beds of the rivers in every direction. The soils vary from pure basaltic, which is the most fertile, through different gradations as the decomposition of calcarious, argillaceous, or sandy rock has contributed in larger or smaller proportion to the mixture; but except on the ridges of the hills it everywhere holds out a fair promise to the industrious cultivator.

The districts of Saugor and Dumoh* were acquired from the Gond aborigines by Chutter Sal, Rajah of Bundelkhund, and principally peopled from that territory. They were bequeathed by Chutter Sal to the Peishwa, and brought under the usual system of Mahratta administration, to which the Saugor district became entirely assimilated; but the village institutions of Huttah still bear (as I shall hereafter have occasion to show) some affinity to those of Bundelkhund. The difference of administration to be observed in the territories held by the courts of Poonah and Nagpore is too slight to call for particular remark.

* Late Hutta and
Rehlee.

In passing through the country it was impossible not to be struck by the remark how little the hand of man had done for its improvement. The natural fertility and high capabilities of the tract, exhibited in yet more prominent contrast the negligence, improvidence, and indifference of the rural population. Heaps of manure lay by the halting places of the Bheoparees, which no one took the trouble to collect and remove; amidst complaints of drought, fine springs were running to waste in every valley which a few hours labour in heaping together the loose rocks from the beds would have converted into reservoirs, for irrigating almost every field. Even from the large tanks which have been constructed in former times, the water is not drawn for the purpose of irrigation. I could not but feel what a contrast the face of a country possessing so many natural advantages would present if tilled even by the cultivators of Upper India.

The secret of all this apathy is doubtless to be found in the system of administration which has prevailed under the Mahratta Government. Under that system a composition was made for one, two, or more years, but if the year proved productive, an addition to the settled demand was always enforced; and, in latter times, when Ameer Khan or any other freebooter was pleased to levy an imposition, that also was raised by a *pro rata* cess on all the villages.

Under such a system which has now lasted, including the period of British rule, little short of a century, there could be no incentive to improvement; and it has unfortunately happened that the mode of management, since the country passed under the British rule, has been of a nature tending to continue and inveterate the evils which we found.

Certainly a great misconception prevailed regarding these territories at the cession. It was undoubtedly the wish of Lord Hastings to take credit for as large an item of fiscal value as he could, by way of offset against the expenses of the Pindaree war. It was not then perceived by any of those concerned that the entire pacification of Central India must by necessary consequence lower, in the first instance, the mere money value of this acquisition. The confidence, security, and enterprise that took place consequent on the cession of the territory to the British Government; the desolation, yet unrepaired, of all the surrounding states; the large armies not yet disbanded affording a ready market for the disposal at high prices of all surplus produce, and the unusual succession of favourable

seasons which then occurred, deceived the people as well as their rulers, and made the former as willing to offer, as the latter were to demand, a tribute which could never be maintained in other times. It appears never to have occurred even to the very intelligent officer who was first deputed to the charge that when the temporary and factitious demand and attendant higher prices should have passed away, when the dispersed population of the surrounding States should return, and have again begun to cultivate their extensive tracts of fertile waste in a territory utterly destitute of water carriage, and so deficient in land conveyance that the export of bulky articles could hardly afford a profit but at famine prices, it did not, I say, seem to have occurred that, after such changes, the prices of raw produce must fall, so that high rents could not be paid, and land would become so abundant that none would consent to make the attempt.

The result was exactly what might have been anticipated. The revenue first demanded, which involved a large increase on the average collections of the Mahratta States, could not be maintained; but as there must always exist a great uncertainty where revenue settlements are made without survey, and as all officers feel a repugnance to disappoint the expectations of Government, and an unwillingness to admit the necessity for a permanent diminution of revenue, the necessary remedies were not applied. In some districts, notwithstanding the falling off in the collections, a nominal increase was made to the jumma at subsequent settlements. In others reduction was granted, but quite insufficient to meet the exigency. The first years of British occupation happening to prove peculiarly favourable seasons, and the markets being for some time not overstocked, a larger revenue than the natural amount was realised. But the power of the payers has since been regularly declining, and when the course of unfavourable seasons, the periodical recurrence of which must always be looked for, arrived, the failure has been obvious and complete. But notwithstanding this distinct and demonstrable failure, and the conviction of the local officers that the existing demand must necessarily be lowered, the system which has been hitherto permitted is no other than an attempt to prop up, by temporary expedients, a revenue confessedly excessive. Those expedients have been of a nature to aggravate the ultimate difficulty, while the relief obtained by them could never be other than temporary. These have consisted in yearly remissions and a constant interference between the agriculturists and capitalists. The district officers have been allowed, when the seasons appeared to be unfavourable, to estimate as they best might the productiveness of the crops, and then to fix the amount that should be collected, and this not once or at distant intervals on the occurrence of an overwhelming calamity, but as a regular practice. The result which is stated to have followed this proceeding is what might have been looked for. An extensive system of fraud and speculation is said to have been introduced, and the cultivators rarely receive the benefit of that which is foregone by the Government, but have been forced to pay all that could be collected from them. On the other hand, a system of interference has been introduced which, by destroying all confidence, has driven away capital from the land. The stores of the merchants have been opened, and grain forcibly taken away to be given out to the cultivators, or seed, without any payment being made to the merchant, or any assistance afforded him for the subsequent recovery of the property of which he has been thus despoiled. This spoliation is stated to have occurred in favour of cultivators, to whom the bankers had refused to make advances from past experience of their fraud and unfaithfulness. Capitalists, having obtained decrees against agriculturists, were not permitted to sell their cattle or imprison their persons, because it was supposed either of those measures would leave the land uncultivated. There is little use in following out the narrative of this system throughout all the ramifications of detail. It is sufficient to say that an ample collection of facts openly stated by the natives, and which could not be denied by the European officers, afforded abundant proof that in the vain hope of propping up an exorbitant assessment, and under the mistaken notion of practical skill in the management of details, a system of mischievous interference in the private arrangements and concerns of individuals had almost universally prevailed.

The real fact is that the spirit of the administration of the Saugor Provinces is and has been opposed to those well ascertained elementary principles, without a due observance of which civil and social prosperity is impossible. Perfect freedom and security in the use and employment of property, strict administration of equal law, and, as far as Government are concerned, securing to every one the fruits of his own industry, are indispensable requisites. The system of the Saugor Provinces can only be mentioned in contrast with those principles. The demand of a jumma higher than can be realised, one year with another, or, indeed, that can be realised but during a succession of favorable years, leaves every man dependent not on his own skill and industry to create the largest possible surplus for his own use, after meeting the demand of Government, but on the bounty of Government, doled out at the discretion of the district officers, to leave him something out of its own demand on which he may subsist. Now that any district officer can justly afford the exact degree of indulgence required, or secure the due apportionment of the relief to the varying condition of those for whom it is intended is a mere impossibility. In such a state of things no cultivator can possibly calculate before-hand what he may be allowed to keep and what be forced to surrender; and this exchange of the stimulus of hope for the discouragement of utter uncertainty must paralyse all exertion. This system, combined with that of short leases, and no security for renewal, is of itself sufficient to account for the unimproved and exhausted state of the lands, which are ruined by over-cropping and want of culture.

As regards the administration of law, the evil practice of meddling with revenue details still comes in. No decree would be allowed to be executed, the collateral effect of which might be in the district officer's opinion to cause a field to lie waste, and thereby produce a loss of Government revenue. The loss is more certainly produced by interference than by abstinence, but this fact is still among the desideranda of Saugor science. There can of course be no freedom and security in the use or possession of property where a merchant's goods are liable to be forcibly taken away whenever Government requires, or rather the officer of Government imagines that he requires grain to give out to the cultivators, and chooses to take it without payment, or at a price fixed by himself.

It appears to me, that I have dwelt long enough on the evils of the system prevailing, and that it is unnecessary to go into more detail. That the principles are faulty is evident, and that the result, as far as collecting a large revenue is in question, has been a failure, is no less clear.

That the nominal demand is too high for the present condition of the territory, I had, in addition to the concurrent voice of the district officers, the opportunity of ascertaining on my route through a part of Bhopal. The whole of that superb valley lying between Pertabgurh and the Nerbudda appeared at least equal in fertility to any part of the Saugor territory, but the rates of revenue there are one-fourth lower than those of either Saugor or Huttah, with which I compared them. The reduction of the present high nominal jumma to an amount which can on an average of years be collected, is an indispensable preliminary to the introduction of a successful system of administration. No improvement can take place while that incubus remains.

The next step is to introduce leases of sufficient length, to give the renters an interest in improving their lands by the outlay of capital, and to induce them to abstain from wasting the powers of the soil by incessant over-cropping, and to restore those powers by irrigation, manure, and fallow.

The third is to allow the cultivators and renters to make their own arrangements for lands and rents, recording the same as is now done in the provinces, so that the observance of contracts may be enforced.

The fourth is to lay down a few broad rules for the due administration of the different departments, so as to secure a general uniformity of administration through the whole territory, instead of as at present, each district being managed according to the particular fancy of the officer in charge, and the whole territory at the mere discretion of the Commissioner.

The fifth is to divide the whole territory into a smaller number of districts, each to be placed under a sufficient but not excessive European and native establishment, on a proper system of subordination, instead of the whole being parcelled out into a number of petty principalities, under the uncontrolled, or at best very imperfectly controlled administration of a single and often very inexperienced officer, and to have one superintendent over the whole in communication with the Sudder Nizamut Adawlut and Sudder Board, as in other divisions.

To begin with the territorial division, the extent of the territory will not, in my opinion, admit of its being divided into a smaller number than three districts.

1. Saugor, to comprise the three districts of Saugor, Rehlee, and Hutta.
2. Jubbulpoor, to comprise the two districts of Jubbulpoor and Seonee.
3. Nursingpoor, to comprise the three districts of Hoshungabad, Nursingpoor, and Baitool.

The Jummas and collections of the districts, as above arranged, are given in the margin on an average of the past five years. It is true that these will be still very small revenue charges, the average collections of the whole territory not exceeding those of the single district of Cawnpore. But after the most careful consideration, I feel assured that the division of the territory into a smaller number of districts could not be made with advantage. The great territorial extent, the uncentral position of the two stations of Jubbulpoor and Saugor, the impossibility of finding healthy sites for new stations, and the inconvenient geographical arrangement of the whole territory furnish, in my mind, insuperable objections to such a measure.

The head station of the Saugor and Dumoh district will, of course, be at Saugor, and that of Jubbulpoor and Seonee at Jubbulpoor. I find it less easy to determine on a site for the head station of the third district. Nursingpoor possesses no advantages as a station, nor are there any public buildings there, and its remoteness from the western frontier and position just in the third angle of the triangle comprising the proposed district, preclude its selection as the station. Hoshungabad, on the other hand, is too much in the opposite direction

	Jummas.	Collections.
	Rs.	Rs.
Saugor	5,17,095	4,27,784
Rehlee, Hutta-Dumoh	5,38,749	4,01,190
Rs.	10,55,894	8,28,974
Jubbulpoor	5,55,215	4,52,684
Seonee	2,16,652	1,88,551
Rs.	7,71,867	6,41,235
Hoshungabad	2,30,504	1,87,406
Nursingpoor	4,09,810	3,64,635
Baitool	2,01,373	1,61,520
Rs.	8,41,686	7,31,561

to be altogether unobjectionable. The best informed persons appear to consider the plain of Sobapoor north of the fort of Sohangpoor, and lying along the banks of the Nerbudda, from Bhutgaon on the west towards old Gurhwara, as the best site for a station; and in position that spot appears unobjectionable, and is stated to be healthy. There is, however, a good Government House at Hoshungabad, and a flourishing and increasing town, and the situation is decidedly for those territories a salubrious one, and perhaps Government may be disposed for the present at least to make Hoshungabad the head station.

It will be necessary, on account of their distance and inaccessibility during many months in the year by reason of the extreme unhealthiness of the intervening tracts, to make careful provision for carrying on business at the two dependent posts of Seonee and Baitool, and I propose to do so by having a good Native deputy collector at each, to have the powers also of a junior assistant in Foujdaree business.

It will be the business of the district officer to depute an assistant or deputy there at a proper time of the year, and see how matters go on, and occasionally to proceed there himself for the same purpose, and the Commissioner must see that due supervision is exercised.

I shall postpone the detail of establishments until I have completed the development of any plan of administration. 1st Revenue: It is admitted on all hands, both by the European officers and the natives, that with the exception of a part of the district of Hutta, there exists no proprietary right in Malgoozaree lands in any part of the territory. The potails were considered by the Mahratta Government as farmers with whom the Government made its bargain; they, on the other hand, making their own arrangement with the cultivators, who were left entirely in their hands. The class called wuttundar potails are stated to have been farmers to whom the villages had been re-let for two or more generations, but who were liable to be set aside for recusance, or default of payment, without any right of re-entry. Mr. Malony is stated to have produced an injurious effect by searching for those wuttundars, in order to restore them on the occurrence of a settlement to the displacing of better men who were the actual possessors. This is, however, now passed, and is of little moment except to show that we may safely conclude our arrangements with those found in possession, and may unhesitatingly pursue the course which may be deemed most conducive to the general interests of the Governors and the governed, without fear of infringing private rights.

The first step is the formation of a moderate settlement for a long term of years. This is absolutely necessary to give all concerned an interest in improving the land. In few of the districts through which I passed is there much culturable waste, and where there is, fertile waste may be obtained so much more cheaply in neighbouring foreign territory, or the obstacles to extension of cultivation arising from unhealthiness of climate and other causes are so great that the expectation of obtaining any increase of revenue from newly cultivated area by frequent settlements at short periods must be futile. It is clear that the interest of a mere farmer, holding for a short term, is to get as much out of the land during that as possible, and to lay out as little as possible upon it. This explains both the conduct of the agriculturists of that territory for a long past period, and the reason for it, and affords a satisfactory explanation of what the Saugor authorities so much dwell on, and appear to consider a natural and inevitable necessity, viz.:—the exhaustion of the soil after having been a few years under crop. The farmers had no assurance of continuance and no confidence in their own former Government, nor have they any in ours. To make it the interest of the parties to improve rather than exhaust the soil, will at once correct those evils. Opinions in conformity with what has been said both as to the expedience of a long lease and the reasons for it were expressed to me both by natives of respectability and talent in private conversation, and also by large numbers of Potails assembled at the stations by the district officers for the purpose of making known their condition, and suggesting and discussing remedies for their difficulties.

I propose, then, as the first measure, that a settlement of the whole territory be made at such a jumma as the local officers may show to be fair and equal for 20 years.

The reduction of the present nominal jumma will not, as far as I can learn from the district officers, exceed 12 per cent., and the revenue may then be regularly collected, whereas the deficiency on the average collections of the past exceeds 18 per cent.

2nd. That the settlement be made with potails in possession, that parties engaging be not liable to be removed during the term of the settlement except for default, and that assurance be given of renewal of the lease on such terms as may then be agreed upon on condition of good management, and that, for cancelling an existing lease or displacing a potal on a new settlement, the sanction of the Sudder Board be necessary.

3rd. That the lessees be allowed to make their own terms with the ryots, furnishing a jumabundee for record, as is now done in the provinces, and filing a fresh jumabundee yearly or whenever any change in the conditions on which the ryots cultivate be made, on pain of being cast in any suit for rent in which the sum demanded may exceed the rate of the jumabundee last recorded.

4th. That the standing crops and personal property of cultivators, except cattle and implements

implements of husbandry and seed grain, may be distrained for arrears of rent by the potail, and that an unsatisfied decree for arrears of rent entitle a potail to remove the ryot and dispose of his fields at pleasure, and that all property without exception be liable to sale in execution of decrees for rent.

5th. That potails be permitted to dispose of the terms of their lease with consent of the collector, but not to underlet. It frequently happens that a potail having got into embarrassed circumstances desires to transfer his lease to a banker who would free him from his difficulties on consideration of such transfer, and would be as good a tenant to Government as the potail whom he succeeds, and into whose agreement he would enter. At present there is no rule on this subject, and the practice differs in different districts; I can perceive no objection to the permission.

I would, however, prohibit sub-letting as the great bane to agricultural prosperity. The natives have always a tendency to it. It quarters a swarm of annuitants on the land till no surplus is left to the actual manager, either for accumulation as capital, or outlay for improvement, and always leads to distressing the ryots and ruining the mouza. Now, as it ought to be the first object of Government, and is doubtless the second, to effect improvement and increase surplus produce, and there are no vested rights to prevent interference, I would make the abstinence from sub-letting a part of the contract.

6th. The tehseeldar should be allowed to aid distraint and sell distrained goods on application for arrears of rent between potail and cultivator, much under the same rules, which are simple and good as in the provinces. They should also be allowed a limited power of issuing dustuks for arrears of revenue. But they should not be allowed to set aside or control the management of the potail without the orders of the district officer, and they should be strictly prohibited from all interference with the interior arrangements of the village as regards the course of crops, the distribution of lands, the mode of payment, the enforcement or remission of demands of rent or interest, the supply of advances of money, food, or seed, and in short all the other details of daily occurrence with which they have been accustomed very injuriously to intermeddle.

7th. Both tehseeldars and district officers should be strictly prohibited from interfering in their revenue capacity with private money or banking transactions, or in any way fixing or limiting the amount of profit or interest, or the market rate of money or grain. The degree to which the mischievous mistake of interference in these respects has been carried by every officer at his own mere pleasure, is scarcely credible, and the tendency to persevere in the practice on the erroneous notion of protecting the poor, is as strong as ever, and will yield to nothing but direct and positive prohibition. I have already referred to some instances as seizing and distributing seed grain, fixing the price of grain both for food and seed; prohibiting exportation; obliging capitalists to surrender their profits on receipt of the principal, on the notion of an equitable adjustment; obliging capitalists to make advances to insolvent cultivators; fixing rates of interest, &c.* The complaints of the bankers and merchants on these points were loud and universal, and the effect in driving capital away from the land may be found stated in all the reports of the local officers, though it has been attributed by them to other causes than their own system. I mean distinctly to include under this prohibition the fixing a maximum of interest or money; the rate of interest runs in those territories according to the risk, as high as 30 and 35 per cent., but the authorities there have transplanted from the provinces (leaving many matters far more worth taking) the rule of not allowing more than 12 per cent. It is well known that in the provinces the rate of interest varies from six to 35 per cent., according to the nature of the transaction, the security obtainable, and credit and condition of the borrower. Why we should interfere with the terms on which a man is willing to part with his money more than with those on which he will part with his cloth or corn, is not easy to say. We cannot prevent men from demanding a return proportionate to the risk and trouble of recovery, and our interference finishes by superadding a fictitious risk to the natural one, and making the unfortunate borrower pay for the additional peril of detection and fear of the debtor taking shelter under the law. In the provinces this rule has led to a system of frauds of making deductions from the principal, and other demoralising devices, and it is certainly much better not to introduce the rule where it does not now exist.

8th. It should be distinctly explained to the people, and the declaration should be steadily acted on, that the jumma which is to be agreed to is to be collected without remission, and no remissions should be allowed except in cases altogether beyond the rule of ordinary calculation. The present system of uncertainty is profitable to none but the farmers

* Quite lately an officer, of considerable standing and experience in the Saugor Territories, in an official paper, after stating that money was lent at 25 to 30 per cent. per annum, and that though he prevented this whenever it came before him, yet the practice continued, because in the majority of instances it did not come to his knowledge, gravely proposed the insertion of a clause in all leases of forfeiture, in case of proof of a farmer lending money to the cultivators at a higher interest than 12 per cent.

farmers and Amlah. Universally I was told that the cultivators obtained no relief, and the very uncertainty produces habits of carelessness, improvidence, and profligacy.

The adoption of the above few and simple principles, will, I believe, be sufficient to work a great reformation so far as the revenue is concerned. The only district in which any variation may be necessary is that of Hutta. In the Hutta district the Bundelkund system of village management prevailed under Chuttersall, and though the Mahratta Government did not acknowledge it, but placed the melial under farmers, the people kept up their system, and made their own arrangements with the farmer. In the settlement made by Mr. Evelyn Gordon (on which occasion that gentleman judiciously availed himself of the assistance and advice of the ablest and most respectable inhabitants, and especially of some very intelligent persons who were members of the Mahratta Revenue Cutcherry), these interior arrangements were left untouched. The revenue was fixed too high, both that gentleman and most of his advisers having fallen into the universal error of expecting the existing high prices to continue, but by the help of a remarkable succession of favourable seasons, it stood while he remained, being continued under the management of those who assisted him in forming it. On his removal other councils prevailed, and his coadjutors were displaced to make way for adventurers from the provinces, and the reign of interference commenced and has gone on increasing till the departure of Captain Crawford. By this interference in details the village system was broken down and destroyed, and Hutta is now, perhaps, the district which it will require the most skilful management to restore. The officer now in charge, Mr. Loughnan, is a very intelligent young man, and fully aware of the evils of attempting too minute a superintendence. The modification of the general plan which, after hearing the opinions of the old Mahratta officers and other principal persons, and much discussion, verbally and in writing, that gentleman concurred with me in selecting as the most hopeful, is now to be stated. We proposed that where a village community exists and is willing to engage as a community, through an agent or agents chosen by themselves, for the jumma agreed on, the lease should be granted to the community on penalty of annulment in case of default. That where the community could not make their own arrangements to engage, the mouzah should be farmed in the usual manner, leaving it to the farmer to make his bargain with the cultivators, either as individuals or as a body, with the proviso that, until the compact with the farmer should be completed, no one should be entitled to cultivate where the mouzah should be leased to the community, and they should not fulfil their engagements, the district officer should be at liberty, with the sanction of the Commissioner and the Board to annul the lease, and relet the mouzah to a farmer for the remainder of the term, on the same footing as if it had been leased to a farmer originally. This course I beg to recommend for the adoption of the Board and of Government.

In most of the districts of the territory there are wild, hill, and forest tracts, still inhabited and possessed by the original Gonds under chiefs of their own. These tracts have in most cases, and should always be, let on long leases, and on very low terms to the chiefs themselves, or to some person who is acceptable to the local chief. No attempt at mouzahwar administration should be made in those tracts in which the habits of the people and the methods of cultivation are alike barbarous, and their arrangements peculiar to themselves. On the occurrence of sickness, fire, or other casual calamity, the population will often entirely desert their village, and betake themselves to new seats, or disperse themselves amongst their neighbours. The jumma of these properties has been and should be so low as to be always paid without pressure. It should, in fact, be rather looked on as an acknowledgment of fealty than a source of profit. The local officers are well aware of the fit mode of dealing with those cases, and no particular instructions are required regarding them.

Police.—The system of police in the Saugor and Nerbudda territories stands in need of no alteration. It is managed through the tehseeldars, potails, and village watch, and meets with more co-operation on the part of the people in general than is usual in the provinces. Great crimes appear to be rare, and all the district officers stated that it was a point of honour with the potails to trace and deliver up to justice any person charged with crime. The police of the towns is managed in the usual and only way by a kotwal, and detached chowkees are established where any particular circumstances call for such a step. The population are a peaceful and easily managed race, and I do not recollect in so long a tour to have met a single private individual carrying arms. This was the more striking as it is so much the habit of travellers in Hindoostan to go armed to the teeth.

There is one matter connected with the police functions of the district officers which I consider very objectionable, and of which I think it desirable that Government should express disapprobation; I allude to the practice of founding bazaars to bear the name of the officer in charge of the district. It is a compliment which natives of wealth are fond of paying to a magistrate, and seems a harmless thing enough, but it is not done without a further object, and leads to prejudicial results. I found at Hutta a bazaar lately established called Caraputgunge, which is the misnomer by which the people designate their late superintendent, Captain Crawford. The Custom House had been made in that bazaar, the sealed weights had all been taken there, and the people complained that all merchandize was carried there, and that in fact people were not allowed to buy and sell anywhere

anywhere else, and all this for the profit of the darogah of customs, who had built the bazaar, and obtained Crawford's leave to call it by his name.* I do not suppose Captain Crawford was aware of the use that was made of his permission. Of course the more bazaars there are built the better, but I consider it expedient that they should not be called by the name of the officer in charge of the district.

In the Criminal Judicial Department the only amendments required are to make the system uniform throughout all the districts, to enlarge in some degree the powers of the district officers, and to give original jurisdiction to native officers in certain cases, as in Baitool and Seonee more particularly. Criminal Justice.

The Criminal Regulations of the provinces are already in force virtually in these territories, and Mr. F. C. Smith has had much experience both as a magistrate and as a sessions or, rather, as a circuit judge, and this department bears more marks of a definite control and well-arranged system than any other. In one respect a modification appears to be required; the state of the climate is not such as to admit of the Commissioner visiting the districts, except during the cold weather. Consequently, in all cases reserved for trial before the Commissioner in person, either the prisoner must remain in jail from the time of his apprehension to the next cold weather, or the parties must be sent at an unhealthy time of the year, to their great expense and inconvenience and no small risk, to the station at which the Commissioner is residing. It is therefore desirable to give as large an authority in trying criminal cases to the district authority, under proper check, as can consist with safety.

The district officers already exercise the powers possessed by magistrates in the provinces of inflicting imprisonment for two years. I think if the sudder ameen, the tehseeldar of the sudder station, the British officer of the next grade whom I have called superintendent, the moonsiff of the sudder station, and any respectable private individuals, European or Native, whose attendance could be obtained, not exceeding four in all, were to sit as assessors and record their opinions, the district officers might be allowed to sentence to imprisonment as far as seven years, sending the papers of the case only to the Commissioner, for his revision.

This would leave very few cases which would require to be tried before the Commissioner in person, would, in my opinion, be unobjectionable in itself, and would give general relief to all concerned. This would also do away with the necessity for a practice, in itself objectionable, which I presume has arisen out of the inconvenience, obvious to all, of detaining prisoners so long in confinement before trial. The practice I allude to is that the district officers, after inquiring into the case, instead of committing the prisoner for trial or releasing him on their own judgment, appear to be in the habit of forwarding the papers in that state to the Commissioner for his opinion. Thus the Commissioner has to decide on the previous investigation as well as on the ultimate event of the trial. The powers of original jurisdiction in all cases, acquittal and release where sufficient proof is not adduced, and of imprisonment for the term of two years on conviction, should be given to the deputy-collectors of Baitool and Seonee. They should always call in the moonsiff to sit with them, who should record his opinion, and any other two private individuals of respectability who might be obtainable. In all cases of felony, or requiring more than two years' imprisonment, the prisoners and parties should be sent, when the season admits, to the sudder station, or retained for the arrival of the superintendent of the district or his deputy. Every case thus retained should be reported within two days of the order being passed, and the papers produced, and weekly returns should be made to the district officer of all sentences and acquittals. It will be seen by a subsequent statement that the cases calling for a heavier punishment than two years' imprisonment are very few in number.

The crimes of—1st, wilful murder; 2d, rape; 3d, decoity with murder or severe wounding; 4th, highway robbery, burglary, or theft with murder or severe wounding; 5th, poisoning; 6th, coining—should be reserved for the Commissioner, to be tried by him at his yearly circuit. Any case submitted to him for revision, in which he should deem the punishment of seven years' imprisonment insufficient, he might also direct to be brought for trial before him at his circuit; because, the prisoner's guilt having been proved, there would be no objection to his being detained in jail, and the intervening period between the first trial before the district officer and assessors and his final trial before the Commissioner might be allowed him in his sentence. One other evil arising out of the unhealthiness of these districts might also be thus avoided, which is, that of criminals reserved for trial before the Commissioner escaping by the death of prosecutors and witnesses during the period intervening between the committal and trial of the prisoner. The cases

* That very intelligent and active officer Captain Sleeman has obtained a similar sort of immortality in another department, coupling the well-known erroneous pronunciation of his name with one of the most romantic of native traditional superstitions of the cave in which the son of David enclosed the refractory genii; they call the jail in which the things are incarcerated "Sulaman ka Pinjeirah,"—the cage of Solomon.

cases reserved would be so few that the chances of the default of justice from this cause would be greatly lessened.

Year.	Prisoners.	Exceeding Seven Years.	Above Two and less than Seven Years.	Less than Two Years.	REMARKS.
1832	1,428	11	78	1,380	78 divided by 3 gives 26 Prisoners per annum, or little above 2 per mensem to each district, which would not long detain the Court from other duty: $11\frac{1}{2} = 39\frac{1}{2}$ rds. for each district per annum, or something more than 3 per mensem.
1833	1,773	24	119	1,690	

As I have been able to ascertain from such returns as I could procure—those which I obtained on the spot, and those which I was obligingly furnished with from the office of the Nizamut Adawlut, being all in some degree incorrect—the number of persons punished for crimes and offences by the district officers and Commissioner of the territories in the two last years have been as per margin, which shows that in the former year there were only 11, and in the latter only 24 prisoners, who would on the plan proposed be in jail without trial till the Commissioner's arrival. There were, in addition, 14 prisoners in the former, and 52 in the latter year, whose cases were referred to the Nizamut Adawlut, making altogether 25 prisoners in the former, and 76 in the latter year, who must have awaited the Commissioner's

yearly circuit. But there were in the former year 214 prisoners, and in the latter year 281 prisoners committed to take their trial before the Commissioner; 169 of whom in the former, and 205 in the latter year might have been spared the delay in question: and as 111 prisoners in the former, and 75 in the latter, of those committed were discharged on acquittal, it would have been highly desirable to save that number of innocent persons a year's uneasiness and confinement in an unhealthy country.

The rule above indicated with respect to the class of crimes to be invariably brought before the Commissioner gives the number stated below for the years in question :—

Years.	Wilful Murder.	Poisoning.	Rate.	Dacoity with Murder or Severe Wounding.	Highway Robbery with Murder or Severe Wounding.	Burglary, or Theft, with Murder or Severe Wounding.	Coining.	Wounding with Intent to Kill.	TOTAL.
1832	8	2	2	8	- -	- -	1	- -	21
1833	40 *	- -	7	6	7	4	- -	- -	64

* Thirty-one of these are old cases. I have obtained an analysis of this very heavy list, which gives as follows :—

Improperly committed	- - - - -	6
Infanticide by parents through distress	- - - - -	2
Motives unknown	- - - - -	1
For gain	- - - - -	15
Poisoning for revenge	- - - - -	1
In drunkenness	- - - - -	2
On a charge of witchery	- - - - -	1
Jealousy	- - - - -	11

The number is, I believe, much beyond the average, but there are no records previous to 1832 obtainable.

Civil Judicial.

For civil judicial administration there is an excellent foundation in the establishment of Pergunnah Courts, a plan first conceived and matured by Captain Sleeman, but pruned of some redundancies, and finally recommended to the adoption of Government by Mr. Smith the Commissioner, and promulgated in the territories in the end of 1831. The immediate decrease of suits in the courts of the district officers evidences how acceptable the system was to the people. The general principle is very similar to that which has been adopted in the western provinces for settling disputes concerning boundaries, and it is, doubtless, calculated to be of the greatest benefit to the people. In practice, however, a good deal of disappointment has been experienced, which appears to arise from two causes: 1st, that these courts have been placed under the superintendence of the tehseeldars; 2dly, that they are not allowed to execute their own decrees. I should have observed that the district officers generally (I am not quite sure if universally) objected to the superintendence of the tehseeldars, for another reason. They stated that the tehseeldars were very apt to transfer the duty to a mootsuddee of no weight, responsibility, or credit, of whose

whose acts the people generally were suspicious, and that none of the tehseldars could spare time from their proper duties to preside in these courts. The people objected, for different reasons. They said that either in the hands of the tehseldar, or any of his subordinate umlahs, the same minute interference, under the notion of providing for the security of the public revenue, was exercised in the administration of justice between man and man as in all other departments. For instance, if a cultivator were sued for a debt, the first matter which would occupy the attention of the tehseldar would be in what way the rent to be paid by the defendant, and consequently the revenue derivable on his cultivation, would be affected by the result of the suit. Will his field be untilled? Will he find any difficulty in purchasing seed? Is there any probability of his being obliged to dispose of his oxen, &c.? If he fears any such result, the decision will be put off, or the claim, without regard to its justice, disallowed or reduced. I regret to say that it is not only against the tehseldars that his complaint was laid. The proceedings and orders of the district officers are stated to be influenced by this imaginary expediency, and necessity for securing the Government revenue at any rate, which leads to a direct denial of justice.

I can hardly help feeling that this statement may seem to be exaggerated; but when I refer to my notes, and see how very generally it was brought forward on the first opportunity by all the capitalists at all the stations, and that even the European officers, when questioned on the subject, though none of them admitted it to be his own practice, admitted that the practice had prevailed, and some palliated it on the ground of consideration for the poor debtors, I feel that I should have failed in my duty if I had not stated my conviction of its general though, perhaps, not universal prevalence. It is a very great evil, and must effectually destroy all faith in compacts, and all credit, and must greatly depress enterprise and check the improvement of capital; and no time should be lost in its removal. The capitalists stated that before the British accession they could always enforce their full demand from a debtor who had the power of payment, and obtain in other cases the best terms which the debtor could afford by means of private duress, and that if the debtor were a farmer or cultivator, they were at liberty to seize his property or crop, on condition of being responsible to the State and its officers for the revenue due from him. In the present time such acts are prohibited and considered contempts of court; and as the fulfilment of contracts is neither enforced by the Government, nor are they permitted to follow their own modes of redress, they have much withdrawn their capital from the land, in which particular department of their transactions the evil of the prevailing practice is chiefly felt. They complain also that more difficulty is felt in executing a decree than in obtaining one; that as the pergunnah courts, and even the sudder ameens, are not allowed to execute their own decrees, creditors are obliged to follow the district officer, wherever he may be, to obtain an order from him; that he is often too much occupied with other concerns to attend to them, and that when they have at length obtained an order, there is the same reference to be made to the possible effect of its execution on the revenue of the year as was experienced at the first hearing. This is the more complained of because the institution-fee which is now levied in the territories is taken on the demand. Yet, when thus paid for and established, it is not decreed or not executed if it is supposed Government will be a collateral loser by the event.

I do not think the district offices of the Saugor and Nerbudda territories well constituted for courts of civil justice. They are too much places of all-work. Their other duties, if not more important, are more urgent, and this is the department which, with least of obvious and present inconvenience, though not least of moral and social evil, can be postponed and neglected. Considering the complaints made against the pergunnah courts, they would necessarily have been abandoned instead of having drawn to themselves the greater part of the business if suitors could have hoped for better things elsewhere. For the administration of civil justice a fixed local resort known to all suitors, constant sittings, and a facility of reference to precedents and records are essential, and to preside in a court requires some training. There should be a habit of weighing evidence and balancing probabilities, readiness in the application of general principles, and a preparedness of mind which is the fruit of daily practice, and never can be obtained by only looking into a case occasionally.

I judge therefore that men otherwise inferior, if constantly employed in that duty, could make much better judges than those who can give so little time and thought to the subject; and I would propose that the courts of civil justice in Saugor should be entirely disunited from the offices of the district officers, and placed under separate superintendence.

The pergunnah courts should be placed under the superintendence of a moonsiff, of Pergunnah Courts. whom one should be appointed in each tehseldaree division, to hold his court in the same town as the tehseldar's cutcherry, and who should have a salary of not less than 200 rupees a month, including establishment, and should not be removable without the consent of the Sudder Dewany Adawlut. His court should have power to receive and try all suits as far as 1,000 rupees, and to execute the decrees made, unless execution be suspended by order of a superior court by reason of an appeal having been admitted.

The only modification I would make in the present rules for pergunnah courts is, that no appeal should be admitted except for cause to be shown.

For hearing appeals from the moonsiff and pergunnah courts, I would appoint a sudder ameen in each district, on a salary of 400 rupees a month, including establishment.

The sudder ameen should hold his court at the sudder station of the district. He should receive, try, and decide all original cases from 1,000 rupees to 2,500 rupees, and all petitions for appeal from the decisions of the pergunnah court should be presented to him; and he should decide on the admission or rejection of appeals in a way similar to that

described in Clause 3, Section 16, Regulation V. of 1831, and whether the decree of the lower court should be executed, or execution suspended pending appeal, and in either case if security should be taken, and from whom, and to what amount.

The moonsiffs should execute their own decrees, after the time allowed for lodging an appeal has elapsed; and the sudder ameen should send immediate notice of the admission or rejection of every appeal applied for, and direct whether the moonsiff shall execute his own decree, or delay execution till the appeal shall have been directed, and what security shall be taken, and from whom, for the fulfilment of the final decision.

A moonsiff of a higher class will be required to reside at Baitool, and one at Seonee. The extreme unhealthiness of the intervening country during a large part of the year, and the consequent greater difficulty of appealing, renders it expedient to have as good an officer to preside over the court of first instance as can be obtained, and the duty of sitting on criminal trials with the deputy-collector will also require a good officer for the satisfactory fulfilment. I would have proposed sudder ameens, but they would not find occupation.

For hearing appeals from the sudder ameens, a principal sudder ameen, or native judge, should be appointed, on a salary of not less than 700 rupees, to reside at the station of the Commissioner. This officer should receive, hear, and decide all cases from the value of 2,500 rupees up to 10,000 rupees. He should also receive and decide upon all applications of appeal from the sudder ameens, on the same principle as the sudder ameens dispose of appeals from the moonsiffs.

Appeals should lie from the Principal Sudder Ameen to the Commissioner alone, and only for special cause assigned. The district officers should not be allowed to interfere in any way with the institution, trial, or execution of civil suits, but of course they will be at liberty to communicate to the Commissioner any information they may obtain regarding the conduct of the sudder ameens and moonsiffs attached to their districts; and the Commissioner will be at all times able to make through them any inquiries he may desire, and the knowledge of the existence of this sort of supervision will have the best effect on the persons exercising judicial powers. No district officer should, however, be allowed to entertain criminal charges against a moonsiff or sudder ameen, for any act connected with his office, unless authorised and directed so to do by the Commissioner.

All suits for an amount above 10,000 rupees must, of course, be heard by the Commissioner, but I apprehend there will be very few even so high as 2,500 rupees.

As there is no property in land, there are of course no suits concerning land in the territories, and the whole of those complicated and difficult causes which occupy so greatly the time of the courts in the provinces, and the due decision of which is found so difficult, are unknown. I do not, therefore, anticipate any peril of the officers chosen proving unequal to the duty to be performed. Of course these appointments should be open to men of every creed, colour, and nation, the only object being to obtain those who are best qualified and most to be trusted.

It remains to say a few words respecting the execution of decrees. All property should be allowed to be taken and sold in execution of decrees, except that in case of caption of crops on the ground or grain grown within the year, the creditor seizing such should be bound, in the first instance, to pay or satisfy the landlord for the rent due to him on account of the year by the defendant, the rent of land being in all countries the first lien upon the crop, whether standing or reaped.

Imprisonment of the person should be allowed by way of duress, on the application of plaintiff, if plaintiff lodge a sufficient sum, month by month, in advance for the subsistence of defendant according to his rank in life; but no debtor should be in jail more than six months for a sum under 100 rupees, unless the plaintiff prove within that time that he has fraudulently concealed or transferred property since suit brought. Any debtor, to any amount, should be allowed to obtain his release after having been six months in jail, on furnishing the court with a schedule of his whole property, and surrendering the same, unless the plaintiff can prove, within a reasonable period to be fixed by the court, that he has fraudulently concealed or made away with any part.

It seems to me that the great matter wanting to bring the Saugor and Nerbudda territories into a prosperous state after fixing a moderate government revenue, and having the people to manage their own affairs, is a strict and speedy enforcement of contracts by judicial process, and that abundant capital will be found when that great object is once provided for.

Customs.

In the matter of Customs I have but few words to say. The people are a great deal harassed. There are too many custom-houses, and duties are taken on multitudes of articles which bring very little into the treasury. The best-informed officers are of opinion that one good line north and south through Saugor to the Nerbudda, and another east and west on the banks of the Nerbudda, with a custom-house at Saugor, one at Jubbulpoor, and one at Hoshungabad, would obtain as much duty as is now gained at less expense and with less annoyance. The Nerbudda is admirably fitted for a customs line. There are no boats, or next to none, and the river consists of deep unfordable reaches terminated by rocky shallows, which form the fords, so that a post at each shallow (and they are not very numerous) will always prevent smuggling. As far as I could learn, there are but three lines of trade. One east and west, the whole of which, as far as it passes the territory at all, passes through Saugor itself. The country is too broken to admit of much deviation from the known tracts. The other two come from the southward: the one passes through Ellichpoor or Baitool to Bhopal, and the north west; the other from the same direction through Jubbulpoor towards Rewah and Mirzapoor. The former

former of these streams is brought under contribution at Hoshungabad, the latter at Jubbulpoor.

Great complaints are made against the town duties. Both the people and the public officers say that they were originally established on a distinct understanding that the produce should be applied to purposes of local convenience, but that they have since been seized on by Government. As there appears to be no question as to the understanding on which they were first established, I strongly recommend that they should be given up for the sake of public faith.

I have entered less into detail respecting the department of customs, both because it was not particularly pointed out to my notice, and because the faults which prevail in this department at Saugor are only the common vices of our custom department throughout the provinces.

I trust that the whole will undergo general reformation, and that the territories on which I am reporting will come in for their share of the benefit.

There remain a few questions which I have kept separate, because, though of great importance in themselves, they are not properly connected with any of the above departments. The first of these is the Thug police. The benefits and blessings to all India which have resulted from this establishment, skilfully and admirably directed as it is by that very able officer Captain Sleeman, are too obvious to be dwelt on. So far, however, from having any near prospect of affecting the suppression of this fearful crime, every new case, and almost every passing week, develops ramifications more extensive and proofs of its prevalence in quarters hitherto unknown. Government must, therefore, reckon on having to maintain an effective establishment for this special purpose for many years to come; and it highly behoves the British Government, as the civilised and paramount power, so to organise their arrangements with this view, as to be able firmly and constantly to maintain the contest with this veritable enemy of the human race until he be entirely stricken down and destroyed.

Captain Sleeman's great experience, and the influence of his name over the minds of the members of this singular community of atrocity, point him out at once as the proper head of such an establishment. A better assistant than Mr. Wilson could not, I believe, be found. Captain Sleeman speaks in almost equally high terms of Mr. M'Leod. Supposing Captain Sleeman to be made the Superintendent of this establishment, Mr. Wilson to be appointed Deputy-Superintendent for the charge of the provinces from Oude to Hurreanah, and Mr. M'Leod a second deputy for Soba Malwa, the whole of Upper and Central India would be well provided for. A third deputy should be appointed for the Bombay side of the Peninsula, including Goojerat. While I was at Saugor letters arrived from Ameenabad, stating the number of persons who had disappeared and the number of bodies which had been found in that quarter, and an intelligent officer to act in that direction under the instructions of Captain Sleeman and in communication with Mr. M'Leod is very desirable. Nagpore is within Captain Sleeman's own range, and with respect to Hyderabad and Poona he would arrange, of course, with his Bombay deputy. Everywhere he would have the aid of the Political British Officers. It is clear, however, that whether or not this establishment be considered as connected with Saugor, the duty on which they are employed being one involving the welfare of the whole of India, the expense ought not to be set down to the account of the Saugor and Nerbudda territories, and I shall, therefore, omit it in my proposed establishment. It should also be observed that the officers selected should not be allowed in any respect to be losers by their being selected to discharge a very important, but highly painful, disagreeable, and laborious duty.

I found a European officer also borne on the Saugor and Nerbudda establishment in charge of the little State of Oocheyra. It is, I believe, highly desirable that during the minority of the young prince, the tract should be under the charge of a British officer, but his salary should be defrayed from the revenues of the principality over which he presides.

It seemed the general opinion that any arrangements by which Baitool should be given up, and a clear frontier line obtained from Seonee-Chuppra to the south-west limit of Hoshungabad, would be very desirable. I was informed that some negotiation with Nagpore had been set on foot, but abandoned. In a fiscal view Baitool is of no value; it does not pay the cost of its own management and defence. I was told that it is equally valueless in a political view. If so, considering its remoteness, inaccessibility, and unhealthiness, I should think its abandonment preferable to its retention.

Great complaints were made by the people in all quarters against an unnecessary, and in my opinion, very unwise measure, introduced by the officers first placed in charge of the territory, and still continued. I mean the use of the Persian language in all official business. None of the people, even the best educated and most respectable, understand Persian. The consequences are that all offices are filled by people from the provinces, to the entire exclusion of the natives of the territory; and though there are some very valuable men among these foreigners, the majority are very inferior—in fact, mere adventurers. I saw men lording it over the wealthiest merchants and most respectable ex-officers of the Mahratta rule who would hardly have obtained a situation of 15 rupees a month in any district of the provinces.

The effect of this mistake—and it is an effect which must be obvious to a very careless observer—has been to deprive our officers of the aid of all those who were best acquainted with the country and people, and had most influence over them, and to disgust most of those whose goodwill was worth the possessing. Another effect has been—and it is rather a ludicrous one—that while a general outcry is raised by all the British officers against the regulations of Government applicable to the provinces, which no one of them has read a

word of; and while all the spirit of the regulations and all that is really valuable in them is unknown, the jargon of the Cutcherry is in as full operation as in any office of the provinces. I believe the sole reason for the introduction of this unknown tongue was that Mr. Malony* happened never to have been out of Calcutta, and was quite unacquainted with the conduct of an up-country office, and therefore of pure necessity he was obliged to obtain from his friends some practised officers in the different departments, who were allowed to make their own arrangements and introduce their own official language. It would, I am convinced, be a great blessing, and accepted by the people as a great favour, if Government would abolish the use of Persian, and allow all records which are not made in English to be made in the language of the country. I have referred much in this respect to my communication with the people; I therefore beg to take this opportunity of explaining that a very pure Hindoostanee is spoken throughout the territories, or at least, all that part of them which I visited; and that from the highest officer to the lowest peasant, I never found the slightest difficulty in communicating with any. This was not known to me before I went down, and is not, I believe, known to many others; but it would greatly facilitate the getting rid of Persian. The native writings shown to me were in Devanagaree; of course the merchants used Mahratta.

I have only to add that I met with the most willing assistance from all the district officers in pursuing my researches. I was so fortunate as to find Captain J. Johnson at Nagoud, who obligingly gave me such an insight into the circumstances of the different districts, and such information regarding men and things, that I had thenceforth no difficulty in determining in what direction to prosecute my inquiries, nor doubt as to the persons who could furnish me with a clue to direct my perquisitions. I was only particularly gratified with the assistance afforded me by Mr. Loughnan, and the candour with which he laid open all the *arcana* of his office to my inspection, although he was aware from the tone of our conversation that there were many things of which I should not approve.

I have already stated that I did not see the Commissioner, and I was therefore unable to refer either to himself or to his office on any of the subjects on which I have had to speak. Mr. Smith did not, I believe, desire any communication with me. He has been avowedly dissatisfied with the arrangement which placed the revenue concerns of his division under the superintendence of the Board, and desires, I believe, to be removed to some other situation.

I have, therefore, the less hesitation in expressing an opinion, which I must at all events have given, that there is nothing in the administration of the territory to require so expensive a machinery for its superintendence. It may, in my opinion, be safely and expediently put on the footing of any other division, and in the establishment which I am now to propose, I have set down the Commissioner at the usual scale of allowances.

It is desirable that the Commissioner be a man of sound judgment, regular habits of business, and of some experience in the management of an office in all the departments placed under his charge. It is probable that the appointment will not be much sought on reduced allowance, and that Government may have to select from men of lower standing than are generally taken for appointments of that class.

Such a circumstance I should rather consider as an advantage than otherwise; the person chosen would probably come with all his energies to the duty, be likely to hold the appointment for a considerable time, which would enable him to train up a school of officers, and put the whole course of management into a state of regularity and order, from which at present it is certainly very remote.

It will be observed that I have made the Jubbulpoor European establishment lower, and the Native proportionably higher than the other districts. The duty of the second European officer I consider comparatively light. The nature of the country is such as to require a greater number of scattered parties of officers.

I have also set down all establishments at the full rate of district pay. Of course if the present system is maintained of giving military officers, when employed on these duties, a lower rate of pay, the difference will be a saving.

I shall be happy to draw out any of the suggestions I have made in a more detailed form, in the shape of rules of practice in the different departments, and to submit them for the consideration of the Nizamut Adawlut or Government, if my propositions should be adopted, and such a mode of proceeding be judged advisable.

* No one can have higher value for Mr. A. Malony's great general ability, sound judgment, extensive information, and high character, both as a public officer and an individual, than myself, and I knew him well. He was a person fit to be put on such a duty; but it happened that he had never seen anything of public business out of Calcutta, and he was under an unavoidable necessity of taking men who could set up an office for him. Besides which, it was very likely not known at that time how rare was an acquaintance with Persian lore in Central India. I say this to avoid being misunderstood.

From *C. U. Aitchison*, Esq., Under Secretary to Government of India, Foreign Department, with the Governor General, to the Officiating Chief Commissioner Central Provinces (No 60); dated Camp, Saharunpore, 21 March 1863.

WITH reference to your Secretary's letter, No. 38, dated 8th October last, recommending the introduction of a permanent settlement in some of the districts under your administration, I am directed by his Excellency the Viceroy and Governor General to forward for your information the accompanying copy of a letter, and of its enclosures* from the officiating Secretary to Government, north-western provinces, and to state that, as at present advised, the Viceroy and Governor General prefers that the settlement in the Central Provinces be made for 30 years, with the condition that, at any period after ten years from the commencement of the settlement, Government shall be at liberty to revise it with the view of effecting a permanent settlement.

* No. 305 A, dated 4 March. Printed paper sent in, original to be returned.

From Captain *H. Mackenzie*, Secretary to Chief Commissioner, Central Provinces, to Colonel *H. M. Durand*, c. B., Secretary to Government of India, Foreign Department, with the Governor General, Camp (No. 1624 A); dated Nagpore, 28 April, 1863.

I AM desired by Officiating Chief Commissioner to acknowledge the receipt of your No. 60, of 21st March last, with its enclosures, on the subject of conceding a permanent settlement to the landholders of the Central Provinces, and directing that the regular settlements now in progress be made for 30 years, with the condition that at any period after ten years from the commencement of the settlement, Government shall be at liberty to revise it, with the view of effecting a permanent settlement.

2. In reference to the above, I am to observe that although the immediate concession of the boon is not yet promised, yet the ultimate prospect of a permanent settlement for those who may prove themselves worthy of it will so far be accepted as satisfactory to the agricultural classes, and will act as a stimulus to the outlay of capital and to improvement generally.

3. The Officiating Chief Commissioner believes that it will not be requisite to do more than notify the present orders of Government to the people in a public manner. This will certainly have a beneficial effect. Efforts will doubtless then be made to secure a title to the concession when the proper time shall arrive. It will not, Mr. Temple presumes, be necessary to insert a clause embodying such condition in the 30 year settlement engagement, which will be drawn up between the Government and the proprietor of each separate estate; nor could he recommend that course, for the intention of Government to conclude settlements for 20 years in the Saugor and Nerbudda territories, and for 30 years in the Nagpore province has been for some years publicly proclaimed, and any such reservation would, if entered in the engagements, be certainly misunderstood by the people, and without doing any good, for it is supposed that a permanent settlement would not be ordered to the landholders without their full consent to, and desire for, the same. Treated in the light of a boon, its concession indeed may be said to presuppose a willingness to receive it; therefore if Government should at any time think these provinces, or any part of them, ready to receive a permanent settlement, the readiness of the landholders to break the current settlement for the purpose of concluding another on a permanent basis may be presumed. No object would, therefore, be gained by entering a condition in the engagements which would, on the other hand, seem to imply the reservation of a power to one of the parties to it, which would not otherwise be willingly granted by the other; and while no object would thus result from the insertion of such a clause in each separate engagement, Officiating Chief Commissioner apprehends that it might do harm as being liable to be misunderstood by a land-holding community as yet suspicious and unversed in revenue practice. It might be regarded by the people as a sort of modification of the repeatedly-proclaimed intentions of Government; and

they might imagine, however erroneously, that it would practically reduce the settlement to a term of 10 years; all after that would appear uncertain in their eyes, and whatever greater advantage there is in a 20 or 30 years' settlement, as compared with a settlement of 10 years, would be in effect lost to both parties; and this result appears to be clearly opposed to the intentions of Government.

4. While, therefore, Officiating Chief Commissioner is sure that the establishment of an uniform term of 30 years for the settlements throughout the Central Provinces will be received with satisfaction by the agricultural classes, he would propose to give effect to that part of the present orders of Government by means of a public notification, of which a draft is enclosed for the approval of his Excellency the Governor General. After the words "expiration of the first ten years of the above-mentioned term of 30 years," it is proposed to add "or at any other time which may be especially fixed," in case there should in any district appear reason for granting the concession at an earlier date.

5. The Officiating Chief Commissioner begs to retain for the present the printed enclosure of your letter (copy of Mr. Bird's note on the Saugor and Nerbudda Territories); it shall be returned hereafter.

DRAFT of proposed NOTIFICATION.

WHEREAS, by Government Proclamation, dated 26th June, 1854, the Government intention to revise the assessments of the Land Revenue, and, on the expiry of the 20 years' settlements of 1836, to fix revised assessments for a new period of 20 years in the districts of the Saugor and Nerbudda territories was proclaimed; and whereas, the order of the Government, dated 21st March 1863, No. 60, fixing a term of 30 years for the settlement of the Land Revenue, about to be concluded in the Nagpore Province, was duly communicated to the landholders by public notification.

It is now hereby notified that the Government of India has been pleased to concede an extension of the term formerly prescribed for the Saugor and Nerbudda territories to 30 years, and to order that settlements for such terms of 30 years shall be concluded throughout the districts composing the Central Provinces.

It is further notified that, after the expiration of the first ten years of the above-mentioned term of 30 years, or at any other time which may be specially fixed, the Government will be prepared to grant a perpetual term of settlement to such of the landholders of the Central Provinces who may desire the same, provided that the said landholders shall have brought their estates into such a high condition of prosperity and cultivation as shall entitle them thereto under the Government Rules on the subject, and provided that such landholders shall consent to have their assessments revised before the engagements of perpetual settlement be concluded. It will hence be manifest that all landholders should exert themselves to cultivate and improve their property, so that they may be deemed worthy of having their term of settlement declared perpetual.

From Captain *Hector Mackenzie*, Secretary to Chief Commissioner, Central Provinces, to the Secretary to Government of India, Foreign Department, with the Governor General (No. 1636); dated Nagpore, 29 April 1863.

THE regular settlement of the Land Revenue being now in progress in 16 out of the 17 districts which compose the Central Provinces, I am directed by the Officiating Chief Commissioner to address you on the subject of the rules and principles on which the settlements should be concluded.

2. It will be in the recollection of his Excellency the Viceroy that the settlements of seven of the districts of the Saugor and Nerbudda territories, formerly under the administration of the Government of the North Western Provinces, have been in progress since 1853.

3. From recent inquiries the Officiating Chief Commissioner became aware that, although from time to time, since settlements began, instructions on most points, both of principle and of detail, had been issued for the Saugor and Nerbudda districts by the Government of the North West Provinces, yet, owing to the lapse of time, the destruction of records in some districts during 1857—58, and other circumstances, no office could produce a complete file of the correspondence.

4. It

4. It therefore seemed to the Officiating Chief Commissioner desirable that an examination into the whole of the settlement files should be made, and that those portions of the correspondence which contain definite rules and instructions, or useful information bearing on the subject, should be arranged and re-issued in printed form for the use and guidance of settlement officers. This has accordingly been done; moreover, in order to secure the uniform application of the principles, and as much as possible to prevent wrong interpretation of the rules, a summary of them has been compiled, a copy of the selected correspondence and of the summary accompanying this letter.

5. It has, however, seemed to the Officiating Chief Commissioner, and he believes it will be apparent also to his Excellency the Viceroy, that although the instructions issued heretofore are tolerably complete as far as they go, yet some now require explanation and further orders. The Officiating Chief Commissioner therefore proposes to issue a circular containing such explanatory remarks and additional instructions as seem requisite, so that the whole may form a complete Settlement Code for the Central Provinces; but, before preparing such a code, he is desirous that these further instructions should be reported to the Supreme Government, more especially as they involve some measures for the introduction of which it would in any case have been necessary to procure the sanction of the Governor General. I am therefore to communicate the substance of the proposed instructions in the following paragraphs, and also to report the instructions which the Officiating Chief Commissioner has issued on the minor points, so that the whole of this large and important matter may be set forth. The serial order of the subjects which has been adopted in the summary will be observed. Explanation will be offered when it may seem to be required; and special reference will be made to the propriety or otherwise of extending the rules and principles to the districts of the Nagpore province, in which heretofore only the instructions noted in the margin, have been issued. A similar reference will be made to the Sumbulpore district, transferred from Bengal. In that district although the settlement was ordered by the Bengal Government, yet its actual commencement has been made under this administration. Taken then, with the printed instructions, with the subsidiary instructions issued by the Officiating Chief Commissioner, and with the Governor General's orders on this reference, the whole will form a complete code on all the principal subjects which have as yet presented themselves for disposal to settlement officers. And I am to add that the Officiating Chief Commissioner's opinion on the subjects to be noticed has been formed after a complete tour through these provinces, in the course of which he has taken occasion to communicate freely with the agricultural population, with the especial view of ascertaining their feelings in respect of the forthcoming settlement: indeed, in most of the districts the landholders have been assembled in order to meet Mr. Temple for special conference on these subjects. He has also the advantage and assistance of the experience acquired by Capt. H. Mackenzie during that officer's deputation, which has extended over all these provinces, excepting the Chutteesgurrh division, and during which he has examined fully all the branches of the work, and the papers connected therewith:—

1. Secretary to Government of India to Commissioner, Nagpore, No. 2279, dated 28th June 1860.

2. Commissioner of Nagpore to Superintendent, Survey and Settlement, Nagpore, No. 967, dated 13th December 1860.

(Copies are annexed.)

1.—*Pergunnah and District Boundaries.*

6. UNDER this heading, the Officiating Chief Commissioner proposes to rule as follows:—

“The word ‘Pergunnah,’ used here, must be held to mean ‘Tehsildaree,’ inasmuch as the Revenue Administration of Districts in the Central Provinces is based on no lesser divisions than Tehsildarees. Old Pergunnah limits exist, nominally only; in an administrative sense they are obsolete.

“By the above instruction it is not intended authoritatively to prohibit the recognition by the people of old-established boundaries; but as under the present Government it becomes necessary in arranging the administrative sub-divisions of districts on a convenient footing to ignore practically the local divisions of past governments, so it is a logical sequence that all office routine should be

based upon the present sub-divisional (Tehsildaree) boundaries, and that all others, except in a subordinate sense, should be dropped out of sight. As a clue to locality it might still, for years to come, be necessary to denote a village as appertaining to an obsolete local division. But there is no more reason for retaining such divisions as the *nominal* basis of administrative routine, after it has become impossible owing to geographical inconvenience or other cause to retain them as *real* basis than there would be to build up the office-routine system on the four points of the compass. The settlement officer should follow the order of the actual *administrative* arrangements, which acknowledge *Tehsildaree* sub-divisions of districts, and not '*Pergunnahwaree*.' The serial number of all registers should run by Tehsildaree limits. If it be convenient to denote the locality by mention of the old Pergunnah or Talooqua let it be done in a subordinate column, just as a clue to locality might also be conveniently indicated by the mention of the direction, N., S., E. or W., in another subordinate column."

7. Again, the following qualifying instruction is proposed :—

"Owing to the great size of districts, their hilly nature, and the limited knowledge we possess of some portions of them, some discretion must be allowed in regard to the time of finally arranging boundaries. Districts are also very unequal in respect of the amount of their revenue and other points of administrative detail. In some the duties are very light, in others heavy. In some the Sudder station is central, in others situate at an extreme point of the district. Until, therefore, we have trustworthy maps, and until we revise the assessments, the principal statistics of districts cannot be ascertained and compared, so as to form the basis of final and satisfactory boundary arrangements. It will, therefore, be desirable that the Alphabetical Lists of Villages in Tehsildarees be not adopted as final until the professional survey is for the most part, at least, finished as regards conterminous districts whose boundaries are under consideration."

2.—Jungle and Forest Tracts and Grass Preserves.

8. THE Government was addressed on the subject in this office, No. 776, of 25 February 1863, to the following effect :—

9. There is in these provinces an excess of jungle and waste land over and above the requirements of the land-tax paying communities. And although hitherto this excess has not been excluded from village areas, and defined as State property, it is evident from the correspondence which passed between the Sudder Board of Revenue, and the Government of the North-West Provinces on the subject, that the right of the State thereto has been repeatedly affirmed by high authorities; and as manorial rights go with the land, such rights may be denied the village proprietors over tracts excluded from the village area.

10. It having thus been determined by competent authorities to exclude such excessive waste from village areas in the Saugor and Nerbudda territories, and it being considered that the rights of the State to excess jungle and forest is as undoubted in the Nagpore province as in the Saugor and Nerbudda territories, it is proposed to issue the following instructions with a view to securing the right to the State, and such instructions being made applicable to all the districts of the Central Provinces alike:—

I. "Each Settlement Officer, having examined and disposed of all claims to possession or *quasi*-possession, direct or indirect, must at once proceed to consider the subject of exclusion of excessive uncultivated area to which no claim can be substantiated, but which is included, or about to be included, in the village measurements.

II.* "In cases where no specific rightful claim shall be substantiated, then 100 per cent. on the cultivated area should be the minimum, and 200 per cent. the maximum amount of uncultivated land, which should ordinarily be awarded to the agricultural community of a village."

III. "In tracts already measured or surveyed, the settlement officer should proceed to decide generally from what villages a portion of the land included in their

* This Rule is now submitted, as amended in this office letter, No. 1632, of 29th inst.

their 'survey' or 'measurement' areas, should, according to the above rule, be excluded."

IV. "The settlement officer should then take up each case, and decide whether the amount of uncultivated land to be allotted in proprietary right, should be equal to, or double the cultivated area, or whether it should be fixed at any intermediate proportion, or other amount, under these rules.

V. "In tracts not yet measured or surveyed, the above investigation should proceed hand in hand with 'measurement' and 'survey,' whichever may be carried out first."

VI. "When the settlement officer has decided all the cases falling under Rule III., report should be made to the Commissioner before assessments are finally concluded."

VII. "When measurements have been completed, the boundary line of the areas to be excluded, should be laid down afresh over the land itself, and on the field maps; information being conveyed to the Revenue Surveyor with a view to the new boundaries being marked off on his maps. The settlement officer should form sketch-maps of the newly-formed state properties. Where it may be inconvenient to prepare new maps, the boundaries of the state property may be shown on the original village maps."

12. The Viceroy's approval to these Rules was conveyed in your No. 57, dated 20th March 1862; exception was, however, taken to Rule II., as pointing to an arbitrary restriction of village claims, and to an unsound arithmetical measure of rights. But it is believed that the explanation which was given of this point in this office, No. 1632 of 29th instant, will have assured his Excellency the Viceroy, that no such arbitrary course was intended. It was there explained that the arithmetical measure enjoined in the rule, was intended to apply only to cases where no right or claim could be established. The present opportunity is taken of supporting that position, further by referring to the selected correspondence on the point, at pages 78-85, and 117, 118 of the printed volume, and to the instructions which were issued to settlement officers provisionally in this office, book circular LXXII. of 1862 (copy enclosed), wherein it will be seen that the whole of the rules and the measure of restriction, have reference, not to village claims or rights, but to the plenary rights of the state, now about to be relinquished. To make this clearer, the wording of Rule II. has been amended. And with this explanation, the Officiating Chief Commissioner trusts that may now be approved.

3.—*Exemption of Gardens from Assessment.*

13. It will be advisable to add to the existing orders under this heading as follows:—

"The Rules do not authorise the exemption of patches of garden cultivation (barees) attached to dwelling-houses. The assets from these, should, accordingly be taken into calculation when fixing the jumma."

14. The Saugor Rules, and the above proposed interpretation may then, the Officiating Chief Commissioner thinks, be applied to the Districts of the Nagpore, and Chutteesgurh Divisions also.

4.—*Village Servants' Free Holdings.*

15. THE orders on this subject may probably stand in the districts of the Saugor and Nerbudda Territories, to which alone they have been applied. It is understood that the holdings are in the aggregate in each village, so small, that probably no material difference in the assessment will follow their exclusion from the assessable area. But Mr. Temple does not propose to extend the rules to the remaining districts of these provinces. The individual holders are servants of the community, and hold free *from* the community. At the moment, there-

fore, when a settlement is being made on the more liberal principle of leaving 50 per cent. of the rent to the proprietary body for profit and expenses, it seems unnecessary that the State should extend its liberality still further in a somewhat inconsistent manner, by taking on itself the burden of remunerating the village servants.

16. The Officiating Chief Commissioner would, however, add the following explanatory instruction to the Saugor and Nerbudda Code:—

“The land being private property, it is manifest that the rule on this head has effect only to this extent, viz. : That the servants who occupy, or have particular lands assigned to them, are entitled to enjoy the Government revenue, which would otherwise be assessable upon them. It might be that the proprietor of the land took full rent ; he would then pay back to the servant-assignee the Government jumma, out of that rent. In such a case it would be necessary to state in the papers of the settlement Record (especially in the list of free tenures) what would be the Government demand on the land were it not free, and in any case it would be well to do this. But if, as will more frequently be the case, the proprietor waived all claim to rent in favour of the village servant, then a clause to that effect will be necessary in the administration paper to prevent future dispute. Without it, there would be nothing in the exclusion from assessment of the land to prevent the proprietor appropriating the difference between the full rent of the land, and the Government jumma upon it.”

5.—*Maafce (Revenue-free) Inquiries.*

17. No remark seems necessary for the Saugor and Nerbudda Territories. In the Nagpore and Chutteesgurh Divisions, the Rules are followed which were laid down by the Governor General in paragraphs 38, 39, of Letter No. 2862, dated 30th June 1854, by Secretary to Government of India, to the Commissioner of Nagpore. Copies are enclosed for ready reference.

18. In effect, the principles of release and resumption in these, and in the Saugor and Nerbudda Rules (Selection VII.) are the same. Even were it otherwise, it would not, probably be necessary that they should be made absolutely identical under the diverse political circumstances of the two Provinces. Further remark on this head, is therefore, unnecessary. Where, however, the Nagpore Rules may be deficient on points of detail, or as regards procedure, the Officiating Chief Commissioner proposes to refer settlement officers to the Saugor and Nerbudda Rules, which are full and complete.

19. It is therefore, only proposed to issue the following explanatory instructions:—

“The remaining Maafce investigations may now be undertaken entirely by the officers engaged in settlement, without reference to the size of the holdings.”

“After they shall have been disposed of, no time should be lost in classifying, and, where necessary, finally reporting these cases.”

“It is no longer expedient to delay assessments until the maafces are all finally disposed of. Such of them, therefore, as may remain undecided when settlement officers are ready to assess, must be included in the ‘minhall’ column of the assessment statement, and be disposed of subsequently. Their ultimate disposal should, however, of course, take place previous to the final completion of the Settlement Misls.”

20. It will, however, be seen that the Rules, although complete in respect of “investigation,” do not provide for “report” ; it is therefore proposed to adopt the following procedure, adopted from that followed in the Punjab:—

“Maafce cases, should, in future, be reported in the following manner:—

“As each case is prepared, it should be abstracted into a register in the vernacular in the following form:—

REGISTER

REGISTER of Maafee, or Revenue Freeholdings, in which Investigation has been completed, in the District of—

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
No.	Name of Tehsildaree Division, and other Index to Locality.	Name of Village in which the Holding is situated.	Quantity of Maafee Lands, whether whole Mouzah or fraction of a Village, &c., in Acres.	Amount of Annual Jumma.	Name of Grantor.	Date of Grant.	Name of Grantee, his Caste and Residence.	Detailed Account of the State and Term of Occupancy, showing when granted and the period each individual was in possession.	Name of present Occupant, his Father's name, caste, age, and the Relationship he bore to Grantee.	Remarks by the Investigating Officer.	Orders by Commissioner.
			Note.—Lands in actual possession are to be reckoned.	₹. s. d.							

“As the investigations are completed, the misls and the register should be forwarded to the Commissioner of Division without any further proceeding or detailed report. A register may be conveniently submitted when the whole of the cases of any territorial division may be disposed of, or the cases may be classified, and a separate register for each class or description of case may be prepared and submitted, whichever course may be found most convenient.

“On receipt of the misls and register, the Commissioner will then record his orders on the misls, and also in the register. In most cases these orders will be final under the Maafee Rules. The Rules, however, require that some cases should be reported to the Government. In these cases the Commissioner will only pass his opinion, and an order for the case to be abstracted into an English register and sent up again. He will then return the whole of the misls to the Settlement Officer, keeping the register in his own office as a record. No separate roobicarees are necessary.

“The Settlement Officer will then give effect to such of the Commissioner's orders as are final, and prepare an English register of the cases which require further report. The English register will then be forwarded through the Commissioner to the Chief Commissioner's Office for transmission to Government. The misls should accompany, to enable the Chief Commissioner to record his own opinion, for which an extra column should be allowed at the right-hand margin of the English register.”

6.—Assessment.

20. On the principles of assessment, nothing need be remarked in respect of the Saugor and Nerbudda districts.

21. But, as connected with the subject, the following instructions are proposed:—

“Puttahs (declaration assessments) should be issued, and kuboolyuts, or durkhasts (engagements), taken at the time of announcing the assessments.

“Forms of these documents are subjoined:

0.48.

Q 3

(FORM

(FORM of PUTTAH.)

“ To _____ Malik (proprietor) of Mouzah (village or estates) _____
Whereas the land revenue demand has been fixed upon your mouzah, as noted below, I hereby deliver this puttah to you in token thereof:—

	<i>Rs.</i>
“ Jumma Sirkaree (Government Revenue) - - - - -	-
“ Road Fund - - - - -	-
“ School Cess - - - - -	-
“ (Any other Cess) - - - - -	-
Total - - -	<i>Rs.</i>

“ Besides the above, the ordinary village cesses of the putwaree (village accountant) the kutwar (village watchman), and the like, will be payable by you. They will be duly arranged, defined, and recorded in the Mouzah-Wajib-ool-urz (administration paper).

“ The following land has been excluded from the area upon which the settlement is based:—

	<i>Rs.</i>
Maafee of - - - - -	-
„ of - - - - -	-
Total - - -	<i>Rs.</i>

“ This settlement is made for 30 years, from 1st July 186 .

“ This settlement is subject to the confirmation of the Chief Commissioner.

“ _____
“ Settlement Officer.

“ Date _____.”

22. This form of engagement does not, it will be observed, provide for the revision of the settlement at any period after the expiry of 10 years, if Government should wish to do so for the purpose of concluding a permanent settlement, in conformity with the instructions conveyed in your No. 356-60 of 21st March 1863. The reasons for this omission are fully explained further on, under heading 17, paras. 58-66, of this letter.

(FORM of KUBOOLYUT or DURKHAST).

“ After greeting,

“ We, _____ Malik of Mouzah _____, acknowledge to have received the puttah under your signature of this date, by which the settlement for 30 years, from the 1st July 186 , of our Mouzah, exclusive of acres lakhiraj, at a jumma of *Rs.* _____, besides cesses, subject to the confirmation of the Chief Commissioner, is announced to us, and we agree to pay the same by regular instalments as below:—

“ (Detail the Kists or Instalments).

“ Date _____ } Malik.”

23. In respect of the Nagpore and Chutteesgurh Divisions, I am to observe, as regards the principles of assessment, as follows:—

In letter (annexed) No. 2,279, dated 28th June 1860, from the Secretary to Government of India to the Commissioner of Nagpore (para. 16), it was ruled that a margin of profit, amounting to at least 40 per cent. and, in special cases, 50 per cent. of the gross rental, should be left to the proprietary body. The Officiating Chief Commissioner would now suggest that 50 per cent. be the margin left in all estates: he believes that there is no valid reason why a smaller margin should be left in the village settlements, which are being made in Nagpore than in the Saugor and Nerbudda districts; on the contrary, the same principles on which that 50 per cent. rule was made general in the North West Provinces are applicable to all parts of these provinces.

24. If his Excellency the Viceroy will sanction this proposal, then the whole of the Saugor and Nerbudda “Instructions” on this subject will be applicable to the Nagpore and Chutteesgurh Divisions also.

7.—*Refund of the Difference between the Old and New Assessment.*

25. From Selections XX. to XXIV. it will be seen that, inasmuch as the leases of the last settlement did not provide for the continuance of the settlement beyond a period of 20 years, it was decided by the Government of the North West Provinces that if the Malgoozars would consent to continue paying the jummas of the old settlement, after the expiry of its 20 years' term, until the new settlement might be concluded, and if at the new settlement lower jummas might be fixed, the difference, thus shown to bear the character of an overpayment, should be refunded by the Government. The Malgoozars having agreed to continue to pay the old assessments under the above understanding, the following additional instructions are proposed:—

“When comparing the new with the old demand, it will be necessary to include in both the items coming under the head of ‘cesses;’ for an old jumma of 505 rupees would not be greater than a new jumma of 500 rupees, by reason of the new school-cess.”

“Similarly, an allowance must be made, in favour of the proprietor, on account of resumed maafees (land free of revenue), or in favour of the State, on account of any lands newly excluded from assessment. The Memorandum of Refunds must be submitted in the form of a tabular statement, showing clearly how the results are arrived at.”

“If the Settlement Report should be delayed, a memorandum of refunds required should be submitted as soon after assessment as it can with confidence be assumed that no further modifications will be made in the State demand.”

“Timely Budget provision must be made on account of these refunds.”

26. The rules and instructions are special to the Saugor and Nerbudda territories, and will not need to be extended to the rest of the Central Provinces.

8.—*Cesses.*

27. The following additional instruction is proposed under this head:—

“District dâks (postal lines) having been provided for in the general schedules of district establishments, and the introduction of chowkeedars (village watch) suspended (*see* subject No. 9), it follows that when the assessment is reduced upon the half-assets principle, a quarter per cent. on the jumma for the dâk (postal line), and a moiety of the proportion of the chowkeedar's (watchman's) pay—which would have, in the event of his appointment, fallen on the village—should be added thereto, in lieu of keeping the dâk (postal) fund and the chowkeedar's (watchman's) pay separate.”

28. In respect of the chowkeedar's (watchman's) pay, the above instruction will, of course, be dependent on the approval of his Excellency the Viceroy being accorded to the proposals made under the next heading (No. 9) in reference to the non-appointment of chowkeedars (watchmen).

29. Remark is, however, called for in regard to some points under this heading of “cesses” with reference to the existing orders for the Nagpore Province.

30. (I.) In para. 10 of letter (annexed) No. 967, dated 13th December 1860, the Superintendent of Survey and Settlement was instructed by the Commissioner of Nagpore to introduce an occasional cess, at a rate of from $\frac{3}{4}$ to $1\frac{1}{4}$ rupees per cent. on the jumma. The Officiating Chief Commissioner is not sure that there would be any advantage in this sliding scale, and he would propose that the rate of this cess should be fixed, as in the Saugor and Nerbudda districts, uniformly at one per cent. The same uniform rate, Mr. Temple observes, has prevailed in the Punjab.

31. (II.) The mode of remunerating the chowkeedars (watchmen), ordered by the Commissioner of Nagpore in the same letter, is also, perhaps, somewhat complex—viz., “by a money payment levied from each 100 houses for one chowkeedar (watchman), of from 10 to 18 rupees per annum, to be paid partly from the kutwar's (watch) fund, and partly from the municipal fund, plus five beegahs of first-class land free of revenue demand.” But as the Officiating Chief Commissioner trusts that his Excellency the Viceroy will approve of proposals

posals hereinafter made in regard to the kutwars (village watch) throughout these provinces, it will probably not be necessary to act on the instructions quoted.

32. (III.) It was ordered, further, in the Commissioner's letter quoted, that putwarees (village accountants) should be remunerated at the rate of $3\frac{1}{2}$ per cent. on the collections of the village rents. The Officiating Chief Commissioner would introduce the last modification of the rule on this head which has been made by the Government North Western Provinces (Selection LXXXV.), and make the rate from five to six *on the jumma* or revenue demand. The result would be the same or thereabouts as that given by a rate of 3·2 rupees per cent. on the rental collections; but the system is simpler and better.

33. The above cess would be, of course, conditional on the introduction of, and adherence to, a system whereby putwarees are appointed and remunerated solely or chiefly by money payments, but the system itself will be discussed as a separate question further on (paragraphs 47-54).

34. (IV.) In para. 16 of the annexed letter from Secretary to Government of India to the Commissioner of Nagpore, No. 2279, dated 28th June 1860, a rate of 2 per cent. on the jumma (revenue demand) is ordered as a road-fund. The Officiating Chief Commissioner thinks it proper on this occasion to point out that the rate in the Saugor and Nerbudda districts is fixed by Government proclamation at 1 per cent. At the same time Mr. Temple is aware that the Government has a perfect right to levy 2 per cent., the more so when the rate of assessment under the main head of land revenue is being reduced to 50 per cent. on the rental. Leaving out other cesses, the difference between a one and a two per cent. road-cess is only as 50½ is to 51—which is, in point of fact, immaterial, and the extra ½ would be of much use for expenditure on district roads. On the other hand, the landholders would, perhaps, compare their position with that of the landholders of the Saugor and Nerbudda Territories, and feel the distinction, slight though it be, to be invidious. The landholders have frequently complained to Mr. Temple of the way in which these cesses mount up in the aggregate, and it becomes an object to keep them as low as may be fairly practicable. The Officiating Chief Commissioner, therefore, proposes that the road-cess be fixed at the one per cent. rate for the Nagpore and Chuttesgurh Divisions, uniformly with the rest of the Central Provinces, and the Governor General's sanction to this is solicited.

9.—*Village Watchmen (called) Chowkedars, Bullahirs, Kutwals, or Kutwars.*

35. In reference to this heading, I am to explain as follows:—Throughout these provinces there exist one or more watchmen (or kutwars) in each village; they are hereditary office-bearers, with duties and rights fixed by prescriptive custom. The duties may be best understood by saying that they appertain to the village drudge. Whenever there is any hard work to be done, a message to be taken, a traveller to be served, or any other miscellaneous duty or petty village service to be performed, the kutwar is called for, and he does the duty. He is usually a low-caste person, and inferior also in status, inasmuch as he is dependent on each and every member of the village community for his subsistence, and amenable to their orders. It need hardly be said that he is a valuable institution in the village, and, taken for what he is, he is of public utility also. Continually in motion, he acquires extended local information; he is of great service to travellers; and as the chief landholders are properly held responsible for the public peace in their villages, and for the orderly behaviour of the inhabitants, so the kutwar is a ready means of communicating with the police authorities whenever any breach of the law may be committed. *But the kutwar is not a policeman* in the strict sense of that term. There are no indigenous rural police in the strict sense, as aforesaid, unless the term be applicable to the chief landholders themselves, considered as regards their general responsibilities; and therefore, if the organisation contemplated by the orders on this subject in both the Nagpore Province and the Saugor and Nerbudda Territories be intended, as no doubt some have supposed, to be applicable only to existing, *i. e.*, indigenous rural police, it cannot be brought into effect, owing to the very circumstances of the case

case. But the Officiating Chief Commissioner is aware that others, while admitting that the kutwars, left to themselves, do not perform the duties of policemen, have at the same time advocated their *organisation as a rural police force* under the denomination of chowkeedars. To officers zealous in the department of police, the situation is tempting, and no doubt, if existing orders be carried out, these would not be the only provinces in which the village drudges were dressed, armed, multiplied, turned adrift, and sometimes drilled into what was supposed to be a vast, valuable, and cheap auxiliary police force; but the Officiating Chief Commissioner is not as yet prepared to recommend the pursuance of such a course in these provinces; he is not convinced that good would result from it, while he fears that it would create some discontent both among the landholding class, and the watchman class. A local genius of a certain use and of peculiar fitness to the position in which he stands, becomes, under such a system, a very inefficient constable; the responsibility for reporting crime is practically removed from the chief landholder, whose interest alone it is to act up to his responsibilities, to a mean person liable to temptation which he has no inducement to resist. The framework of the village society, is, to a certain extent, wherein the community and the kutwars are dependent one upon the other, disarranged. The village drudge becomes the village spy, and general dissatisfaction prevails.

36. The Officiating Chief Commissioner believes that the soundness of these views would be fully corroborated by the Government of the Punjab; they are concurred in by all the civil officers in these provinces whom he has consulted. In the Punjab, the rural police system was elaborated with much care; it should have succeeded if success had been possible. Watchmen were comparatively few, the appointments in many cases involved, apparently, nothing more than the introduction of a police rate, which (practically) resulted in a corresponding diminution of the land revenue demand. But the rural police were detested. Our police administration was in a corresponding degree contemned. Village headmen held aloof, shielding, rather than detecting, criminals. District officers worked in the police department *against* the people instead of *with* them; and now, late reports show that the chowkeedars or organised village police are being given up.

37. A similar course, Mr. Temple observes from the last Administration Report for Oude, 1861-62, has been pursued in that province. There, it would appear, the chowkeedars were at the commencement of our rule made Government servants, receiving cash wages at a high rate; but the old system has been reverted to, and no interference is now exercised in either their appointment, dismissal, mode or amount of payment, or performance of village duties. (Memorandum by Officiating Chief Commissioner, Oude, dated 17th February 1862, para. 8.) It is true that in Oude, while restoring the chowkeedar to his old position, a new duty has been required of him; and this is stated to be simply that of reporting all crimes occurring in their villages, and aiding the police in the investigation of crime, the apprehension of offenders, and one or two other matters (Oude Memorandum, para. 7); and he is stated (para. 8) to be bound to perform this new duty "in consequence of his being a village servant."

38. But although the Officiating Chief Commissioner is not prepared to say that the kutwars of these provinces also may not willingly perform this duty, which the chowkeedars still perform in Oude, yet he would desire to reserve his opinion on this point. The question now under discussion is separate; and in reference to it, all he wishes is to have the principles which have been affirmed in the Punjab and Oude made applicable in these provinces also; viz.:—The principles of *non-interference with the kutwar's appointment, dismissal, mode or amount of remuneration, or performance of village duties*. For the rest, that is to say, with regard to the imposition of the new duty above cited, as has been imposed in Oude, in like manner as a joint responsibility of the proprietors, putwaree and kutwars, is upheld in matters relating to police (Memorandum para. 9), the Officiating Chief Commissioner is not sure, whether, in the central provinces, duties even to this limited extent could be imposed, without at least, *the appearance* of a desire to detach the kutwar from the village community and make him a Government servant. At all events, Mr. Temple feels the necessity of acting cautiously; and there certainly are grounds for believing that what, in this respect, might have

been consistently possible in Oude, may not be so here; for some of the duties stated to be old village duties in Oude, viz.:—"to watch the crops and the village, and to make good the value of property stolen, or to catch the thief" (Oude Memorandum, para. 4), certainly did not attach generally to the kutwars of these provinces; consequently, as has been remarked, the Officiating Chief Commissioner is not certain how far even the limited responsibilities attached to the chowkeedars in Oude could be safely laid down as attaching to the kutwars here; and, therefore, this part of the general subject cannot be fully entered upon here. If the major principle of non-interference be affirmed by his Excellency the Governor General, it will be sufficient for the settlement department. The minor questions of the kutwar's duties and responsibilities as a village official and in connexion with the police, can be better adjusted after the main principle shall be affirmed and thoroughly apprehended by the executive staff of the administration and the people.

39. Another difficulty in the organising of a regular village police, is the expense. A body of men numbering several thousands, may be cheaply maintained when they are remunerated by little perquisites, which, being sanctioned by custom, are not appreciably felt by the people. But if that remuneration is superseded, and if this body of men is formed into a sort of force, and paid in cash, then a heavy charge (which for the Central Provinces would amount to several lakhs per annum) arises; and then *how* is such a charge to be defrayed? It could only be defrayed either (*firstly*) by being nominally charged to the people, and deducted from the fiscal demand, in which course the amount is really a charge on the finance of the State; or else (*secondly*) it could be levied from the people over and above the fiscal demand, on which it would be regarded as a severe cess, and detract in their eyes somewhat from the merits of the settlement; or (*thirdly*) it could be defrayed in part by the people over and above fiscal demand, and the remainder deducted from that demand. It would, therefore, be a charge either upon the State or upon the people, or upon both combined. Then for *what* is this expense to be incurred? The answer is for a quasi police in addition to the organised constabulary, which quasi police would be of doubtful efficiency, and would certainly be distasteful to the people. Moreover, such a system would have one positive disadvantage, in that, for information and aid, our officers would look to the new-created village police, and cease to look to the landholders, who are by the common law, and by the custom of the country, the real village police. In all parts of India the influence of the landowners (if they choose to exert it) for the repression and detection of crime is well known; but this is particularly the case in the Central Provinces, where almost every village has its own proprietor, *generally* (though not always) resident, who then becomes definitely and immediately responsible.

40. Mr. Temple has constantly questioned landholders on this subject; they universally prefer that the old village watch should be left as it is; that a new village police should not be organised, and that they themselves (the landholders) should be rendered really responsible for the rendering of assistance and information to the Government police. There is no doubt that if the landholders be made to act up to this, no other agency, equal to them for this purpose could be found.

41. The Officiating Chief Commissioner, under the above considerations, therefore hopes that His Excellency the Viceroy will permit the issue of orders in modification of those in existence to the following effect, viz.:—

"That no change be made in the status of kutwars, bullahirs, &c.

"That at the time of settlement, their position, rights, and perquisites be simply defined according to custom.

"And that if, while treating the kutwar in this manner as a village institution, the settlement officer can, without altering the status in and relations to the community, procure from the community any amelioration of his condition in keeping with the village custom, there is no objection; but that this should not assume the form of authoritative interference."

14.—*Putwarees (Village Accountants).*

47. On this subject, it will be observed that very full and exact instructions have been issued in the Saugor and Nerbudda Territories, and that in the Nagpore Province also, the organisation of putwarees on a similar system has been ordered.

48. But during his recent tour the Officiating Chief Commissioner was induced to take the subject into his consideration, under the impression that some modification of the existing rules on the subject, or at least, some provision against their too strict interpretation, might be found beneficial.

49. From the papers on this question (Selections XXVIII. to XXXIX., and L. to LVI.) it will be seen that the general tendency of the organisation contemplated, is to separate the putwaree or village accountant from the proprietary body, and to make him, in appearance at least, the servant of the State.

50. Now the Officiating Chief Commissioner is aware that another set of views on this subject is also prevalent with experienced revenue officers; and their tendency is to leave the putwaree, as much as possible, bound to the village community by ties of common interest; they maintain the lesser evil to be the temporary incapacity to fulfil all requirements as perfectly as could be wished, which may be displayed by the indigenous organisation; they urge that it will gradually improve, and that, while by the establishment of the opposite system we estrange the village notaries from their constituents, experience shows that we do not attain the object in view by means of their more accomplished substitutes and a more elaborate system; and that the failure is chiefly attributable to the natural antagonism arising out of such estrangement or separation of interests.

51. On the whole, it appears to the Officiating Chief Commissioner, after visiting the districts and conferring with the landholders, that, when deciding upon the organisation first adverted to, by which the putwarees will henceforth have a tendency to become more and more the servants of the State, and in a corresponding less degree the agents or scribes of the agricultural communities, the authorities did not take full notice of the large extent to which, firstly efficiency, and secondly the hereditary element prevails in the indigenous organisation of the putwarees in the Saugor and Nerbudda districts.

52. The Officiating Chief Commissioner is, at present, in correspondence with Commissioners of Division regarding the details of this subject; but his own opinion tends to retaining the previous status of the putwarees, as much as possible consistently with the requirements of efficiency, to avoiding the disturbance or supersession of hereditary or prescriptive position. There are, without doubt, many instances where a departure from such status does not seem to be required; where, for instance, the putwaree is efficient, holds office on a hereditary tenure, and receives a remuneration in a customary and approved manner. In such case, the position of the putwaree need not be changed, nor need his remuneration be altered in any way. I am, therefore, to take the present opportunity of noticing the subject, and of soliciting general permission to mitigate the operation of the rules which have been issued where it may appear unnecessary or unadvisable, and to prevent rules from being carried out in too sweeping a manner.

53. The Officiating Chief Commissioner would also request that such permission be extended to the districts of the Nagpore Province also; for although the circumstances are somewhat different, in essence they are similar. For generations, officials forming an integral element of the village constitution, whether under the title of deshmook and deshpaudia, or the more modest appellation of paudia, have existed, and performed the duties incidental with, or analogous to, those now required from putwarees; and it has still to be shown why their knowledge, abilities, and position, should not be made available, and their claims to employment admitted, at a time when a system of agricultural account, and of the registration of landed property, is being elaborated.

54. The views which the Officiating Chief Commissioner now begs permission to bring into effect on this subject, as somewhat differing from the strict applica-
tion

tion of the rules heretofore issued in the Saugor and Nerbudda territories, are similar in spirit to the views which are set forth in the annexed extract from recent Punjab reports, and which, from para. 13 of the Chief Commissioner of Oude's Settlement Circular, No. 14, of 22d July 1861 (also annexed), appear to have been adopted in Oude.

15.—*Lumberdars and their Fees.*

(The Lumberdar being head man of village proprietary communities where such exist).

55. The Officiating Chief Commissioner would add the following instruction under this heading:—

“ No essential object is gained by limiting the management to one lumberdar, in opposition to the wishes of the shareholders: the feeling of the community should be consulted, and, generally, it conduces to the comfort of the community that there should be at least one lumberdar for each section, or puttee, or separate interest in the estate.”

The same rules might, Mr. Temple thinks, be extended to all parts of these provinces, for wherever village settlements are made, the question will sooner or later come up for disposal. Where the proprietors in an estate are numerous, it will be both in accordance with their own wishes, and convenient for the administration that individuals should be recognized as representatives of the proprietary body in matters common to the whole; and all parties will concur in the propriety of compensating these representatives for their trouble, by allotting them an additional share of the profits from the estate. At such junctures, therefore, some rule will be necessary. The Officiating Chief Commissioner would, therefore, extend the rules laid down for the Saugor and Nerbudda districts to all other districts as well.

16.—*Adjustment of the Debts of Landholders.*

56. The following explanatory instructions seem to be required under this heading:—

“ By the 2d and 3d Rule of No. XXVII. of the Selections, the *onus* of obtaining an adjustment of the debts of landowners is thrown upon the creditors.

“ The 4th para. may be read as making the debtor also responsible for moving for an adjustment; but the wording is doubtful; and the Government Order (Selection No. XXVI.), upon which the rules are based, makes the initiative rest with the creditor alone.

“ It will therefore be best to understand the Rules thus:—*That landed property is not liable for debts contracted previous to the Settlement, unless the debtor fail to abide by, and fulfil, or refuse to agree to, the tenures of an adjustment of those debts by the settlement officer, made on the motion of the creditor within a given time after the declaration of proprietary rights in favour of the debtor.*”

The following procedure will, in consequence of the above, be proper:—

“ When proprietary right is declared in any land, let a public notice be given, that unless the creditors of the proprietors come forward within a certain time (say six months) after the date of the notice, and obtain, and agree to, an adjustment of their claims by the settlement officer, the property will not be liable to sale, in satisfaction of those claims, such claims to include all debts contracted up to the expiry of the six months' notice.

“ Should the creditors come forward, then the settlement officer will be guided by the rules contained in para. 2 of the Saugor Division Proclamation. (Selection XXVII.)

“ In this case the adjustment will be recorded separately, and ultimately be transferred to the record-room of the Civil Court of the district, an abstract of the proceedings being filed with the proprietary right misl, and its substance being incorporated in the administration paper of the proprietor's village.

“ Should no creditors come forward within the period stated in the notice, the settlement officer will record a proceeding to that effect, declaring, that in

accordance with the rules of the Saugor Division Proclamation, the landed property concerned is not liable to sale for debts contracted by its owners up to that date. This proceeding will be attached to the proprietary right misl, and its substance will be incorporated with the clauses of the administration paper of the village in which the property may be situate.

“Judicial stamps of the proper value will fall to be taken in all suits brought by creditors under these rules.”

57. The rules on this subject will not be necessary for any district out of the Saugor and Nerbudda territories.

17.—*Date of Commencement and Period of Continuance of the Settlement.*

58. The following additional instructions are proposed:—

The Government of India has, in letter from Secretary to Government of India, No. 60, of 21st March 1863, sanctioned the term of thirty (30) years for the settlements now in progress throughout these provinces; therefore, if the landholders assent, the engagements in the districts of the Saugor and Nerbudda territories may be given for 30 years, instead of 20 years, as previously promised.

59. In the districts of the Nagpore Province, 30 years have already been proclaimed as the promised term of settlement, under the authority of letter, No. 2279, dated 27th June 1860, from Secretary to Government of India, to Commissioner of Nagpore.

60. The same term will apply to Sumbulpore, under the sanction of Government above quoted.

61. The 1st July would be an appropriate date for the commencement of the settlement everywhere.

62. I am here to allude to the instructions of the Viceroy conveyed in your No. 60, of 21st March last, to the effect that the settlements should be concluded for a period of thirty (30) years, with the condition that at any period after ten (10) years from the commencement of the settlement, Government shall be at liberty to revise it, with a view of effecting a permanent settlement.

63. It has already (para. 21) been noticed that it is not proposed that the puttah, or engagements with the landholders should contain a particular clause to that effect. The reason is, that it appears to Mr. Temple this condition will be held to be dependent on the wish or application of the landholder for a permanent or perpetual settlement. In the Saugor and Nerbudda territories, the Government is pledged under the terms of the Proclamation of 24th of June 1854 (Selection IV.) to conclude settlements for a period of 20 years; and similarly, settlements for 30 years have been promised to the landholders of the Nagpore Province by proclamation. In both cases the proclamations were made at the time on the authority of Government orders, and have since been repeatedly explained to the people. Mr. Temple therefore supposes, that if engagements were offered to the landholders for shorter periods, this would be only with their consent. If a longer period were offered, then there would be no difficulty, inasmuch as that would be regarded as an additional concession. But any mention of a shorter period in the engagement might be regarded by the people (however erroneously) to be a limitation of the promises of Government; the objection then would be evident; and if this view be correct, it would neither be necessary nor advisable to cumber the engagements with any new clause of a prospective character. It would not be necessary, because, if its operation is to depend upon the consent of the landholders, its omission will be no bar to action, whenever it may seem proper to the Government to invite such consent to, or application for a permanent settlement, and it would not be advisable, because it might be misunderstood. On these grounds, therefore, Mr. Temple would submit, that as the Government do not propose to offer a permanent settlement at present, the only alternative is to make settlements on the terms of the proclamations, or for longer but *definite* periods, with the consent of the landholders. The Revenue authorities would then understand (and the people might be informed to the same effect) that after the expiry of ten years from the commencement of the settlement, the Government would take into consideration the concession of a permanent settlement

Jubbulpore.
Nursingpore.
Seonee.
Mundlah.
Saugor.
Dumoh.
Hoshungabad.
Baitool.

Nagpore.
Bhundara.
Chanda.
Wurda.
Chindwara.
Raepore.
Belaspore.

settlement in any case that might be deserving, provided always that the party desired such permanent settlement, and provided that preparatory to such settlement there should be a revision of assessment. The people would then know that there would be no alteration of the present assessment within the period of this settlement, without their wish or consent. After the expiry of this settlement, of course it would be open to Government to make a permanent settlement, or otherwise.

64. It is not necessary, in order to support the above view, that the Officiating Chief-Commissioner should discuss the effects which might be produced by concluding settlements for 30 years, but with power reserved to the Government to break the engagements even for the purpose of conceding what might ordinarily be considered a boon at any time after the expiry of 10 years. But it seems, nevertheless, proper in this place, that Mr. Temple should remark that he would not expect those effects to be under the circumstances of these provinces, such as are usually looked for, and generally attained from what is termed "regular settlement." It is unnecessary to recapitulate what has, on more than one recent occasion been brought before the notice of his Excellency the Viceroy, in reference to the past unsatisfactory administration of the land revenue in the Saugor and Nerbudda territories; the short leases, accompanied by a bad system of interference, described by Mr. Bird in his memorandum of 1834; the summary nature of the last 20 years' settlement alluded to by Mr. Muir in the memorandum which accompanied your letter now under notice; the breaking down of that settlement in the three important districts of Saugor, Dumoh, and Jubbulpore; and, lastly, the prolonged delay in revising the last settlement. But the Officiating Chief Commissioner himself, has, during the tour which he has just brought to a close, seen clear evidence in the manner of speech used by the agricultural population in reference to the settlement; in their apparent doubts of its ever coming to a conclusion; in their suspicions that the long delay has some secret cause boding them no good; in their readiness to see, in any new measures of the executive, some intention to break faith as regards the settlement's promised terms; and in the openly-expressed disinclination to adopt any suggestions for agricultural improvement until the written engagements be actually in their hands: in all this, as well as in other less prominent indications, there has seemed clear evidence of the necessity, above all things, of the provisions of the approaching settlements (the most important of which is embodied in the engagements) being framed in terms free from everything which should savour of uncertainty.

65. For these reasons, the Officiating Chief Commissioner does not propose to insert any express clause of the nature alluded to above, and he would omit such a clause with the less hesitation, because one of the main arguments in favour of a permanent settlement being that it would be considered in the light of a great boon by the landholders, the position can hardly be contemplated of the Government breaking the settlement under such a clause without their consent; in other words, for an intermediate revision, in order to concede the boon of a permanent settlement, consent is presupposed. The express stipulation of power for such an end by insertion of clause in the engagement would not be essential, inasmuch as its exercise without the consent of the landholders does not appear to be supposed.

66. This subject has been adverted to further in my No. 1624, A, of the 28th April 1863, acknowledging the Government orders above alluded to; and in that letter it has been proposed that the orders of the Government shall simply be communicated to the people by means of a public notification to the following effect:—

(PROPOSED) NOTIFICATION.

"Whereas, by Government Proclamation, dated 26th June, 1854, the Government intention to revise the assessments of the land revenue, and, on the expiry of the 20 years' settlement of 1836, to fix revised assessments for a new period of 20 years in the districts of the Saugor and Nerbudda territories, was proclaimed; and whereas, the order of the Government, dated 21st March 1863, No. 60, fixing a term of 30 years for the settlements of the land revenue about

to be concluded in the Nagpore Province, was duly communicated to the landholders by public notification :—

“It is now hereby notified that the Government of India has been pleased to concede an extension of the term formerly prescribed for the Saugor and Nerbudda territories to 30 years, and to order that settlements for such terms of 30 years shall be concluded throughout the districts composing Central Provinces.

“It is further notified that after the expiration of the first 10 years of the above mentioned term of 30 years, or at any other time which may be specially fixed, the Government will be prepared to grant a perpetual term of settlement to such of the landholders of the Central Provinces who may desire the same, provided that the said landholders shall have brought their estates into such a high condition of prosperity and cultivation as shall entitle them thereto under the Government rules on the subject; and provided that such landholders shall consent to have their assessments revised before the engagements of perpetual settlement be concluded. It will hence be manifest that all landholders should exert themselves to cultivate and improve their property, so that they may be deemed worthy of having their term of settlement declared perpetual.”

18.—*Proprietary Right.*

67. To secure uniformity of terms, the following additional instruction is proposed :—

“When declaring rights, the following terms are to be used :

“Proprietor - - - - -	Malik.
“Proprietary Right - - - - -	Milkeeut.
“Proprietor of Holding - - - - -	Malik Mugboozah.
“Tenant - - - - -	Asamee.
“Tenant at Will - - - - -	Asamee-ghair-Mowroosee.
“Tenant with right of continued occupancy -	Asamee Mowroosee.
“Service charge payable by proprietor of holdings to village managers - - - - -	Hug-ool-tehseel.
“Cultivator - - - - -	Kashtkar.”

68. Further, the Officiating Chief Commissioner would wish to be favoured with his Excellency the Viceroy in Council's orders on the rule summarised in the 7th clause of the summary under this heading.

69. The Government of the North Western Provinces have, it will be observed, ruled that farmers who came forward during the disturbances of 1857, and undertook the management of villages abandoned by rebels who have paid up their balances, and who have continued to discharge their liabilities, shall be considered to have acquired a proprietary right, to the exclusion of the parties to whom the land would otherwise have been declared to belong.

70. The rule as it stands, might, the Officiating Chief Commissioner apprehends, be applied in a manner not intended by the Government which issued it. The fact is, that surrounded on the north and west, as the Saugor and Nerbudda districts are, by native states, and containing within themselves in 1857-58, elements hostile to the British Government, every chief landholder who left his village, was, in the language of the time, during the disturbed period, termed “a rebel;” some, doubtless, were rebels; but after-events showed that many abandoned their villages through fear, or such like motive, which could not properly be considered rebellion. Further, most of these men subsequently returned to their villages under the amnesty. Although, therefore, it might be only fair to the farmers who undertook the management of the abandoned villages to retain them in possession for a reasonable period, until they should be recompensed for their risk and outlay, the Officiating Chief Commissioner does not suppose that it was intended to exclude from their properties for ever, the original owners, except in cases where it might be clearly shown that they were prominent in rebellion, and really unworthy of indulgence. Something would also depend upon whether they were the ancestral owners, or simply preferential lessees, in possession, previously, of a less perfect title. The rule, as it stands, and as the term “rebel” is locally understood, would exclude from their properties a large number of persons, the majority of whom have ancestral claims thereto, who have not been proved guilty of active rebellion, and whose misconduct

duct, such as it was, in abandoning their villages may be considered as fully condoned under the Queen's Amnesty: to such persons the Officiating Chief Commissioner believes it could not have been the intention of the North West Province Government of that day to apply the rule of exclusion adverted to; but, to prevent misapprehension, I am to solicit permission to apply it in the modified sense indicated above. To apply the rule in its severest sense, Mr. Temple apprehends, might hereafter be productive of discontent and inconvenience, and even worse. For any of those who may have been proved or known to be rebels, no indulgence whatever is asked; but the Officiating Chief Commissioner proposes to invest the several commissioners and settlement officers with discretion to re-admit to the possession of their former landed rights all against whom no serious charge or strong moral presumption of active rebellion had been proved, or who were not notoriously rebellious and were pardoned under the amnesty, and to take an indulgent view of all doubtful cases. There would be no obstacle to the readmission of these parties. The incumbent farmers have acquired no prescriptive rights; the excluded parties, when declared to be the proprietors, could be readmitted under the rules in force (*see* Summary, subject heading 19).

71. For officers engaged in the settlement of the Nagpore Districts some separate instructions, at least by way of explanation, will be necessary on this subject of proprietary right.

72. The Government of India, in paras. 12-15 of the letter, No. 2279, dated 28th June 1860 (copy annexed), ordered the recognition in the Nagpore Province of proprietary right; in regard to which the Officiating Chief Commissioner observes that the orders of Government, though somewhat differently worded, correspond with the orders of the Government, North Western Provinces, in so far as they provide for the recognition of "fixed rights, or claims and interests:" malgoozars would be recognisable under the orders of the Government of India, provided the recognition "could be carried out without prejudice to the rights of others."

73. Now those "others," I am to submit, might be—(1), parties having a superior right in the land, although not holding the malgoozaree engagement; (2), unregistered co-sharers of the malgoozars; (3), holders of inferior rights coming under the term "proprietary," such as lessees holding from superior rightholders, talookdars, or others; or (4), rightholders of inferior kind, who come under the term "tenant."

74. In regard to the first and third description of rightholders above noted, the instructions issued in the Saugor and Nerbudda Districts (which are epitomised in the summary under heading 18, para. 8, and heading 12, paras. 1-4) might, in Mr. Temple's opinion, be beneficially extended to the Nagpore Districts.

75. The second class of rightholders above noted, viz. "co-sharers," will of course be recognised. If two brothers shared the profits and losses, the mere fact of only one appearing in the malgoozaree register could not be held to warrant the exclusion of the other from being recognised as a holder of fixed proprietary rights. An instruction simply stating this would be all that is requisite.

76. There remain tenants. In regard to the individuals of this class, who have no claim to any rights beyond those of a tenant, the Saugor and Nerbudda "Instructions" (epitomised in the Summary, headings 10 and 20) coincide with any orders previously issued in the Nagpore Province. In respect, therefore, of those classes of tenant-rightholders, no further instructions seem at present to be necessary.

77. But here, as in the Saugor and Nerbudda Districts, Mr. Temple knows that there exists a large class of old hereditary cultivators, who have claims to the whole rights of property in their holdings *as fixed and as strong* as their present superiors, the malgoozars. The Officiating Chief Commissioner, accordingly proposes that the same treatment may be permitted to be observed in respect of the recognition of their rights as is laid down for this class of rightholders in the Saugor and Nerbudda Papers (*vide* Summary, heading 18, paras. 3, 4, 11). These rules provide for the recognition of such tenants as proprietors of their holdings; and the rules being judged appropriate to the districts of the Saugor and Nerbudda Territories, Mr. Temple is of opinion that they are applicable,

cable, with at least an equal degree of propriety, to the districts of the Nagpore Province; for cases in which the superior rights in whole estates have not acquired a prescriptive and fixed character are probably more numerous in Nagpore than in the Saugor and Nerbudda Districts.

78. Should His Excellency the Viceroy in Council approve of the recommendations contained in the last four paragraphs, the orders under this heading for the districts of the Nagpore Province will then coincide in all points with the orders for the districts of the Saugor and Nerbudda Territories.

79. One other point, however, demands notice under this heading of proprietary right. In the 11th para. of the Government letter quoted and annexed, No. 2279, dated 21st June 1860, the Governor General in Council expressed his opinion that landed property should not be saleable for simple debt, or even for arrears of revenue, except as a last resort, in the Nagpore Province. It may indeed be hoped that land will hardly ever be sold for arrears of revenue, and, similarly, the Officiating Chief Commissioner should never recommend that it be sold for simple debt, except as a last resource; but if the principle be adhered to of its not being saleable at all, not even by decree of court, for simple debt, then a distinction will be drawn between the landholders of the late Nagpore Province and those of the other districts of the Central Provinces, which distinction it might be difficult to maintain. The Officiating Chief Commissioner believes that there must be the same rule in this respect for all the districts in these provinces. If land, therefore, is in extremity saleable for simple debt in the Saugor and Nerbudda Territories, it must be so in Nagpore also; but whereas in the Saugor and Nerbudda Territories it was ruled that for debts contracted prior to settlement there should be an adjustment by the settlement officer, the Officiating Chief Commissioner would recommend that for Nagpore it be simply declared that land should not be sold for debts contracted previous to the recognition of proprietary right. The question is a judicial one, and the operation of any rule would be prospective under the action of courts of law.

80. If hereafter the Supreme Government should be prepared to declare, on general grounds, that landed property shall not be saleable at all in satisfaction of debt, then such rule, which would be regarded as a concession to the landed interest, could be extended to all parts of the Central Provinces simultaneously.

19.—*Entry on Possession of Declared Proprietors not in Occupancy.*

81. To the Saugor and Nerbudda Rules on this subject, the Officiating Chief Commissioner would add as follows:—

“It will obviously be desirable to induce parties declared proprietors to obtain immediate entry by payment of fine in cases where the instructions authorise possession being given on such condition. Deferred entry cannot conduce to improvement.”

82. The whole would be applicable to the other districts of the Central Provinces.

20.—*Period of Possession constituting a Hereditary Title to Occupancy.*

83. To this the Officiating Chief Commissioner would add the following explanatory instructions, applying the whole to the other districts of the Central Provinces:—

“Although 12 years is the rule, settlement officers must exercise exceptional discretion. In old-established and well-managed villages, 12 years would probably be found too short a period; in new estates a shorter period might suffice. In determining the right to continued occupancy, it is not sufficient alone to consider the period of possession, but also the character and nature of such possession: a brief possession, if marked by outlay of capital, may be of more value in determining a question of right than a longer period of possession not otherwise distinguished. Generally, the sense of the community in regard to the practical exercise of the power of ouster will be a safe guide for the settlement officer in cases where the 12 years' rule may seem inappropriate.

“The proper time for inquiring into and recording the status of tenants is at the

the 'adjustment of rents.' The right of any of the old tenants to be declared proprietors of their holdings will also be then ascertained.

"The inquiry should receive the attention of a judicial officer, and be completed for the whole village at one time as far as may be practicable."

21.—*Quarries and Mineral Products.*

84. The following addition is proposed here:—

"Assets from quarries and mineral products should be excluded from the calculations upon which the jumma may be based.

"These assets will then fall to be dealt with separately, distinct from the revenue derivable from the proprietary village lands."

This instruction would then be applicable to the whole of the Central Provinces.

22.—*Oobaree (Quitrent) Rights and Tenures.*

85. The Officiating Chief Commissioner desires me to submit his views under this heading, with reference especially to the existing prohibition (Summary; heading 22) against inquiry into proprietary right in estates held in oobaree tenure.

86. As noted in the Summary (heading 22), an oobareedar is a person who enjoys the life-privilege of paying to the State land revenue, from the full demand of which an abatement has been made in his favour. Under former Governments he sometimes enjoyed other privileges also; this is not, however, the case now.

87. From the correspondence on the subject, which will be found in the accompanying volume of Selections (Nos. LXIII.—LXVII.), it will be seen that during the early years of the still-current operations connected with the revision of the Land Revenue Settlement, two questions regarding these oobareedars came for disposal before the Government of the North West Provinces. One had reference to the survey of estates held in oobaree tenure, and the establishment in them of the usual revenue system, or that branch of the system which leads to the appointment of putwarees; and the second question related to the inquiry into proprietary right in those estates.

88. The first question was settled in a manner which the Officiating Chief Commissioner has no wish to disturb. Nothing was to be done which, by burdening the oobareedar with additional expense, would infringe the terms of the tenure.

89. But the Officiating Chief Commissioner thinks that the orders on the second question require some further explanation.

90. It will be seen (see Selection LXVII.) that it was decided by the Sudder Board of Revenue, North West Provinces, not to inquire into proprietary right in oobaree estates; and that decision was based upon the orders of Government, North West Provinces, contained in Secretary's No. 35, dated 14th January 1856, paragraph 7 (Selection LXIII.). Now, that paragraph certainly does authorise the course which had been recommended to the Government of not enquiring into proprietary right; but paragraph 9 of the same Despatch contains an express reservation, which does not seem to have been fully appreciated at the time. It is to the effect that the orders of the 7th paragraph "are not intended to affect the recognition or upholding of existing rights of subordinate holders or communities who may be found in actual possession and management of an estate, or of a portion of an estate," but that those rights are to be "ascertained, recorded, and secured."

91. This is so clear, that as it involves the object which the Officiating Chief Commissioner desires to effect, he might, perhaps, act upon it without further reference.

92. But as the subsequent prohibition emanated from so high an authority as the Sudder Board of Revenue, North West Provinces, and as it proceeded upon a representation (Selection LXVI.) that to act otherwise would be a breach of faith, Mr. Temple thinks it may be proper to explain further that, in point of fact, there was no necessity to make any such promise to some of the oobareedars, while

making it to others involved an oversight of the rights of subordinate holders, the power to investigate which was, as has been stated, expressly reserved.

93. For it will be obvious, from the definition which has been given of an oobareedar in paragraph 86, that in relation to the landed estate he must hold one of the three following positions:—

(I.) He may sit at home, away from the estate, and exercising no influence in it beyond being the passive recipient of the periodical instalments of revenue, the abated portion of which he may be enjoying. Or,

(II.) He may have a nearer connection with the estate, exercising a share in the management, granting leases to middle-men, and imposing his own conditions on those middle-men from time to time.

(III.) He may be closely in connection with the estate, dealing directly with the cultivators without middle-men.

94. Besides these three positions, there is no other form of connexion which an oobareedar, as such, can hold with an estate, unless, indeed, it be a compound of the three.

95. Now, an oobareedar of the first kind could have no interest in the non-ascertainment and non-record of the rights of those connected with the estate so long as his abatement of revenue were secured to him.

96. And again, as remarked by Mr. E. A. Reade, a member of the Sudder Board of Revenue, in paragraph 7 of his memorandum (Selection LXV.), oobareedars, of the second and third kind above noted, must be in their own persons either "talookdars" (possessors of a *superior coincident* right of property in the estate) or "zemindars" (which term may be conveniently used here to express the proprietor of every right in the estate, except such as may attach to tenants).

97. If the oobareedar be of the third kind—that is to say, if he be also, as to the estate, the "zemindar," sole proprietor—there could be no more hesitation in ascertaining and recording the fact than there would be in recording the case of the first kind that the oobareedar had nothing and did not wish to have anything to do with the estate beyond receiving his revenue; and the promise to refrain from inquiry into proprietary rights could have no value for either of these two classes of individuals holding oobaree privileges. For them, therefore, it was unnecessary.

98. Consideration is therefore confined to the second description, where the oobareedar is in his own person also "talookdar," that is, a superior proprietor, below whom there exist (1) at least one kind of inferior proprietor, and (2) persons holding the still more subordinate but distinct class of rights of non-proprietary cultivators. For this class of oobareedar the promise has indeed a value; but the Officiating Chief Commissioner conceives it must have been made under a misconception of some of its effects.

99. For if either the superior or inferior proprietor wished to enhance the rent of an old cultivator, who possessed the right of continued possession, and if the cultivator resisted the enhancement, and the case came into court, the cultivator would find a law to protect him.

100. Consequently, the position left to us is this—that what cannot be denied to a non-proprietary cultivator (A) is refused to his superior (B). B must not raise A's rents so as to make his cultivating profitless and drive him to leave his farm; but if C, the talookdar (or superior proprietor), choose, he may oust B from his rights entirely, or absorb him as it were, and deal direct with A; because B, being unrecorded as what he is—viz., proprietor superior as to A, inferior as to C—and the thing in dispute (the land) not being possessed by B, and so not being tangible evidence, his complaint is based on nothing which could be recognised in court. He has no remedy; his only remedy would be recognition by the settlement officer, which is prohibited.

101. The Officiating Chief Commissioner ventures to think that this position involves inconsistency and injustice, and, therefore, that a promise to maintain it is untenable. Such a promise does not seem to have been warranted by the
Government

Government letter (Selection LXIII.); on the contrary, the right to inquire into the claims and interests of these inferior holders was expressly reserved.

102. But there was another reason for conceding the request of the Commissioner that proprietary rights should not be inquired into. It seems to have been apprehended that the inquiry might cause some discontent and excitement in a large and influential class.

103. The Officiating Chief Commissioner, however, believes that he can show, on that ground also, that it is not now, at least, necessary to abstain from acting up to the order of the Government North West Provinces, to ascertain, record, and secure the rights of the subordinate holders or communities. Mr. Reade's memorandum (Selection LXV.) describes how formerly there was much confusion in regard to the tenures; how others came to be mixed up with them; and how, ultimately, correct registers were compiled of them. The Officiating Chief Commissioner has had those registers before him, and he finds that—instead of the number or the size of the tenures, or the characters of their holders, being such as to give cause for anxiety, on the score of discontent and excitement on account of an inquiry into the just existing rights of those subordinate to them in their estates—the list is an insignificant one.

104. In the eight districts of the Saugor and Nerbudda territories there are, according to that list, 41 oobareedars, paying a quitrent of 15,528 rupees, and enjoying in the aggregate about from 15,000 rupees to 20,000 rupees of abated demand, derived from 185 villages. Some enjoy large abatements; four are supposed to pay more by way of quitrent than they receive; only six hold more than one village: those six hold 150 villages between them; each of the rest hold only one, or a fraction of a village. Those six larger holders together pay a quitrent of 5,268 rupees, enjoying an abatement equal to perhaps twice or three times that sum. They would, in all probability, be found to hold the second position noted in para. 98—viz., that of talookdars. The rest are probably, for the most part, either zemindars, or purely oobareedars, without any connexion with the villages, or claim to the proprietary right in them. The question now discussed therefore, in all likelihood, affects only those six larger and, perhaps, a few of the smaller oobareedars. There were a few other larger tenures, but their holders forfeited them during the disturbances.

105. On this ground also, therefore (viz., discontent and excitement) the Officiating Chief Commissioner conceives that there are certainly not those reasons of policy now in existence which should lead to exceptional power of injustice being left in the hands of oobareedars.

106. And here another consideration suggests itself; if that course were, for those reasons, to be adopted as regards these few and comparatively insignificant oobaree talookdars, there would, apparently, be greater cause for the same course being followed in respect of those talookdars who are *not* in possession of oobaree privileges. These last do form a somewhat influential class, and yet nothing was exempted in their behoof. Since settlement operations began, *they* have indeed shown an apprehension that the rights of their sub-holders will be fixed, and they may not like it. But no one ever proposed to favour them at their sub-holders' expense; on the contrary (*vide* Selection LXXIX., Summary, subject 18, 8), the rights of the latter were protected in anticipation by a special order from authority.

107. Neither, then, on the score of justice or expediency does Mr. Temple think it necessary to maintain the present rule. During his tour through the Saugor and Nerbudda territories, he has made the acquaintance of all the larger oobareedars; he has also consulted the local authorities, and he is satisfied that no political reasons now exist for interdicting these inquiries. I am therefore to solicit the permission of his Excellency the Viceroy in Council to remove the prohibition, and to authorize the inquiry into proprietary right in oobaree villages, as well as others, on the principle laid down by his Honour the Lieutenant Governor of the North West Provinces (Selection LXIII., 9).

108. In the Nagpore Province, it may be added, analogous tenures are numerous under the term "Mukta;" but no orders special to them have ever been thought necessary, nor does Mr. Temple think that any orders of the nature discussed above are necessary. In these estates all the usual inquiries will be conducted.

23.—*Talookdars.*

109. No further instructions seem necessary at present under this heading.

24.—*Partition.*

110. The following additional instructions are proposed ; the whole then to be applicable to all districts in the Central Provinces :—

“ Indeem Kashtkars (old or hereditary cultivators), declared to be proprietors of their holdings, are declared in para. 14 of the General Instruction (Selection II.) to possess the right to division. They are not, jointly with the superior proprietors, responsible for the jumma, but they pay to them a cess for “ risk, in lieu of such responsibility.” They may therefore be considered, in this sense, members of the plurality, and entitled to divide.

“ The orders (Nos. XVIII. and XIX. of the Selections) seem to have been issued to the Revenue Court ; they should be understood in that sense. Partitions may be made in the Settlement Office when the settlement officer is of opinion that the applicants will be able to manage their responsibilities separately ; partition can be effected more easily and cheaply before than after the settlement papers have been delivered to the district office.”

25.—*Preparation of the Village Administration Paper, “ Wajib-ool-Urz.”*

111. The following instructions are proposed :—

“ A record should be made of the proprietor’s obligation to assist the police in the suppression and detection of crime, as being one of the lawful and express conditions on which his property in land is recognised by the State.

“ No complete index to the subjects which will fall to be noticed in the Wajib-ool-Urz can be given ; each village has its own peculiarities, which must be studied, and analysed, and recorded.

“ The usefulness of Administration Papers depends much upon the manner in which their compilation is taken up ; if they are too voluminous, or if the subjects are not well arranged, a stereotyped form is the result. The following plan of arranging the subjects may be usefully adopted :—

“ Section I. A succinct compilation of the incidents of the tenure, and of the existing state of things upon which the settlement has supervened.

“ Section II. A statement of the terms of the settlement which has been made.

“ Section III. Counterpart of the same, or record of agreement of the landowners to the settlement.

“ Section IV. Customs, bye-laws, *lex loci*, &c. &c.

“ The three first sections can be compiled by an office mohurrir at any time after completion of the adjustment of rents, and the compilation of the khiewut (general abstract of rights and liabilities) ; the fourth section should be undertaken by the putwaree of the village, under the supervision of the superintendent or deputy-collector, at the time of adjustment of rents, when all parties are present.

“ All clauses under the 4th section of universal application should be omitted from the fair copy of the village Administration Paper, and abstracted into a Tehsil Wajib-ool-Urz for the sake of conciseness ; a clause being entered merely to the effect that, with respect to such and such subjects, all parties agree to abide by the local custom, which has been entered in the Tehsilee Wajib-ool-Urz.

“ All mention of the laws relating to landed property, or of the action of the courts under such laws, in respect, for instance, of coercive processes, the law of pre-emption, inheritance of widows, &c. &c., should be omitted.

“ By adhering to the above order, a concise record of facts special to each estate is attained, the clause upon any point sought for is readily found, voluminous writing upon non-essentials is avoided and stereotyping is diminished.”

26.—*Expenses of the Settlement.*

112. The following addition is proposed :—

“The cost of the copy of the settlement misl, and of anything else which, at the close of the settlement, may be made over to the putwaree’s office, will be charged against the proprietors.”

113. In some of the Nagpore districts, the landholders have been charged with the expense of building masonry tri-junction boundary pillars; the Officiating Chief Commissioner would not, however, alter this practice retrospectively, but he would in future observe the Saugor and Nerbudda Rules on this subject throughout the Central Provinces.

27.—*Assessment in Anticipation of Professional Survey.*

114. This is applicable to cases when the field-measurement, the village statistics, and all other data for assessment are ready, but when some delay in the professional survey may arise; and under this heading the Officiating Chief Commissioner would propose the following addition to existing instructions :—

“This will be effected, according to present prospects, in the districts of—

“ Baitool,	“ Dumoh,
“ Hoshungabad,	“ Seonee.
“ Part of Saugor,	

“Settlement officers must be careful to enter the prescribed condition in the engagement; it should run to the following effect :—

“‘This assessment will be subject to revision if, at the forthcoming professional survey, any gross error be discovered in the area of the land.’”

115. The same rule would be appropriate in any of the districts of the Nagpore or Chuttesgurh Divisions, also where assessment may precede professional survey.

116. In conclusion, I am to state that the Officiating Chief Commissioner regrets to trouble his Excellency the Viceroy with so lengthy a communication; but at the present stage of the settlement of these provinces, it is essential that a complete code of rules should be framed, and it appears desirable that, if possible, the rules should have that permanent authority which results from the sanction, if accorded, of the supreme authority.

From the Secretary to Government of India, Foreign Department, with the Governor General, to Chief Commissioner of Central Provinces (No. 265); dated Simla, 10 October 1863.

I AM now directed to reply to your letter, No. 1636, dated 29th April, and to convey the orders of his Excellency the Viceroy and Governor-General on such paragraphs thereof as call for notice, with reservation on two points, which will appear in the course of this letter.

1.—*Pergunnah and District Boundaries.*

His Excellency agrees with you that, for purposes of Revenue Administration, the limits of the pergunnah should be the limits of the tehsil. On section 1, para. 6.

This is approved so far as it relates to the actual boundaries of districts, and the inclusion of this or that particular village in a given district; but as the districts in the Central Provinces have been twice rearranged within the last two years, the less change that is now made the better; perpetual alterations are full of inconvenience to the people. On section 1, para. 7.

2.—*Jungle and Forest Tracts, and Grass Preserves.*

These rules, as amended in Chief Commissioner’s letter, No. 1632, dated 29th April, have been already approved, and no further orders are required. Section 2, para. 12.

Section 3, para. 13.

3.—*Exemption of Gardens from Assessment.*

This is usual, and is approved; but under the Waste Lands Despatch the revenue on gardens can be redeemed.

Section 4, paras. 15 and 16

4.—*Village Servants' Freeholdings.*

These servants, the village accountant, watchman, &c., being servants of the villagers, and not of Government, should be paid, whether in land or money, by the villagers. The principle laid down in para. 15 is perfectly sound. At the same time the rights of these village servants should be recorded in the settlement papers, as proposed in para. 16.

Section 5, paras. 19 and 20.

5.—*Maafee (revenue free) Inquiries.*

The details in paras. 19 and 20 are not only unobjectionable, but in conformity with what is done in other provinces; they are approved.

Section 6, para. 21.

6.—*Assessment.*

Your proposal that puttahs should be issued, and durkhasts taken at the time of announcing the assessments, is approved. Regarding the forms of these documents, orders will be given to you hereafter.

Section 6, para. 23.

Fifty per cent., exclusive of road-cess, &c., should be fixed all over the Central Provinces. This is the proportion taken by Government in Oude, in the North West Provinces, and in the Saugor and Nerbudda territories. Experience in other provinces has shown, that if Government takes much more than 50 per cent., the settlement breaks down in a few years.

Section 7, para. 25.

7.—*Refund of the Difference between the Old and New Assessment.*

As Government is committed to this principle in the Saugor and Nerbudda territories, the subsidiary instructions, which are fair and reasonable, are approved.

Section 7, para. 26.

There is no reason for extending the principle to the other districts of the Central Provinces in which the previous settlement was only *summary* and tentative.

Section 8, paras. 27-34.

8.—*Cesses.*

The same proportion of the gross rental should be taken as land-tax and as cesses in the Central Provinces as in Oude. The cesses taken in Oude are:

Road Fund,	$\frac{1}{2}$	per cent. gross rental,	or	1	per cent. on Government jumma.
School	- $\frac{1}{8}$	"	"	or	1
Post	- $\frac{1}{8}$	"	"	or	"
Margin	- $\frac{1}{8}$	"	"	or	"
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So that Government take $51\frac{1}{2}$ per cent. of the gross rental, and leave $48\frac{1}{2}$ to the proprietors.

The remuneration to the watchmen, who are village servants, should, as well as that of the putwarees and other servants, be paid out of the $48\frac{1}{2}$ per cent. left to the proprietors, their rights and fees being merely recorded in the settlement papers. This is in keeping with the principle laid down in para. 15. In Oude, when the watchman is paid in land, the fields assigned him are entered as his in the khusra, and he receives a lease drawn out in favour of the chowkeedar for the time being. Zemindars, however, have the option of paying in money at three rupees a month; but when this is done, the amount is not collected with the Government revenue—it is merely recorded.

Section 9, paras. 35 to 41.

9.—*Village Watchmen (called Chowkeedars, Bullahirs, Kutwals, or Kutwars).*

The main point is to make the landholders responsible and co-operate. This can only be done by rendering the instruments which they can best make work subordinate to them; your proposals tend to this, and are approved.

10.—*Rents.*

10.—*Rent.*

The rules proposed are good as far as they go; but they must be applied with the greatest discretion. No one as yet knows what subordinate rights exist in the central provinces; there must be no ignoring of rights simply because more convenient theoretically. The rules must not be made to override *bonâ fide* rights. If such rights occur, though contrary to the interests of the proprietary tenure conferred by Government, they should be put on the record.

Section 10, paras. 42 and 43.

11.—*Service Charge payable by Proprietors of Holdings to Superior Proprietors of the Village.*

The term "*inferior proprietors*," as regards the central provinces, is not clear. Colonel Elliot, in his Reports of May 1860, stated that there is no proprietary right except in the Government, and he proposed to create and confer such rights. This proposal was fully approved by Government (No. 2279, dated 28th June 1860), who desired, that, in conferring such right, every landholder should, so far as usage and popular feeling permitted, receive, "as nearly as possible, a fee-simple in his estate, subject only to the payment of revenue to Government." His Excellency presumes that in the course of the settlement operations fresh information has been obtained, which may render necessary a modification of the above orders. His Excellency, therefore, desires that you will report more fully on the nature and position of these inferior proprietors; your proposals are in the meantime allowed, subject to modification or revision hereafter.

Section 11, para. 44.

14.—*Putwaries and Village Accountants.*

Your views on the *status* of the putwaries are quite correct; they are *village servants*, not Government *employés*. At the same time, Government has a direct interest in seeing both that the putwaries are properly paid, and more particularly that they are properly trained. If the efficient training of these accountants can be secured, it will be quite right to leave their payment to the villagers; but if this be neglected, the Government has a right to enforce measures for a remedy. On this point, and on the employment of the deshmooks and deshpandias, his Excellency leaves you discretion.

Section 14, paras. 47-54.

15.—*Lumberdars, and their fees.*

There is no objection to this rule.

Section 15, para. 55.

16.—*Adjustment of the debts of Landholders.*

As this is a matter affecting ordinary civil rights, it cannot be set at rest by any order of the Executive Government. Under the orders of the Governor General in 1860, which, under the India Council's Act, have now the force of law, land is not, under any circumstances, liable to sale for simple debt; it is for the civil courts, not the settlement officers, to put their own construction on that ruling. There is no reason why settlement officers should busy themselves in adjusting debts, when the civil court is in no way bound to abide by their decision. The settlement officer should make the settlement with the parties entitled, whether they be in debt or not, and should leave the creditors to their ordinary remedy in the civil courts. The whole of paras. 56 and 57, and of page 31 of the Summary of the Saugor and Nerbudda Rules, should therefore be struck out.

Section 16, para. 56.

17.—*Date of commencement and period of continuance of the Settlement.*

These proposals are approved.

Section 17, paras. 58 to 61.

18.—*Proprietary right.*

The proposed nomenclature is approved.

No order of the Executive Government can make over such rights in land to another, unless the property of the rebel has been confiscated by a decree of a judicial court. If, therefore, these ousted rebels claim to be reinstated when no

Section 18, para. 67.
Section 18, para. 70.

sentence of confiscation has been passed, there is no alternative but to admit them.

Such claims, however, need not be invited, and His Excellency approves of your proposal as the easiest way of getting over the difficulty with least injury to the interest of all parties.

Your proposals are approved.

Approved.

No declaration of the Executive Government on this head can now have any weight; it is for the civil courts to put their own construction on the ruling of Government in 1860.

19.—*Entry on possession of declared Proprietors not in occupancy.*

This is unobjectionable.

21.—*Quarries and Mineral Products.*

This is quite right, and in accordance with recent decisions as to Government right to minerals, &c.

22.—*Oobaree (Quitrent) Rights and Tenures.*

As the oobaree tenure consists merely in the right of the Oobareedar to pay for life a lower rate than Government would otherwise be entitled to demand, and this rate is fixed, and limits the Government demand, Government can have no interest, so far as its own revenue is concerned, in either requiring the appointment of putwaries, or in surveying and assessing the estates.

But that is no reason why, with reference to the rights of cultivators and other parties, these oobaree estates should not be surveyed and assessed with a view to limit the demand of the Oobareedar. An order of Government to its officers not to make such survey and assessment during the lifetime of Oobareedars cannot, by any fair reasoning, be construed into a promise to the Oobareedars that such survey and assessment shall not be made. Such orders are always liable to modification or cancelment from time to time, as circumstances may require, and it is quite a new doctrine that any breach of faith is involved in such change. As regards proprietary right, the reason why the Government North Western Provinces ordered no inquiry to be made, was, that no proprietary right was admitted to exist in any one but in Government. It does not follow, however, that the Oobareedar is the party who has the best claim to receive the gift of the proprietary right, and therefore the inquiry, which you propose to institute, is quite proper. You show that there is no risk of discontent being caused by such inquiry; but even if there were, Government could hardly be expected to refrain from doing an act of obvious justice through fear of causing discontent to the party in whose hands the power of oppression lies, and whose powers would be limited by such inquiry. But in addition to the inquiry proposed, there is no reason why a survey and assessment of these estates should not be made, as has been done with the Jagheers in the Punjab, Oude, and elsewhere, although the assessment will fix what is the fair proportion of revenue which Government *might* take; no more will actually be taken than the quitrent at which the Oobareedar holds. Government will then know what revenue it is losing during the life of the Oobareedar, and will be saved the trouble of assessing the estate on his death; the period of the ordinary settlement operations is the best time for surveying and assessing these estates.

24.—*Partition.*

As already noticed in the remarks on para. 42 of your letter, the settlement officers must be guided by what they find to exist and to be the custom of the country. If such proprietary rights really exist they cannot be ignored; but settlement officers must be exceedingly careful not to create sub-proprietary rights which do not find place in reality. With these remarks your proposals are approved.

25.—*Preparation of the Village Administration—Paper "Wajib-ool-urz."*

These instructions are excellent, and are approved.

26.—*Expenses*

Section 18,
paras. 71-74.

Para. 75.
Paras. 79-80.

Section 19,
para. 81.

Section 21,
para. 84.

Section 22,
paras. 85-108.

Section 24,
para. 110.

Section 25,
para. 111.

26.—*Expenses of the Settlement.*

This is unobjectionable.

Section 26,
para. 112.

27.—*Assessment in anticipation of Professional Survey.*

This is unobjectionable.

Section 27,
para. 114.

You will observe that his Excellency has passed no orders on paras. 21, 22, and 62-66 of your letter, which refer to the question raised in your separate letter No. 1624, A, dated 28th April, nor on paras. 76, 77, and 83, which relate to the term of occupancy which is to give a right to hold at a fixed rent; on these points I am to refer you to my separate letter of this date.

From the Secretary to Government of India, Foreign Department, with the Governor General, to the Officiating Chief Commissioner, Central Provinces (No. 266); dated Simla, 10 October 1863.

In communicating to you orders on your letter, No. 1636, dated 29th April, his Excellency the Viceroy and Governor General has desired me to inform you that he has reserved for further consideration the question raised in paras. 76, 77, and 83, as to the term which shall confer a right to permanent occupation at fixed rents.

This question is under reconsideration in the North Western Provinces; and his Excellency desires, before passing final orders, to have a special report from you on this subject, based upon the information, which, in the course of settlement operations, may have been obtained as to the existence and conditions of such tenures in the central provinces.

From the Secretary to Government of India, Foreign Department, with the Governor General, to the Officiating Chief Commissioner, Central Provinces (No. 267); dated Simla, 10 October 1863.

WITH reference to your letter, No. 1624, A, dated 28th April, and to paras. 21, 22, and 62-66 of your letter 1636, dated 29th April, I am directed to request that you will reconsider the proposals you have made for the issue of a general proclamation on the subject of a perpetual settlement, and will submit your opinion after full consideration of the views of his Excellency the Viceroy and Governor General, which I am now to communicate to you.

His Excellency, as at present advised, does not concur in the reasoning by which you endeavour to show that the insertion in the leases of a claim reserving to Government the right to revise the settlement at any time after 10 years, with the view of effecting a permanent settlement, would be any breach of faith. Unless you have further reasons for your proposal than those you have stated, his Excellency would prefer the insertion of such a clause in the leases to the issue of a general proclamation, as Government would thereby secure the right to introduce the permanent settlement in any district ripe for it, even if one or two individuals should object.

His Excellency, however, will await a fuller exposition of your views before coming to a decision on this point. But I am to observe, with reference to the form of your proposed notification, that the draft you have submitted is not so much a reservation of the right of Government to introduce a permanent settlement, if it should find it expedient, as a promise to do so under certain conditions, the fulfilment of which single proprietors might claim without reference to the general state of the district. The publicity given to the despatch of the Secretary of State, regarding the circumstances under which a permanent settlement may be extended at the discretion of Government to districts ripe for the same, may perhaps render unnecessary any allusion to a permanent settlement in every proclamation that may be issued; but should his Excellency eventually decide in issuing a proclamation, and on referring in it to a permanent settlement, he would do so in terms much less absolute than those you have proposed.

(No. 12.)

From Colonel *H. M. Durand*, c.b., Secretary to Government of India, Foreign Department, with the Governor General, to *W. Muir*, Esq. (No. 268); dated Simla, 10 October 1863.

His Excellency the Viceroy and Governor General has desired me to forward to you a copy of the papers marginally noted, and to request the favour of your opinion on the questions to which my letters of this date, Nos. 265 and 266-7, to the Officiating Chief Commissioner, Central Provinces, refer.

From Central Provinces, No. 1624 A., dated 28th April.
1866 " 29th "
To " " Nos. 265 and 266-7 of this date.

— No. 36. —

From Captain *H. Mackenzie*, Secretary to Chief Commissioner, Central Provinces, to the Officiating Secretary to the Government of India, Foreign Department, Fort William (No. 2828); dated Nagpore, 2 July 1863.

WITH reference to Rule XIX. of the Central Provinces' Waste Land Sale Rules, I have the honour, by direction of the Officiating Chief Commissioner, to submit a list of waste lands it is proposed to reserve in the Upper Godavery district of these provinces.

2. I am to observe that the waste lands so proposed to be exempted from sale are in the Zemindaries of Aheree, Sironcha, Noogoor, and Cherla, and the reasons for including them in the category of waste lands are owing to their being covered with teak and beesjasal forests, and possessing some limestone ridges and quarries.

3. Should the reservation of these lands be approved by the Supreme Government, it may be proper to publish the same in the "Calcutta Gazette," in which case the enclosed notification may be couched in appropriate terms.

NOTIFICATION, Foreign Department (No. 209); dated Simla, 25 August 1863.

IN conformity with Rule XIX. of the Central Provinces' Waste Land Sale Rules, the following waste lands are reserved by Government:—

NO.	DISTRICT.	TEHSEEL.	COMPUTED AVERAGES.	CAUSES FOR RESERVATION.
1	Upper Godavery District.	Aheree Zemindary	200,000	Teak and Beejasal forests.
2		Sironcha - -	50,000	Teak and Beejasal.
3		Noogoor - -	10,000	Teak forests of Kurckul.
4		Cherla - -	15,000	Teak forests.
5		Sironcha - -	10,000	A ridge of limestone, extending from the village of Khota, on the Pranheeta, to Arduim (or a point near it) on the Godavery.
6		Sironcha - -	1,000	Lands of deserted village of Singapoor, south of Sironcha, eligible for building purposes.
7		Cherla - -	10,000	Limestone ridge and quarries of Bhoomala Lunka on the Sal river.

From the Under Secretary to the Government of India, Foreign Department, with the Governor General, to the Chief Commissioner, Central Provinces (No. 210); dated Simla, 25 August 1863.

WITH reference to your Secretary's letter (No. 2,828), dated 2d ultimo, submitting a list of waste lands in the Upper Godavery district, which you propose to reserve for the present, I am directed by His Excellency the Viceroy and Governor General to inform you that your proposal is approved, and that a notification has been published in the "Gazette," reserving the lands from sale.

— No. 37. —

OFFICE MEMORANDUM from the Under Secretary to Government of India, in the Home Department, Fort William (No. 2,858); dated 7 May 1863.

IN continuation of this office memorandum, No. 473, dated the 19th January last, the undersigned is directed to bring to the notice of the Secretary in the Foreign Department, that, beyond a very meagre letter from the Chief Commissioner of British Burmah, received under endorsement from the Under Secretary with the Governor General, No. 52, dated 16th ultimo, this department has as yet obtained no information of the action which may have been taken in the Foreign Department on the important communication from this office, No. 4206, dated 16th August last.

(signed) *J. W. S. Wyllie,*
Under Secretary to the Government of India.

OFFICE MEMORANDUM from Colonel *H. M. Durand*, c. b., Secretary to Government of India, in the Foreign Department, with the Governor-General (No. 131); dated Simla, 18 June 1863.

READ, an office memorandum from the Home Department, dated 7th ultimo, No. 2,858, stating that scarcely any information has been sent to that department as to the action which may have been taken in this department on the communication from the Home Department, No. 4,206, dated 15th August last, regarding waste lands—

The Home Department be informed that the extract, No. 4,206, requiring information on the two following points :

1. The formation of rules for the sale of waste lands.
2. A statistical return of all arrangements made for sale of waste lands under the Resolution of 17th October 1861.

On the first point, the matter being one, the decision of which rests with this department in regard to the territory under it, no communication to the Home Department is considered necessary.

On the second point, the information required by the Home Department has been called for from British Burmah, Oude, Central Provinces, and Mysore.

Of these, the reply from British Burmah has been forwarded to the Home Department in docket, No. 52, dated 16th March last, with the necessary statistical information.

The Oude reply is yet under consideration.

The Mysore reply has been referred to the Presidency.

The Central Provinces' Waste Lands Rules have been settled and published in the "Gazette." A circular has now been addressed to the Chief Commissioners of Oude and the Central Provinces, and to the Commissioner of Mysore, desiring them to furnish direct to the Home Department the requisite Statistical information.

Order.—Ordered, that a copy of the above be sent to the Home Department at the Presidency for information.

From *L. Bowring*, Esq., Commissioner for the Government of the Territories of His Highness the Maharajah of Mysore, to Colonel *H. M. Durand*, C. B., Secretary to Government of India, Foreign Department, with the Governor General, Head Quarters (No. 41); dated Bangalore, 14 July 1863.

WITH advertence to your letter, No. 132, dated 18th June, regarding the arrangements made for the sale of waste lands in Mysore, I have the honour to state that the system depicted in my communication of 23d August last, is still in full force in this province.

2. I was under the impression that my letter above adverted to, which was despatched before the receipt of your instructions, No. 480, dated 30th August, gave all the information which the Government required in connection with the subject, so far as regards Mysore, and that it would not be desirable to interfere in any way with the terms on which waste lands were assigned under the Puttahs, of which a specimen was forwarded with my letter, No. 26, dated 23d August, until the Government had pronounced an opinion on the general question of coffee cultivation in Mysore.

3. As I understand the purport of Paragraph 76 of the Right Honourable the Secretary of State's Despatch, No. 14, dated 9th July 1862, the local administrations were directed to report to what extent the late Governor General's resolution of 17th October 1861, had been acted on. To this, the answer is, that no action was taken on it in Mysore up to the date of my letter of 23d August last, and that the rules promulgated by General Cubbon, as specified in that letter and its accompaniments, continued in force. No alteration, moreover, has since been made, as I conceived that my letter, detailing the arrangements for assigning grants for coffee cultivation (for which purpose alone waste lands have been granted in Mysore), entered so fully into all details as to place the whole question in such a shape as to admit of instructions being conveyed for its ultimate disposal.

4. Should I have been in error in this conception, I must crave the indulgence of Government.

5. In regard to the district of Coorg, a reply was submitted with my letter, No. 33, dated 24th October 1862.

6. I have the honour to state that a copy of this letter has been forwarded to the Secretary to Government, Home Department, together with copies of my letter, No. 26, dated 23d August 1862, regarding Mysore coffee lands, and of my letter, No. 33, dated 24th October 1862, respecting Coorg grants.

— No. 38. —

EXTRACT from the Proceedings of the Government of India, in the Financial Department (No. 124 A.); dated 26 January 1863.

Read again,—

1. RESOLUTION of the Home Department regarding the sale of waste lands and redemption of the land revenue, dated 17th October 1861, Paragraph 56—

2. Despatch of the Secretary of State on the subject of the above resolution, dated 9th July 1862, Paragraph 75, in which it is directed that all sums paid in purchase of waste lands, or in redemption of land revenue, shall be invested "not periodically, but as soon as practicable, and, as a rule, in the four per cent. loan"—

3. Memorandum from the Auditor General of India, dated 3d June 1862.

RESOLUTIONS.

His Excellency the Governor General in Council resolves that the Accountant General to the Government of India, and all Deputy Auditors and Accountants General be directed immediately to forward accounts of all receipts arising from the sale of waste lands, from the enfranchisement of imperfect tenures, or from the commutation of the claim of the Government to land tax, from the date of the above resolution of the Home Department, up to the 31st December 1862.

2. Also that from the date of the commencement of the year, *i. e.*, from 1st January 1863, the receipts on this account shall be exhibited in the monthly and quarterly abstracts rendered to the Auditor General of India by the Accountant General to the Government of India, and all Deputy Auditors and Accountants General, in a distinct entry under the Head 6, "Deposits," which is a division under the major head "Public Debt."

3. In the Madras Presidency, the accounts shall include Enam enfranchisement commutations.

COPIES to be sent to all local Governments for information, and to the Auditor General, the Accountant General to the Government of India, and to all Deputy Auditors and Accountants General for guidance.

— No. 39. —

From *H. L. Dampier, Esq.*, Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 9); dated 16 January 1863.

REFERRING to your letter, No. 3396, dated the 20th December, I am directed to express the Board's regret that they should have misunderstood the principle which Rule 19 of the Notification of 30th August was intended to lay down. They were misled by the expression "grantees may redeem the future land revenue of such grants in perpetuity for an amount equal to the present value of all future stipulated annual payments," which they understood to embrace those payments only, the amounts of which formed a stipulation in the existing deed of grant. It will be seen from Paragraph 4 of my letter, No. 384, dated 28th November, that the Board did not overlook the sacrifice of right to future revenue, which the principle they understood to have been adopted would have entailed.

2. The Board understand the latter portion of the 2d paragraph of your letter to imply that their tables contain gross errors of calculation, and that the present value of a given grant in its 51st year would, if their Table B. were used, be found to amount to 18 rupees and a fraction; whereas, if their Table A. were used, the present value of the same grant in the same year would amount to 72 rupees and a fraction.

3. The heading of Table A., as well as Paragraph 2 of the explanation, are clear; that "Table A. shows the actual sum payable at the beginning of any given year of the currency of the lease, in order to redeem all future payments on an imaginary lot for which the first annual payment, according to the conditions of the grant, amounts exactly to one rupee." It is stated in your letter that the present value of future payments in the 51st year of such a grant is "wrongly shown by Table A. to be 72 rupees and a fraction." That table does, in fact, correctly show that on the 51st year the present value of all future payments for the assumed lot up to the 99th year, will be 72,674,888 rupees.

4. It is further to be understood from your 2d paragraph that the present value of the same grant in the same year of its currency is "wrongly shown by Table B. to be 18 rupees and a fraction;" but this is not the case; for as the grant above-instanced pays one rupee in the first year of annual payments, the highest annual payment on it according to the Soonderbuns rules will be four
0.48. rupees,

rupees, and this highest rate will be reached on the 51st year. Table B. shows that the present value of each of those rupees for the remaining 49 years of the grant is 18,168,722 rupees. The total present value will, therefore, in the 51st year, be $(18,168,722 \times 4 =) 72,674,888$ rupees, which his Honour will observe, is to a fraction the same result as that obtained by the application of Table A. to the case.

5. The Board are unable to see by what process the alleged erroneous and discrepant results of your 2d paragraph have been arrived at; but apparently they proceed on a misapprehension of the object of the two tables.

6. The Board quite admit that the calculations required by Government involved nothing new in principle, but having in their office no printed tables, such as those alluded to in your 3d paragraph, they deem it best to refer to an officer of Government who, they knew, had given his special attention to such calculations, and who was likely to possess such tables, and there being precedent for remunerating government officers for extra work done out of office hours, they submitted the recommendation in Mr. Jones' favour.

7. If his Honour, the Lieutenant Governor, on consideration of what has now been urged in support of the accuracy of their tables, be satisfied that they are indeed what they purported to be, though not what the Government desired, the Board doubt not that his Honour will admit that they have grounds for respectfully remonstrating against the tone adopted at the close of Mr. Secretary Lushington's 4th paragraph.

8. The revised tables received with your letter will now be published with the necessary explanations; and the Board will add a column, showing the equivalent of the decimals of a rupee in annas and pie, as it will be more convenient to make the conversion once for all than to leave the local officers to make the calculations in each case.

9. The instructions contained in the other paragraphs of your letter will be carried out.

— No. 40. —

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to *E. H. Lushington*, Esq., Secretary to the Government of Bengal; dated 28 January 1863.

THE correspondence regarding the advertising and sale of certain parcels of waste land at Darjeeling, applied for under Lord Canning's Resolution of the 17th October 1861, as published in the Government Gazette of the 17th instant, has been under the consideration of the Association; and I am directed by the Committee to submit, for the consideration of his Honour, the Lieutenant Governor, some remarks regarding the course adopted, which, it is hoped, may induce his Honour to review the orders which have been issued.

2. It appears to the Committee that the third paragraph of your letter, No. 3491, of the 30th December 1862, to the Secretary to the Board of Revenue, practically amounts to setting aside the Resolution of Lord Canning, of the 17th October 1861, though this Resolution has been confirmed, as to grantees situated as are those treated of in the correspondence, not only by the Order contained in the Despatch of the Secretary of State for India, No. 14, of the 9th July 1862, and by the Circular Instructions of the Governor General in Council of the 15th August, but also by the rules of the 30th August, issued by the Government of Bengal.

3. These confirmations were all published, with the knowledge that no rules of procedure had been laid down; and the former provide that any arrangements actually made under the Resolution shall be maintained, and the latter that lands applied for under the Resolution of the 17th October 1861, shall be dealt with according to the terms of the said Resolution; and, finally, Mr. Secretary Eden, in the concluding paragraph of the answers given to Mr. C. B. Stewart, dated the 19th September, after alluding to the fact that no rules of procedure

procedure were ever issued, proceeds to say: "Still, where an applicant has been led to expect, by the act of a collector, that his application would be complied with in the terms of the Resolution, he is not to be disappointed."

4. It is contended therefore that the non-issue of rules of procedure cannot have the effect of rendering void all that has been done before the rules of the Local Government were promulgated, but that the Resolution of the 17th October 1861 itself takes the place of the rules of procedure, and that such cases as those which have given rise to the correspondence must be dealt with in accordance with the spirit of the Resolution, by the 20th clause of which it is declared that "grants should not be liable to be disturbed on account of any informality not attributable to any act or default of the grantee." It appears to the Committee that this obviously means that persons who have obtained grants from the local authorities should not be disturbed in their rights by the discovery that any of the forms of procedure had been omitted, where that omission arose from no act or default of theirs, but simply from the laches of the officer representing the Government.

5. The 17th clause of the Resolution is a direction to the collector to advertise the application, and the non-compliance with that direction is a laches on the part of that officer for which the applicant for the grant, acting on perfect good faith, ought not to be in any way liable: and I am directed to point out that where possession of the land has been given, and where the grantee has expended time and money on reclaiming and planting his grant, it is impossible to rectify the omission to advertise at the time by advertising now. There can be no analogy between advertising an application for waste land in a state of nature, and inviting competition for a grant which has been partly cleared and planted with tea; and therefore any attempt to do now what should have been done at first will not correct the mistake, but will put up for sale, for the benefit of Government, the money, time, labour, and skill which the grantee has invested in the land, in reliance on the Resolution of the 17th October 1861 being carried out in the spirit in which it was framed, as shown in the 20th clause, already quoted, and in the last sentence of the 57th clause, with which it concludes.

6. I am desired to say that these remarks are not based on any particular case, nor exclusively with regard to Darjeeling. It is understood that both in Assam and Cachar grantees have been put into possession of lands, and have made considerable progress in clearing and planting portions of their grants; and though it is not certainly known that no advertisements of the applications were issued, it is considered probable that these were not; and it is felt that to invite competition for these improved and partially planted grants at the present time would be an injustice and a very great hardship.

7. Under these circumstances, I am directed to express the hope of the Committee that his Honor the Lieutenant Governor may see fit to modify the directions which have been given.

From *E. H. Lushington*, Esq., Secretary to the Government of Bengal, to *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association (No. 813); dated 20 February 1863.

I AM directed to acknowledge the receipt of your letter, dated the 28th ultimo, submitting the remarks of the Committee on the subject of the sale of certain parcels of waste land at Darjeeling, recently put up for public competition.

2. It would appear from these remarks that the Association has overlooked the plain difference that exists between the sale of land made in accordance with the Resolution of 17th October 1861 (but without waiting for the rules of procedure, as required by the Resolution), and the sale of land made directly contrary to the terms of the Resolution itself. The cases to which the Association have referred are entirely of the latter complexion. The question which the Lieutenant Governor had to consider, in dealing with those cases, was simply whether or not the Superintendent, in selling the lands, had complied with the essential terms of the Resolution. On examination, it appeared distinctly that he had not only failed to comply with those terms, but had acted directly contrary

trary to them ; and on those grounds his Honor was quite unable to support his proceedings, or to recognise the sale of the land. If the Superintendent had acted in accordance with the spirit of the Resolution, and had given others an opportunity of applying for the land, the case would have been different ; but, in fact, all that he did was to dispose privately, at the rate of Rs. 2. 8. an acre, of land which, under the rules then existing, could only be sold at the rate of 10 rupees an acre. Notwithstanding this circumstance, the Lieutenant Governor was prepared to give every consideration to persons who had come into possession of lands in this irregular manner ; and, accordingly, the Board of Revenue were authorised to make them the offer of the lands in question at 10 rupees per acre. That this offer, to which these gentlemen were not in any way entitled, was a very liberal offer is clear from the fact that, when they declined to accept it, the land was sold by auction at a considerably higher rate. The Lieutenant Governor is therefore unable to make any modification of the orders in the cases he has already disposed of.

3. In regard to future cases, which the Association think likely to arise in Assam or Cachar, I am to observe that the Lieutenant Governor can lay down no fixed rule of procedure. Each case will be carefully considered on its individual merits, and in all cases his Honor will be prepared to carry out to its fullest legitimate extent that spirit of liberality which has been enjoined on this Government by the Governor General in Council and the Secretary of State for India.

From *J. Beckwith*, Esq., Secretary to the Landholders' and Commercial Association, to the Honourable *A. Eden*, Secretary to the Government of Bengal ; dated 16 March 1863.

I AM directed by the Committee to acknowledge the receipt of Mr. Secretary E. H. Lushington's letter (No. 813) of the 20th ultimo, in reply to mine of the 28th January, on the subject of the sale of certain parcels of waste lands at Darjeeling.

I am desired to say that the Committee are glad to find that his Honor the Lieutenant Governor is prepared to carry out, to its fullest legitimate extent, that spirit of liberality which has been enjoined by the Governor General in Council and the Secretary of State for India.

The Committee had no information regarding the particular grant which were sold at Darjeeling, and I was therefore careful in my former letter to base my remarks on the general principles in question, and not on the individual cases which led to the correspondence the publication of which gave rise to the letter I was directed to address to you.

In that correspondence occurred the assertion (para. 3 of Mr. Secretary Lushington's letter, No. 3491, of the 30th December 1862, to the Board of Revenue) that, as no rules of procedure had been laid down by the Local Government, so no persons to whom lands had been made over under the Resolution of the 17th October 1861, could have any title to them ; and it was chiefly in consequence of this sweeping assertion that I was directed to address you in order to establish, as the Committee trust they have done—

1st. That such cases must be dealt with in accordance with the Resolution of the 17th October 1861.

2d. That by the spirit of the Resolution, and by the express provision of the 20th paragraph, the omission on the part of a Government officer to perform any act which it was his duty to perform, is not to form the ground of disturbing the possession of a grantee to whom such informality is not attributable.

3d. That to sell by auction land cleared and planted cannot possibly correct the omission to advertise such land when first applied for.

With reference to this last proposition, I may remark that the Committee cannot admit that the higher rate obtained for the Darjeeling grants by auction was a clear proof, as stated, of the offer of Government being a liberal one, inasmuch as the price obtained for a tea plantation can be no criterion of the money value of the land when that land was in a state of nature. They do not say that the waste land may not have been of greater value than the 10 rupees per acre at

at which it was offered, for they do not found any of their arguments upon the particular grants in question, but they contend that the price at which land cleared and planted with tea may sell can form no measure of what the same land would have brought whilst waste.

To sell a cleared and cultivated grant is not to sell what had belonged to Government, but to confiscate, and sell with the waste land, the improvements created by the capital and labour of the grantee: and where the latter has acted in good faith, to confiscate his property for an omission on the part of an officer of the Government would not only be contrary to the spirit and context of the Resolution of the 17th October 1861, but would be at variance with justice.

Since the receipt of Mr. Secretary Lushington's letter, the Committee have seen, with much surprise and regret, that a Bill passed by the Council of the Governor General, without previous publicity, overrides the rules for the sale of waste lands, by fixing the minimum period for advertisements previous to sale at three months instead of 30 days.

This change, adding to the delays and uncertainties already attending the acquirement of waste land, is so discouraging that the Committee consider it an additional reason for asking the Government to deal liberally with the applications already recorded as affecting the only lands which the public are likely to have any opportunity of obtaining for some time to come.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 28); dated 3 February 1863.

I AM directed by the Board of Revenue to forward herewith copies of two statements, dated 8th and 22d January, of waste lands sold at Darjeeling, together with a copy of the Superintendent's letter No. 68, dated 8th January.

2. The result of the sales is satisfactory. The total area sold on the two dates is 30,880 acres, and the price obtained is 5,24,705 rupees, giving an average price per acre of about 17 rupees.

3. The form of the deed to be given to purchasers is under consideration.

4. The Deputy Auditor will be requested to instruct the Superintendent how he is to credit the sale proceeds under "Debt."

From *H. C. Wake*, Esq., c.B., Superintendent of Darjeeling, to the Secretary to the Board of Revenue, Lower Provinces (No. 68); dated 8 January 1863.

I HAVE the honour to forward the Extract from the Register of Sales of land, applied for under the Resolution of the 17th October 1861, required by Supplementary Rule M.

2. The prices at which the lots sold are most satisfactory.

3. The highest sum per acre realised under the old rule sales was 24 rupees an acre, whereas the highest bid at this sale is 30 rupees, showing the estimation in which landed property at Darjeeling is now held, and fully bearing me out in the high upset price I proposed for tea-lands.

EXTRACT from Register of Sales of Waste Lands applied for under the Governor General's Resolution of 17th October 1861; held at the Superintendent's Office, Darjeeling, on the 5th January 1863.

Consecutive Number of the Sales, in the Order in which they are made.	Pergunnah, Thannah, or other Subdivision in which situated.	Mouzah.	Area and Boundaries of the Plot, as ascertained by Survey.	Date of Sale.	Name and Residence of Purchaser.	Amount Paid for Survey and Advertisement.	Price for which Sold.	REMARKS.
1	Darjeeling. Thannah Matigurha.	Bamun Pokree	Acres, 1,369. 1. 6. North-west, Register Block, No. 235; east, Ruckti River; west, Runsunmali River; south, by a straight line which joins the Ruckti and Runsunmali Rivers.	5 Jan. 1863	Mr. R. Southby	Rs. a. p. 358 4 -	Rs. a. p. 30,808 14 -	<p>Pending the orders of the Board, I have taken from each purchaser 4 annas an acre for survey expenses, and 16 rupees for advertisement. These sums I have placed in deposit.</p> <p>I have given to each purchaser a simple receipt, to the effect that the sums were paid for the above purposes on account of such and such a lot sold on 5th January 1863, and containing such and such, or such an approximate area.</p> <p>As I am unable to issue the deeds, the forms of which have not yet been received, only four of the purchasers, as you will perceive, have deposited the instalment of 10 per cent. required to precede the granting of the same. These instalments are in deposit.</p> <p>I must request instructions as to the disposal of all sums realised by the sale of waste lands.</p> <p>Hitherto, by order of the Bengal Government, No. 192, dated 16th March 1854, all sums have been credited to the Location Fund; but I do not suppose such any longer to be the intention of Government. In the receipts mentioned in para. 2, the rate at which the lot was purchased per acre is also mentioned.</p> <p style="text-align: right;">H. C. W.</p>
2	Ditto	Roongin	North, Mr. Fitzgerald's Castleton Plantation; west, north-west and south-west, the Ruckti River; north-east, Register Block, No. 173. (Acres, 2,039. 3. 12.)	ditto	Mr. H. C. Lvinge	525 12 -	42,836 4 -	
3	Ditto	Near Roongin	Acres, 710. North and east, by boundary pillars put up by the Survey Department; south-east, by the foot of the hills; west, by the Rohini River.	ditto	ditto	193 8 -	10,295 - -	
4	Ditto	Below Rodobari	Acres, 12. 3. North, east, and west, the Punkabari Road; south, the Drury-lane Estate.	ditto	Mr. P. H. Scanlan	19 3 -	31 14 -	
5	Ditto	Selim	Acres, 226. 1. 15. North, north-east, and east, by the new cart-road trace; south and west, by the Government land.	ditto	Mr. R. Southby	72 8 -	2,376 10 -	
6	Ditto	Near Kursung	Acres, 168. 1. 11. North, by the boundary pillars put up by the Survey Department; east and south-east, by the present Punkabari Road; south-west, by Sunneasyjhara; west, by Government reserve for building sites.	ditto	Mr. H. Dewes	58 1 -	420 13 -	
7	Ditto	Selim	Acres, 574. 1. 30. North and north-east, by the new cart-road trace; south-west, by the Rohini River; south-east, by boundary posts put up by the Survey Department.	ditto	Major Wardroper	159 8 -	10,339 14 -	
8	Ditto	Near Bamun Pokree	Acres, 100. North, the Mokaibari Estate; south, Bamun Pokree; west and north-west, the Punkabari road; south-west, a stream which divided it from Mr. Pereira's estate; east, the Ruckti River.	ditto	Mr. L. Pereira	41 - -	600 - -	
9	Ditto	Between Selim and Kursung.	Acres, 435. 0. 31. North and north-east, the new cart-road trace; south, Pouskurnah's land; west, Mr. Fitzgerald's land, and Register Blocks, Nos. 165 and 187; east, Register Block, No. 183.	ditto	Mr. H. C. Lvinge	124 12 -	13,055 13 -	
10	Ditto	ditto	Acres, 203. 3. 31. North and east, by the boundary pillars set up by the Survey Department; south, by the new cart-road trace; west, Mr. Barne's Dhumberjote.	ditto	Mr. P. S. Lindeman	66 12 -	3,263 1 -	
11	Darjeeling. Thannah.	Sudder Merig	Acres, 1,910. 3. 6. North, north-east, and north-west, the Runbhungghora; east and south-east, Mr. Barne's murma; west, by Singi Sooba's land; and south, by boundary posts put up by the Survey Department.	ditto	Mr. R. Southby	403 11 -	39,170 9 -	

12	Darjeeling, Thannah.	Sudder	Near Merig -	-	Acre, 1,529. 2. 15. North, south, and south-east, by boundary pillars put up by the Survey Department; east, the Barasan River; west, the Manja River.	5 Jan. 1863	Mr. C. Strachan	-	398 6 -	32,121 8 -	
13	Ditto	-	Rinchintong	-	North and north-west, by Puchem Panee; north-east, by a stream; south-west, also by a stream; south-east, by Purbut Sing's leased land. (Acres, 305. 3. 9.)	- ditto	Mr. H. Blunt	-	92 7 -	7,951 - -	10 per cent. paid, and placed in deposit.
UNSURVEYED LANDS:											
14	Darjeeling, Thannah Matigurha.	-	Near Sivokkhola	-	Acres, 1,095. North-east, Mohanuddi River; north-west and west, Selimjhora; south, by boundary pillars put up by the Survey Department.	- ditto	Mr. C. G. Smythe	-	289 12 -	18,615 - -	See my letter No. 17, and dated 7th January, which requires special attention.
15	Ditto	-	- ditto	-	Acres, 603. North, a stream which divides it from Bagmara's 9 acres; south, the new cart-road trace; east, by the land applied for by Mr. Ivey; west, Mr. Barne's land; north-west, the land applied for by Mr. F. P. Lindeman.	- ditto	Mr. F. P. Lindeman	-	166 12 -	9,949 8 -	
16	Ditto	-	Selim	-	Acres, 300. North, by the land applied for by Mr. Ivey; east, by a stream dividing it from the land applied for by Mr. Ivey as reserve; west and south-west, by the new cart-road trace; south, nearly a point.	- ditto	Troilockunath Banerjee	-	91 - -	4,950 - -	
17	Ditto	-	Sivokkhola	-	Acres, 400. Situated to the north, east, and west of Mr. Barne's Bagmara land, and bounded on the south by Sivokkhola River.	- ditto	- ditto	-	116 - -	7,000 - -	
18	Ditto	-	Borbong	-	Acres, 500. North, by a stream; south, by Mr. Barne's Karjung land; south-west, by the new cart-road trace; east and south-east, by the land applied for by Troilockunath Banerjee.	- ditto	Mr. C. Strachan	-	141 - -	7,000 - -	
19	Ditto	-	Kynamooka	-	Acres, 2,745. 2. 4. North, by the land applied for by Mr. L. Pereira; east and west, by streams; south-west, by Runbhung River; south, by the foot of the hills.	- ditto	- ditto	-	702 6 -	49,419 8 -	
20	Darjeeling, Thannah.	Sudder	Above Dooteria	-	Acres, 500. East, by the new cart-road; west, the public road leading from Dooteria to Darjeeling; north, also by the said public road to Darjeeling; south, by the public road leading from Dooteria to the village of Rungbhool.	- ditto	Mr. B. Hallifax, manager of the Dooteria Tea Estate.	-	141 - -	1,250 - -	
21	Ditto	-	Rinchintong	-	Acres, 1,000. North-east, the cart-road; north-west, the Puchem Torrent; south-east, the crest of the Rinchintong Spur; south-west, the land applied for by Messrs. Dear and Rundle.	- ditto	Mr. J. T. Cormack	-	266 - -	18,500 - -	
22	Ditto	-	Head of the Rinchintong Spur.	-	North, Puchem River; south, by Government land; east, the present Punkabari road; west, the reserve for building sites above the cart-road.	- ditto	Gour Mohun Chatterjee.	-	66 - -	2,500 - -	
23	Ditto	-	Rinchintong	-	Acres, 2,000. North-west, the crest of the Rinchintong Spur; north-east, the new cart-road; south-east, the crest of Rinchintong; south-west, the land applied for by Dr. Chalmers.	- ditto	Mr. John Taylor	-	516 - -	41,000 - -	
24	Ditto	-	- ditto	-	Acres, 500. North-west, Puchem Panee; north-east, by a straight line from the crest of the Rinchintong Spur to the Puchem Panee, at right angles to the crest; south-east, the crest of Rinchintong; south-west, the land applied for by Mr. Rundle.	- ditto	Mr. H. Dear	-	141 - -	12,500 - -	Mr. Dear having paid in the full purchase-money, at Rs. 2. 8., to Dr. Campbell, the 10 per cent. required is in deposit to his credit.

EXTRACT from Register of Sales of Waste Lands applied for under the Governor General's Resolution of 17th October 1861, &c.—continued.

Consecutive Number of the Sales, in the Order in which they are made.	Pergunnah, Thannah, or other Subdivision in which situated.	Mourah.	Area and Boundaries of the Plot, as ascertained by Survey.	Date of Sale.	Name and Residence of Purchaser.	Amount Paid for Survey and Advertisement.	Price for which Sold.	REMARKS.	
25	Darjeeling, Thannah.	Sudder	Rinchintong	- Acres, 500. North-west, Puchem Panee; south, by the land applied for by Parbut Sing; east and north-east, by the crest of the Rinchintong Spur.	5 Jan. 1863	Mr. C. Rundle	Rs. a. p. 141 - -	Rs. a. p. 10,000 - -	For the same reason, we have Rs. 250 in excess of the 10 per cent. required to be deposited.
26	Ditto	-	ditto	- Acres, 1,000. North and north-east, by the land applied for by Mr. Atkinson; east, by Dyakhang; north-west, by the land applied for by Messrs. Dear and Rundle; south, by the land applied for by Major Wardroper, under the new rules.	- ditto	Mr. R. Southby	266 - -	19,500 - -	
27	Ditto	-	ditto	- Acres, 3,000. North, by the land applied for by Captain Cornish, under the new rules; south, by the land applied for by Captain Jerdan; east, by the land applied for, and partly surveyed for, Major Wardroper; west, the Meehi River.	- ditto	Major Wardroper	766 - -	45,000 - -	
28	Ditto	-	ditto	- Acres, 3,000. North and north-west by Mr. Barne's land; north-east, Government land; east, Balasun River; west, the land applied for by Major Fitzgerald; south, the lot containing Acres 993. 1. 6., to be advertised under the new rules.	- ditto	- ditto	766 - -	7,500 - -	
29	Ditto	-	Tugvor	- Acres, 3,000. North-east, Mr. Barne's land; north-west, the Little Runjeet; south-west, the spring dividing it from Captain Jerdan's land; south-east, Mr. Trentter's land.	- ditto	Mr. R. Southby	91 - -	6,600 - -	
30	Ditto	-	Nagri	- Acres, 3,000. North, by a line from the head of the Nagri Spur due west to the Meehi River; south, the land applied for by Captain Cornish and surveyed for him; east, by Mr. Barne's boundary of Nagri; west, by the Meehi River.	- ditto	- ditto	766 - -	58,500 - -	
31	Ditto	-	Darjeeling	- Acres, 150. North, the Rose Bank building location; south, a ravine, which divides it from the Burdwan Rajah's two building locations; east, the Victoria Road; west, the junction of two ravines.	- ditto	The Rajah of Burdwan.	53 8 -	3,825 - -	10 per cent. has been paid and placed in deposit.
32	Ditto	-	Below Jillapahar	- Acres, 250. North and south by two ravines; east, the new cart-road trace; west, the land applied for by Mr. T. E. Donoghue.	- ditto	Mr. G. B. Ward	78 8 -	3,625 - -	
33	Ditto	-	Below the Victoria Road.	- Acres, 50. North and north-east, the continuation of the waterfall ravine; south, by the ravine which separates it from the Rose Bank building location; east, by the Victoria Road; west, the junction of the two ravines.	- ditto	Mr. W. Brophy	28 8 -	600 - -	
TOTAL - -						Rs.	8,197 5 -	521,105 4 -	

Total Area Sold - - - Acres 30,679. 3. 10.

Average Rate per Acre - - - Rs. 16. 15. 9.

H. C. Wake, Superintendent.

From *C. Murray, Esq.*, Assistant Superintendent in Charge, Darjeeling; dated 22 January 1863.

Forwarded to the Board of Revenue, Lower Provinces, as required by Supplementary Rule M.

EXTRACT from Register of Sales of Waste Lands (applied for under the Governor General's Resolution of 17 October 1861), held at the Superintendent's Office, Darjeeling, on 21 January 1863.

Consecutive Number of the Sales, in the Order in which they are made.	Pergunnah, Thannah, or other Subdivision in which situated.	Mouzah.	Area and Boundaries of the Plot, as ascertained by Survey.	Date of Sale.	Name and Residence of Purchaser.	Amount paid for Survey and Advertisement.	Price for which Sold.	Remarks.
34	Darjeeling, Thannah Mattigurha.	Selimpur -	Approximate area, 200 acres. Bounded on the north by lot No. 5, sold to Mr. Southby on the 5th January 1863; on the south by lot No. 19, sold to Mr. Strachan on that day; on the east by the new cart-road trace; and on the west by the land applied for by Mr. D. Cowie as reserve.	21 Jan. 1863	Mr. Wm. Bell, of London House, Hare Street, Calcutta.	Rs. a. p. 66 - -	Rs. a. p. 3,600 - -	Ten per cent. on the purchase-money paid, and held in deposit, together with the amount paid for survey and advertisement.

Superintendent's Office, Darjeeling,
22 January 1863.

(signed) *C. Murray,*
Assistant Superintendent in Charge.

— No. 41. —

From *H. L. Dampier, Esq.*, Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal (No. 70); dated 17 March 1863.

I AM directed by the Board of Revenue to forward herewith a copy of a letter from the Solicitor to Government, No. 864, dated the 27th February, with the forms of title-deeds of purchase of waste lands, and the Advocate General's opinion on a question connected therewith, in original.

2. The draft deeds first submitted were returned to the Solicitor for revision. Among other points, the Board requested that officer to substitute the designation of the local officer for that of the Lieutenant Governor.

3. It will be seen from the Advocate General's opinion that he does not consider collectors of districts competent to sign the deeds on behalf of the Secretary of State.

4. The Board have prepared a circular, for issue to local officers with the forms, some purchasers of lands having urgently demanded their title-deeds; but they do not wish to enjoin so novel a practice as that of sending deeds for the Lieutenant Governor's signature without bringing the matter to his Honor's notice. It appears to them open to question whether the wording of the Act of Parliament is not such as empowers a collector to sign such deeds on a general order of the Lieutenant Governor authorising him to do so.

5. Return of the enclosures is requested.

From *F. C. Sandes*, Esq., Solicitor to Government, to *H. L. Dampier*, Esq., Secretary to the Board of Revenue (No. 864); dated 27 February 1863.

WITH reference to your letter, No. 27, dated the 6th instant, I have the honour to forward herewith five forms for the grant of waste lands, in lieu of those previously sent.

No. 1 is for the sale of waste lands, where the consideration-money is paid in full at the time of sale. You will observe that in the latter part of this form a clause has been added, embodying Rule 18 as far as that can be done.

No. 1A is merely the same as No. 1, but there is variation to meet the case of a claim to right of proprietorship, occupancy, or use in any parts of the lands being established by a third party, and the sale is made with the special reservation of such right, as required by Rule 12.

No. 2 is a form of security to be endorsed on No. 1 in, cases where the whole purchase-money is not paid at the time of sale, but is intended to be secured as provided by Rule 15.

No. 3 is for the redemption of land revenue.

No. 4 is to be endorsed on No. 3, in cases where the whole commutation-money is not paid at the time of redemption, but is intended to be secured.

2. I also send herewith a copy of the Advocate General's opinion as to power of the collectors of districts to execute those deeds on behalf of the Secretary of State.

3. You will observe that he considers they must be signed by the Lieutenant Governor of Bengal.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1395); dated 6 April 1863.

IN reply to your letter, No. 70, dated the 17th ultimo, I am directed to return the forms of title-deeds of purchase of waste lands therein enclosed, and to request that the Board will have them re-drawn, with reference to the instructions contained in paragraph 7 of Orders, No. 377 r, dated 30th August 1862.

2. The deed (Form No. 1) does not specially transfer rights of forest, pasturage, mines, and fisheries, though these are possibly implied in the vague term, "all benefits and advantages thereto belonging." There is, further, no reservation of towing-paths or use of water, as required by paragraph 12 of the Resolution of the 17th October 1861.

3. There is not, in his Honor's opinion, the least necessity for having these deeds drawn in the name of the Lieutenant Governor, or otherwise than such deeds are usually drawn in the Mofussil when Government property is sold to private persons. Without questioning the learned Advocate General's view of the law, it will be enough if these deeds or grants are drawn out in the name of the Government, and signed by the Collector, as already directed.

— No. 42. —

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Junior Secretary to the Government of Bengal (No. 92); dated 9 April 1863.

REFERRING to paragraph 4 of your predecessor's letter, No. 377r, dated 30th August last, I am directed by the Board of Revenue to report that, with the exception of Darjeeling, there are no lands in any district, other than those to be reserved under Rule 22, which, from their vicinity to stations or other peculiar local circumstances, it may be desirable to dispose of in smaller lots than 3,000 acres.

2. The Superintendent of Darjeeling reports that most of the lands near the station have already been disposed of; but some land, which has been reserved out of which to select a site for barracks, will become available as soon as the site is actually fixed, and that the land which will then become available may be sold in small lots for building.

3. The

3. The Commissioner of Bhaugulpore, in reply to the Board's call, has referred to a letter which he addressed to Government, under date the 1st September last, No. C., and which refers to the Sonthal Pergunnahs.

4. Referring to paragraph 14 of your letter, the Board regret that they are still unable, in consequence of misapprehensions on the part of local officers, to submit the general report, therein called for, on the extent of the arrangements entered into under the Resolution of the Supreme Government dated the 17th October 1861.

— No. 43. —

From Colonel *H. L. Thuillier*, Surveyor General of India, to the Secretary to the Government of Bengal (No. 19); dated 12 March 1863.

ADVERTING to the request contained in your letter No. 2,680, of the 6th November last, and referred to in your No. 799 of the 20th ultimo, to be furnished with an estimate of the cost per acre to be charged to purchasers for the survey of allotments of waste lands, I have now the honour of reporting, for the information of Government, that from the very little already done at Darjeeling by the single assistant employed there, I find considerable difficulty in fixing a standard charge for desultory and scattered measurements on account of applications for waste lands.

2. The actual cost of the work performed at Darjeeling last year is not easily arrived at, as many items of expense were incurred of which this office has no cognizance, being defrayed by the Superintendent or by the planters themselves. Moreover, the survey executed comprehended a bare skeleton of external limits only, without defining all the features of the ground; and in many instances it has been since discovered that separate proprietary rights exist within the tracts of waste so measured and marked off, especially in the Terai, where numerous old jotes exist, the areas of which must be ascertained before purchases of the balance or available waste land can be allowed or effected.

3. The assistant-surveyor now deputed to Darjeeling has commenced on this work, but, before completion, it is difficult to say precisely what the additional cost may be. This officer has submitted a rough estimate of the expense, based on what he has himself done, which is very little indeed; and, taking into account all charges, including wear and tear of instruments and tents, with stationery, &c., but exclusive of jungle-cutting or clearing of the boundary lines, I find that an average rate of six annas per acre will suffice to protect the Government from loss.

4. The cost of surveying small grants may be greater than for larger areas. The charge of six annas might therefore be limited to grants of 1,000 acres, and four annas above that area. The actual cost cannot be the same in all cases, and in all districts, over every description of ground; but it is desirable to fix a general rate, which may be fair to the public, and at the same time cover the outlay. The nature of the work is both difficult and harassing, and cannot, of course, be compared with our general operations, conducted on an uniform system by large establishments. The surveyors employed are badly paid. Looking, therefore, to the demand and the supply for this particular sort of European agency, and qualifications which are difficult to meet with, I am of opinion that the expense to Government must increase, and therefore it does not appear to me feasible at present to fix a lower rate than six annas per acre for all grants up to 1,000 acres.

5. If it is desired by Government to charge the absolute expense only to applicants, this must, I submit, be subject to future adjustment when the whole of the work in a district is completed, or we have had more experience in this particular description of work.

6. I trust the information now furnished may be sufficient for immediate purposes. The subject might be reopened after more experience has been obtained from the results of the several assistant-surveyors' deputation in different districts.

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1282); dated 27 March 1863.

I AM directed to forward herewith a copy of the correspondence noted in the margin, and, with reference to the cost per acre to be charged to purchasers for the survey of allotments of waste land, to request that the Board will adopt the rate fixed by Colonel Thuillier—viz., six annas per acre for grants of 1,000 acres, and four annas for grants above that area.

Government to Surveyor General of India, No. 2680, dated 6th November last.

Surveyor General of India to Government, No. 19, dated 12th instant.

2. I am to state that this charge is to represent the entire cost of survey, except boundary clearing.

— No. 44. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1365); dated 1 April 1863.

I AM directed to request the attention of the Board of Revenue to the Act for the adjudication of claims to waste lands (No. XXIII. of 1863), having been published in the Government Gazette of the 21st ultimo.

2. It will be observed that, in order to entitle purchasers to the benefit of the procedure prescribed by the Act, and to free them from all liability to future claims, it is necessary that the period named in the advertisement should not be less than three months. Collectors should be directed on no account to fix a longer period than three months, unless specially in any particular case they are instructed to do so by the Board. It is not likely that any such case will arise.

3. Although not provided for in the Act, it is, no doubt, intended that if no claim or objection be preferred under the first section within the period mentioned in the advertisement, such period being not less than three months, the Collector should proceed with the sale precisely in the same way as if a claim or objection had been made and disallowed.

4. Nothing short of a claim to proprietary right in the land is a claim which, if well founded, should of itself operate to stop a sale. Claims of occupancy or user, if proved, may be met, and will probably, in most cases, be met by selling the land, subject to condition or reservation. But if objections be taken to the sale, on the ground that it will interfere with the due exercise of such claims of occupancy or user, the question whether such objection ought to operate as a bar to sale, subject to condition or reservation, is a question for the Collector to decide under Section 4 of the Act. Collectors, however, in deciding such questions, should take care that no unnecessary obstruction is thrown in the way of the free disposal of waste lands belonging to the State, and that no such objection be allowed to stop a sale, unless it be clearly shown that the interests of the objectors will be materially and injuriously affected by the transfer of the land from the Government to a private purchaser. Collectors should also be instructed to facilitate compromise between intending purchasers and objectors of this class.

5. I am directed to request that the Board will report whether in any and, if so, in what districts it is necessary that courts should be constituted under Section 7 of the Act, and how in each instance the court should be composed. In non-regulation districts, when the Deputy Commissioner is both judge and collector, it will probably be convenient, as a general rule, that the original inquiry should be made by the Assistant Commissioner having the powers of a deputy-collector, and that the Deputy Commissioner should be one of the persons of whom the court is to be composed. It is not necessary that the other members of the court should be persons in the service of the Government, and it is desirable that unofficial persons should be associated with the judge of the district for the purpose.

6. When lands have already been advertised for sale under the Rules of the 30th August 1862, the period named in the advertisement being less than three months,

months, it seems necessary that a new advertisement should be issued in conformity with the Act.

7. The Lieutenant Governor desires me to request that the Board will prepare and issue the forms of notices, &c. required by the Act.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal (No. 95) ; dated 10 April 1863.

I AM directed by the Board of Revenue to acknowledge the receipt of your letter No. 1,365, dated the 1st April, calling the Board's attention to Act XXIII. of 1863, published in the Gazette of the 21st March, for the adjudication of claims to waste lands.

2. Referring to para. 5 of your letter, it appears to the Board that the preliminary inquiry required by sect. 1 of the law cannot be delegated to any officer below the chief revenue authority of the district. That section seems to confine the power of conducting the inquiry to the collector of the district, or other officer in that position. If so, under the provision at the end of sect. 7, the Collector or Deputy Commissioner can in no district be a member of the special court.

3. Further, sect. 10 bars the Deputy Commissioner, as being presiding officer of the principal civil court, from appearing as defendant on the part of Government before the special court, although he may have conducted the preliminary inquiry, and thus have incapacitated himself from being a judge of the special court.

4. The Board observe that the Act makes no provision for funding the proceeds of sales, which, it was stated in the Supreme Government Resolution of the 17th October 1861, must be provided by law. Nor are they aware that any specific instructions on this subject have been issued to the local officers.

5. A question has arisen on para. 6 of your letter, whether, in cases for which one month's notice has already been issued, it will be necessary to issue a fresh three months' notice, commencing from the date of issue; that is, whether the period during which the one month's notice has been current is to count as nothing? Mr. Grote is of opinion that that period may be taken into consideration; but his colleagues are of opinion that there must be a fresh three months' notice, commencing from the date of issue.

6. The Board beg to be favoured with the early communication of the views of Government on the above points, to enable them to issue instructions for the guidance of local officers.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 1582) ; dated 17 April 1863.

I AM directed to acknowledge the receipt of your letter No. 95, dated the 10th instant, and, in reply, to state that the Lieutenant Governor cannot concur with the Board in the opinion expressed in para. 2, to the effect that Government is not competent to delegate the duty of making the preliminary inquiry under sect. 1 of Act XXIII. of 1863 to any officer below the rank of the chief revenue authority of the district. The Board do not correctly quote the words of the section; it does not say, "the collector of the district, or other officer in that position, but it says, "or other officer performing the duties of a collector of land revenue in such district." The difference is very material. The Collector may clearly make over the portion of his duties relating to the preliminary inquiry under sect. 1 to any of his subordinates exercising the powers of a deputy-collector* in the district.

2. This view of the case also disposes of the difficulty suggested in your 3d paragraph.

* Section 20
Regulation 9 of
1863.

3. The Act, as the Board points out, does not provide for the finding of the sale-proceeds of waste lands, and the Government of India has this day been addressed on the subject.

4. With reference to paragraph 5, the Lieutenant-Governor agrees with the majority of the Board. To make a sale valid under the Act, the advertisement must be issued under the Act, and the full three months allowed in addition to any previous notice. The Act has no provision allowing for such previous notice.

— No. 45. —

From the Honourable *A. Eden*, Secretary to the Government of Bengal to the Secretary to the Government of India, Home Department (No. 1583); dated 17 April 1863.

* Revenue No. 14, dated 9 July 1862. WITH reference to para. 75 of the Secretary of State's Despatch,* relative to the sale of waste lands and the redemption of existing land revenue, I am directed to solicit the orders of his Honor the President in Council as to the funding of the sale-proceeds.

2. Act XXIII of 1863, it will be perceived, makes no such provision.

— No. 46. —

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 41); dated 20 February 1863.

Dated 10 Oct. last, No. 2333. Dated 26 Nov. last, No. 3012. Dated 22 Jan. last, No. 386. IN reply to the letters noted on the margin, I am directed by the Board of Revenue to state that in the districts of the Burdwan, Chittagong, Cuttack, Patna, and Rajshahye Divisions there are no unassessed waste lands which require to be reserved for Government purposes.

2. In Bhaugulpore the only waste lands are in the Damun-i-koh, within the Sonthal Pergunnahs. The preparation of registers in connexion with this tract was dispensed with by Government Order, dated the 19th June last (No. 793). The Sonthal Pergunnahs are not under the Board's jurisdiction.

3. In the Dacca Division the Superintendent of Cachar reported that he is unable to define the lands to be reserved. He has, however, been directed to lose no time in submitting a list describing the lands in the best manner practicable. The Collector of Sylhet misunderstood the object of the Board's call, and his report is therefore still due.

4. In the Nuddea Division the only lands proposed to be reserved are lots 50 and 54 in the Soonderbuns. A copy of a statement prepared by the Soonderbuns Commissioner, dated the 6th January, is herewith forwarded.

5. From the Commissioner of Assam no return has yet been made to the Board's call.

6. The Commissioner of Chota Nagpore reports that the only districts in which unassessed waste lands exist are Lohardugga and Palamow, which are under survey. The Board have authorised his deferring the compilation of the register of reserved lands till the completion of the survey now in progress.

7. Copy of a statement, dated the 23d January, showing the lands to be reserved in Darjeeling, is herewith forwarded, and the list of lands to be reserved in the districts noted on the margin will be submitted as soon as the reports are received.

Cachar.
Sylhet.
Assam Division.
Chota Nagpore
Division.

No. 1.

REGISTER of Waste Lands, the Property of Government, not available for Grants under the Resolution of the Governor General in Council, dated 17th October 1861, and Rules issued by the Board, dated the 14th October 1862, in the Soonderbuns.

1. No. of Plot.	2. Pergunnah, Thannah, or other Subdivision.	3. Mouzah.	4. Boundaries of the Plot.	5. Area in Acres.	6. Reason of Reservation.	7. Orders under which Reserved.	8. REMARKS.
50	In the Subdivision of Baroopore, Thannah Amjharah, Pergunnah Medun Mullo, Zillah 24-Pergunnahs, Soonderbuns.	- -	North, by Mallee Khall; east, by Mutlah River; south, by an imaginary line; west, by ditto, ditto.	A. 644 R. 3 P. 34	The lands being adjacent to the new town of Mutlah.	Government Order, No. 763, dated 24th March 1857.	
54	Ditto - ditto -	- -	North, by Biddeadhuree Nuddee; east, by Mutlah River; south, by Mallee Khall, and a portion of Taldee Khall; west, by Taldee Khall.	5,950 1 26	For the proposed town of Mutlah.		

Soonderbuns Commissioner's Office,
6 January 1863.

(signed) C. P. Caspersz,
Commissioner of the Soonderbuns.

No. 2.

REGISTER of Waste Lands, the Property of Government, not available for Grants under the Resolution of the Governor General in Council, dated the 17th October 1861, and the Rules issued by the Board, dated the 14th October 1862, in the District of Darjeeling.

1. No. of Plot.	2. Pergunnah, Thannah, or other Subdivision.	3. Mouzah.	4. Boundaries of the Plot.	5. Area in Acres.	6. Reason of Reservation.	7. Orders under which Reserved.	8. REMARKS.
1	Darjeeling, Sud-dah Thannah.	Jullapahar -	North, General Garstin's land; south, the Saddle; east and west, the public road.	Not measured -	For military purposes.	Orders of Government.	See the late Superintendent's letter to Government, No. 1089, dated 10th December 1861.
2	Ditto - ditto -	Sinchal -	The whole range - -	ditto - -	ditto - -	ditto - -	ditto.
3	Ditto - ditto -	Lebong -	The whole spur from Mr. Grant's location to Ging.	ditto - -	ditto - -	ditto - -	ditto.
4	Ditto - ditto -	Dhobijhora -	The ridge of the Dhobijhora Hill.	ditto - -	ditto - -	ditto - -	ditto.
5	Ditto - ditto -	Kursiong -	The land attached to the Kursiong Staging Barracks.	ditto - -	ditto - -	ditto - -	ditto.
6	Ditto - ditto -	A belt of 200 yards wide above the new cart road from Kursiong to the Saddle.		- - -	For building sites	ditto - -	ditto.
7	Ditto - ditto -	ditto - ditto	Below the road at Kursiong.	- - -	Bazaar, Police Chowkey, and Post Office.	ditto - -	ditto.
8	Patterghata, Thannah Mattigurha.	Besserbatty -	- - -	Not measured -	For encamping ground, and Bazaar.	ditto - -	ditto.
9	Darjeeling, Sudder Thannah.	Darjeeling Station.	Surveyed as per map -	A. 20 R. 2 P. 16	Sapper Lines - -	ditto - -	ditto.
10	Ditto - ditto -	Below ditto -	- - -	Not surveyed -	Native burial ground.	ditto - -	ditto.
11	Ditto - ditto -	Runjeet -	- - -	ditto - -	Police Chowkey	ditto - -	ditto.

PAPERS RELATING TO THE SALE OF WASTE LANDS

REGISTER of Waste Lands, the Property of Government, not available for Grants, &c., District of Darjeeling—*continued.*

1. No. of Plot.	2. Pergunnah, Thannah, or other Subdivision.	3. Mousah.	4. Boundaries of the Plot.	5. Area in Acres.	6. Reason of Reservation.	7. Orders under which Reserved.	8. REMARKS.
12	Darjeeling, Sud-der Thannah.	Tuckdan	The mineral spring loca- tion.	Not surveyed	Military purposes	Orders of Go- vernment.	See the late Superin- tendent's letter to Government, No. 1089, dated 10th De- cember 1861.
13	Ditto - ditto	Selimpore	The ridge at Selimpore on the new cart road be- tween Kursiong and the plains.	ditto	For building sites	ditto	Ditto. Some sites have already been as- signed.
14	Ditto - ditto	A belt of 200 yards wide on the upper side of the proposed road, along the Nagri side of the Balasun, from an elevation of 3,000 feet, to the Saddle.		ditto	ditto	ditto	See the letter to Go- vernment as above.
15	Ditto - ditto	The Goong Range, above the line of cultiva- tion.		ditto	Building sites, building ma- terials, and firewood.	ditto	ditto.
16	Ditto - ditto	The ridge of the Nagri spur, near the Police Chowkey.		Not measured	Military purposes	ditto	See letter to Govern- ment above referred to.
17	-	The whole Terai is for the present reserved from the operation of the Fee-simple Rules.		-	-	-	See Board's letter No. 61, of 15th October 1862, and the Super- intendent's letter No. 1,372, dated 9th December 1862.
18	Ditto - ditto	The right bank of the Teesta, on the east, from the junction of the Rungnoo River with the Teesta, and along the Rungnoo River to the summit of Sinchal, on the north; on the west by a line drawn from the summit of Sinchal to a mile to the westward of Rishap, through the top of Mount Sitong to Goramara and the plains; on the south by the commence- ment of the Terai.		ditto	For Government Chinchona Plan- tation.	ditto.	
19	Ditto - ditto	West of the Darjeeling Station.	North, the Hospital Ra- vine; south, the Water- fall Ravine; east, the Victoria Road, the Jail Compound, and Mr. Stoelkie's land; west, the junction of the Hos- pital and Waterfall Ra- vines.	150 acres more or less, not sur- veyed yet.	The extension of the Jail Com- pound.		

Superintendent's Office, Darjeeling, }
23 January 1863.

(signed) H. C. Wake,
Superintendent of Darjeeling.

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Secretary to the Government of Bengal (No. 103); dated 14 April 1863.

In continuation of my letter No. 41, dated 20th February last, and with reference to the last paragraph, I am directed by the Board of Revenue to submit a further report on the reservation from sale of lands not available for grants under the Waste Lands Rules.

2. Although it was stated in my letter that there were no lands to be reserved in the Burdwan Division, the Board find, on further communication with the Commissioner, that there is a plot in the Burdwan District which comes within the category of lands the reservation of which is desirable. An extract from his return, dated 10th December 1862, is hereto appended.

3. The Commissioner of Dacca reports that there are no lands to be reserved in Sylhet or Cachar.

4. A copy of the Assam Commissioner's Report, No. 61C, dated 4th March, is appended. It will be seen that there are no lands to be reserved in the Gowalparah

Gowalparah District. The Garrow Hills are the only portion of that district which can be regarded as belonging to Government, but interference with that tract in any shape is deprecated on political grounds. No information of any value is available in connection with the Cherra Hills, and local inspection is out of the question in the present unsettled state of affairs.

5. In regard to the other districts comprised in Assam, the return submitted by Major Agnew is unsatisfactory from the absence of definition of the plots to be reserved. The Deputy Commissioner of Durrung, it will be observed, is unwilling to reserve the timber lands, acknowledged to be valuable, which are scattered over the district, especially the northern half of it; but the orders on the subject are peremptory, and a further return will be called for of such plots, defined as well as available information will allow, and the Deputy Commissioner will be cautioned that he must on no account alienate any tract on which valuable timber grows without reference to the Commissioner in each case as before directed.

6. The Deputy Commissioner of Luckimpore has entered in his return several tracts of land, which he proposes to reserve "for the settlement of immigration." It appears to the Board unnecessary to reserve lands for this purpose, as it is the interest of purchasers of waste lands to attract resident cultivators. Items 21, 22, 25, 26, 28 to 38 of the local statement are therefore omitted in the copy of the statement herewith forwarded.

7. With reference to the imperfect character of the Assam List, the Board recommend that it be published with a note, stating that, those districts not being well known, it is impossible to define accurately what lands are required to be reserved for Government purposes, and that therefore, in addition to the lands included in the list, the Government reserves to itself the right of withholding from sale any tract which it may deem proper to reserve at any time before the advertisement of sale is issued on an application for a grant.

From Major *W. Agnew*, Officiating Commissioner of Assam, to the Secretary to the Board of Revenue, Lower Provinces (No. 51c.); dated 4 March 1863.

In accordance with the instructions conveyed in the Board of Revenue's circulars and letters marginally noted, I have the honour to submit copy of the registers of waste lands in Zillahs Nowgong, Seebisagor, Luckimpore, Kamroop, and Durrung, not available for grants under the resolution of the Governor General in Council of the 17th of October 1862, and the rules of the Lieutenant Governor of Bengal dated the 30th of August 1862.

No. 139, dated 1 December 1862.
No. 277, dated 19 December 1862.
No. 11, dated 10 January 1863.
Circular, No. 25, dated 13 March 1862.
Circular, No. 65A, dated 6 November 1862.

In Gowalparah there are no lands, the property of Government, that could be reserved, as any interference of the kind with the Garrow Hills, the only portion of the district Government can lay any claim to, would be highly injudicious. As regards the Cherra Hills, Captain Morton says, "with the scanty information to be found in my office, it will be impossible for me to prepare the registers laid down by the Board's circular, No. 25, dated 13th March last, until I have had an opportunity of inspecting the available waste lands in this district. This opportunity I have not yet had, and indeed, cannot expect to have during the continuation of the Jynteah rebellion."

The only lands entered in the Durrung list are, it will be observed, three small plots in the vicinity of Bishnath, Tezpore, and Mungledye, reserved for station purposes, the Deputy Commissioner remarking with regard to forest lands as follows: "Valuable timbers are more or less scattered over the whole country forming the Northern half of the district and to reserve them all would be almost tantamount to excluding this district from the benefits of the rules; where there is an abundance of valuable timber on any lot the upset price should be raised. The impenetrability of the forest renders it impossible to hazard a guess at what that limit should be, but care should be taken to ascertain before the sale." Captain Lamb, however, will be instructed to attend to the Board's orders, and state roughly what forest land should be reserved.

In regard to Seebisagor, Mr. Beckett remarks, "you will observe that no land on which valuable timber stands has been entered in this list, for, as reported in my letter of the 17th instant, there are no such lands in the district."

I have appended the required certificate to the register, but have to remark that the list is a very imperfect one, and must remain so until the survey of the province is completed.

BURDWAN DIVISION.

REGISTER of WASTE LANDS, the Property of Government, not available for Grants under the Resolution of the Governor General in Council, dated 17th October 1861, and the Rules issued by the Board, dated 14th October 1862, forwarded to the Board's Office, with reference to their Circular, No. 65 A, dated the 6th November 1862.

No. of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which reserved.	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.
1	Pergunnah, Selampore; Thannah, Acoohgram, in Burdwan.	Goopeenathporee (lot).	North, by public road in Foolzoree and Mamrah; east, by Khalpookhorea Village; south, by Grand Trunk Road; west, by public road near Jhowpahara.	A. r. p. 1,644 2 20	This land forms the subject of litigation between the Government and the Bengal Coal Company.	-	A civil suit between Government and the Zemindar Bengal Coal Company, for the jungle in question, was instituted in the Beerbhoom Judge's Court, and a decree in favour of Government was given. There is, however, every probability of an appeal from the judge's decision being instituted, consequently until final disposal of case, the land is not available for grants.

REGISTER of WASTE LANDS, the Property of Government, not available for Grants under the Resolution of the Governor General in Council of 17th October 1862, and the Rules issued by the Lieutenant Governor, dated 30th August 1862, in the Division of Assam.

Number of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which Reserved.
NOWGONG:						
1. On the River Dhunisiri.	Mehal Morunjee	Moorzah Neerz Morunjee.	Bounded in the East by Rengua Naga Hills; on the West, by the Kulliani River; on the North, by Morunjee; on the South, by Meekor Hills.	3,000	For posts, planks, &c., for Government use.	Deputy Commissioner of Revenue.
2. On the Kulliani River.	Ditto - - -	Ditto - - -	Bounded on the East by the Kulliani River; on the West by Booka Khat; on the North by Nemsli Ghur Tea Plantations; on the South by Harbecha Mouzah.	3,000	Ditto - - -	Ditto.
3. On the River Diphoo.	Ditto - - -	Ditto - - -	Bounded on the East by Bagaree Purbut; on the West by Chikali; on the North by the River Burrumpooter; on the South by Hills.	4,000	Ditto - - -	Ditto.
4. On the River Dijoo.	Mehal Meekirpar	Mouzah Salanah	Bounded on the East by Kookarakata; on the West by the Chupualah Tea Plantation; on the North by the River Nonai; on the South by Dooar Bamane.	2,000	Ditto - - -	Ditto
5. On the River Nonoi.	Ditto - - -	Mouzah Chupurnullah.	Bounded on the East by Meekir Hills; on the West by Balejorce; on the North Chapenullah; on the South by Hills.	2,000	Ditto - - -	Ditto.
6. On the River Honnah, Soorsgatteadu Dheekarroo.	Mehal Jummo Mookh	Mouzah Sill Dhurumpore.	Bounded on the East by Dooar Dhekarroo; on the West, Honnah Nudee; on the North, Purbut, on the South, Digalphan.	5,000	Ditto - - -	Ditto.
7. On the River Jummoonamookh.	Ditto - - -	Najirhaga	Bounded on the East, Horinah; on the West, Dooar Katiatallee; on the North, Meekir Purbut; on the South, Jummoonamookh.	2,000	Ditto - - -	Ditto.
8. On the River Jummoonamath.	Mehal Jummoonamath	Mouzah Neez Dubkar.	Bounded on the East by Nazirhaga; on the West by Belogoree; on the North by Meekin Purbut; on the South by Kissoree.	2,000	Ditto - - -	Ditto.
9. On the River Kapolee.	Ditto - - -	Mouzah Neez Jummoonamookh.	Bounded on the East by Jummoonah; on the West by Chang Chokey; on the North by Neckaree; on the South by Kapolee.	1,000	Ditto - - -	Ditto.
10. On the River Kapolee.	Ditto - - -	Mouzah Sat Gow.	Bounded on the East by Rung Khang; on the West by Burtball; on the North by Halodkee Khook; on the South by Rung Khang.	3,000	Ditto - - -	Ditto.
11. - - -	Mehal Datipan	Mouzahs, Singanaree, Lowponnee, Amori, Lotoomai, and Burthul.	Bounded on the East by Burpanee; on West by Amola Purbut; on the North by Amooree and Lampooree; on the South by Amooree.	7,000	Ditto - - -	Ditto.
12. On the River Burpanee.	Mehal Jummoonamookh.	Mouzahs Rung Khang, and Chnppold.	Bounded on the East by Rung Khang; on the West by Burpanee; on the North by Burtball and Rung Khang; on the South by Garrow Purbut.	5,000	Ditto - - -	Ditto.

AND REDEMPTION OF LAND TAX IN INDIA.

Number of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which Reserved.
NOWGONG—continued.						
13. On the River Dimal.	Mehal Datipar	Mouzhahs Dhukin, Shohoree, and Amolah Purbut.	Bounded on the East by Burpanee; on the West the boundary of Barogag; on the North by Burpanee; on the South by Amola Purbut.	3,000	For posts, planks, &c., for Government use.	Deputy Commissioner of Revenue.
14. On the River Amolee.	Ditto	Mouzhahs Dhukin, Neeli, and Dhukin Goodhoi.	Bounded on the East by Harlock; on the West the boundary of Mouzah Goocha; on the North by Amolee Nuddee; on the South by Khairain.	3,000	Ditto	Ditto.
SEESAGUR:						
1	Thannahs Seesagur, Tangomee, Serokpore, and Koonwarpur.	Seesagur, Nugur Mehal.	The boundaries of the Seesagur Nugur Mehal.	The exact number of acres is not known; that will be determined when the district is regularly surveyed.	A portion of the station will be reserved for that purpose.	Deputy Commissioner's Order, dated 21st June 1862.
2	Thannahs Golaghat, Tangonies, Madurpotah, and Maw Khan.	Golaghat Mehal	The boundaries of Golaghat Mehal	Ditto	Ditto	Ditto.
3	Thannahs Jorehaut, Tangonies, Hurunga, and Desol.	Jorehaut	Ditto of Jorehaut Mouzah	Ditto	Ditto	Ditto.
4	Thannahs Joypore, Tangonee, and Dophabar.	Jeypore	The boundaries of Jeypore Station	Ditto	Ditto	Ditto.
5	Thannahs Seesagur, Tangonee and Kowarpore.	Kowarpore	The boundaries of the Mouzah of Kowarpore.	Ditto	In the neighbourhood of the station of Seesagur.	Ditto.
6	Thannahs Tagonee and Khalagong.	Meteka	The boundaries of Mouzah Meteka, including the old place of Rungpore.	Ditto	Ditto	Ditto.
7	Thannahs Seesagur, Tangonee, and Kala-gong.	Bongang	Mouzah Bongang, including the Bho-teepan Tank, its bank and ditch.	Ditto	Ditto	Ditto.
8	Ditto	Saloogoree	The Bageedoliand Tank, together with its bank and ditch.	Ditto	May hereafter be required for Government purposes.	Ditto.
9	Tagonee Charing	Kataleegoon	Ditto of Goureesagur Tank	Ditto	Ditto	Ditto.
10	Thannahs Seesagur, Tangonee, and Khalagong.	Borpahadale	The Jaysagur and Roa Pookree, with their banks and ditches.	Ditto	Ditto	Ditto.
11	Thannahs Tangonee and Dhophabar.	Leelakotee	The place of Ghee Gong, also its moat, &c., also Borkola Bahar.	Ditto	Ditto	Ditto.
12	Thannahs Seesagur, Tangonee, and Joktallee.	Meej Joktulla	The boundaries of Mouzah Joktulla, including Rajmoo and Mesagurh, tanks, temple, and ditch.	Ditto	Ditto	Ditto.
13	Thannahs Seesagur, Tangonee, and Singradloe.	Namtee Dale	The Namtee Dale (temple) and tank, with its banks.	Ditto	Ditto	Ditto.
14	Thannahs Golaghat, Tangonee, and Madarpoota.	Ahan Goan Sermatallee.	The boundaries of Ahongong Sermatallee Mouzah.	Ditto	In the neighbourhood of the station of Golaghat.	Deputy Commissioner's Order, dated 14th October 1862.
15	Thannahs Golaghat, Tangonee, and Mokhawa.	Mokhawa	The boundaries of Mouzah Mokhawa	Ditto	Ditto	Ditto.
16	Thannah Seesagur	Tangonee Betharree.	The boundaries of Mouzah Betharree	Ditto	In the neighbourhood of the station of Seesagur.	Deputy Commissioner's Order, dated 21st October 1862.
17	Thannahs Seesagur, Tangonee, and Kaloogaon.	Burpatra Dale	The boundaries of Mouzah Burpatra Dale.	The exact number of acres is not known; that will be determined when the district is regularly surveyed.	The land being situated in the neighbourhood of the station of Seesagur.	Deputy Commissioner's order dated 21st December 1862.
18	Thannahs Seesagur, Tangonee, and Kahmara.	Koowara	Kooamara	Ditto	Ditto	Ditto.
19	Thannahs Seesagur, Tangonee, and Hanserah.	Hanserah	The boundaries of Mouzah Kooamara	Ditto	Ditto	Ditto.
20	Thannahs Seesagur, Tangonee, and Cherakpur.	Cherakpur	The boundaries of Mouzah Cherakpur	Ditto	Ditto	Ditto.
21	Thannahs Jorehaut, Tangonee, and Korunga.	Jorshaut	The boundaries of Mouzah Jorehaut	Ditto	Ditto	Ditto.
LUCKIMPORE:						
1	Dinjoy	Teetadenaroo	East, boundary of Meeree Pathar Mouzah; West, by Messrs. Barry and Ryots' lands; North, Maijan; South, boundary of Lahawal Mouzah.	556	This piece of forest land on which valuable timber is growing, is reserved for Government purposes.	Lieutenant-Governor of Bengal's Notification, dated Silhet, 30th August, 1862.

PAPERS RELATING TO THE SALE OF WASTE LANDS

Number of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which reserved.
LUCKIMPORE—continued.						
2 - - -	Chaprie - - -	Chaprie -	East, Mekhelahoorooah Sootes; West, Bamoonisootee River; North, Burhampootur River; South, Dibroo River.	2,000	This piece is reserved for thatching grass for Government purposes, and for grazing cattle.	Lieut. Governor of Bengal's Notification, dated Sylhet, 30th August 1867.
3 - - -	Ditto - - -	Lalooapottah Chaprie.	East, Nobhanga Sootes of Mekhelahoorooah; West, Mekhelahoorooah; North, confluence of Nobhanga Sootes and Mekeelahoorooah; South, Dibroo River.	11,000	This piece of land is reserved for timber for Government purposes.	Ditto.
4 - - -	Jameera - - -	Dibroomookh	East, by Ryots' land; West, Burhampootur; North, Singlee Beel; South, Mohpowaleemara Mouzah.	375	This piece is reserved for grazing cattle.	Ditto.
5 - - -	Ditto - - -	Mohpowalee -	East, Road; West, Burhampootur River; North, South boundary of Dibroomookh Mouzah; South, Dighala Village.	562	This piece is reserved for timber and for grazing cattle.	Ditto.
6 - - -	Ditto - - -	Dighalagao -	East, Ryots' land; West, Burhampootur; North, South boundary of Mohapowalee Mouzah; South, boundary of Kamargoo Mouzah.	750	Ditto - -	Ditto.
7 - - -	Ditto - - -	Komargao -	East, Ryots' land; West, Burhampootur; North, Digholagoo Mouzah; South, Rowmary.	750	Ditto - -	Ditto.
8 - - -	Suddeea - - -	Upper Suddeea	East, Choonpoora Sootes; West, Ballejan; North, Koondeel; South, Burhampootur River.	10,000	This piece of forest land, on which valuable timber is growing, is reserved for Government purposes.	Ditto.
9 - - -	Ditto - - -	Lower Suddeea	East, Koondeelmookh and Difo; West, Ryots' land; North, Digram Nuddee; South, Koondeel.	15,000	Ditto - -	Ditto.
10 - - -	Saikwah - - -	Upper Saikwah	East, Noa Dihing; West, Saikwah River; South, Dangaree River, North Burhampootur River.	15,000	Ditto - -	Ditto.
11 - - -	Upper Muttock	Hoolungagoree	East, West, and North, Dangoree River; South, Dibroo River.	15,000	This piece is reserved for timber for Government purposes.	Ditto.
12 - - -	Namroop - - -	Namroop -	East, Narasolta; West, Jaipore Allee; North, Dibroo; South, Dihing.	14,000	Ditto - -	Ditto.
13 - - -	Tengrie - - -	Tengrie -	East, Nambobea Pathar; West, Jaipore Allee; North, Balcemora Pathar; South, Tippling.	10,000	Ditto - -	Lieut. Governor of Bengal's Notification, dated Sylhet, the 13th Aug. 1868
14 - - -	Tenga Khat - - -	Tenga Khat -	East, Laipoollee; West, Jaoreegooree; North, Sessa; South, Tengraye.	9,000	Ditto - -	Ditto.
15 - - -	Madar Khat - - -	Madar Khat -	East, Digholee Hoala; West, Katoneepar Shustro; North, Ghogora; South, Dihing.	10,000	Ditto - -	Ditto.
16 - - -	Ditto - - -	Ditto -	East, Katoneepar Shustro; West, boundary of Jokaye; North, Tipomiah; South, Romaye.	5,000	Ditto - -	Ditto.
17 - - -	Dinjoy - - -	Dinjoy -	East, Dinjan Mehal; West, Meereepathur; North, Dibroo River; South, Digholee Dinjay Pathur.	5,000	Ditto - -	Ditto.
18 - - -	Dinjan - - -	Dinjan -	East, boundary of Rungagorah Mouzah; West, Dinjay Mouzah; North, Dibro; South, Rungagorah Allee.	5,000	Ditto - -	Ditto.
19 - - -	Bhodhara - - -	Bhodhara -	East, Layepoollee; West, Chubwa Garden; North, Poolanga; South, Ghurbundee.	4,000	Ditto - -	Ditto.
20 - - -	Rungagurah - - -	Rungagurah -	East, Galjan; West, Hala; South, Bujaltulee; North, Dibroo.	400	Ditto - -	Ditto.

AND REDEMPTION OF LAND TAX IN INDIA.

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Number of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reason of Reservation.	Orders under which Reserved.
LUCKIMPORE—continued.						
23 - - -	Jamurah - - -	Jamurah - - -	East, Ryots' land; West, Burhampooter; North, Patrogoo.; South, Poothawao Khairkoor.	1,000	This piece of forest land, on which timber is growing, is reserved for Government purposes.	Lient. Governor of Bengal's Notification dated Sylhet, 13th August 1862.
24 - - -	Jokye - - -	Kotoha - - -	East, Jokye Mouzah; West, Janaf Balaye Beel; North, Sessa River; South, Dihing.	500	Ditto - - -	Ditto.
27 - - -	Suddia - - -	Suddia - - -	East, Dikrong; West, Dikrong and Dibaugmookh; North, Dibang; South, Barbil.	15,000.	This piece of forest land, on which valuable timber is growing, is reserved for Government purposes.	Ditto.
39 - - -	Ckeydwar - - -	Narainpoor - - -	Loohit River, on all four sides - - -	3,000	This plot is reserved for the growth of firewood and valuable timber.	—
40 - - -	Ditto - - -	Bangphang and Katabarree.	East, Peesolah; West, Sessah; North, Ghur; South, Hisingobhat Village.	7,000	Ditto - - -	—
41 - - -	Ditto - - -	Guhpora - - -	East, rice field of Ghupoor; West, rice field of Kofungpore; North, Ghur; South, Looheet.	8,000	Ditto - - -	—
42 - - -	Ditto - - -	Gameere - - -	East, Kareegang; West, Ryots; North, Ghur; South, Allee.	6,000	Ditto - - -	—
43 - - -	Ditto - - -	Ditto - - -	East, Kharay Mookh; West, Booray Mookh; North, Bottle Ghur; South, Looheet.	5,000	Ditto - - -	—
44 - - -	Ditto - - -	Kalabarree - - -	East, Mornady; West, Hoobenghy; North, Allee; South, Kharay.	2,000	Ditto - - -	—
45 - - -	Ditto - - -	Ditto - - -	East, Borkoos Village; West, Kookoorah Sooh; North, Forest; South, Village.	2,000	Ditto - - -	—
KAMROOP:				Supposed Area.		
1 - - -	Desh Beltullak - - -	Timber Mehal	Unable to state the boundaries till properly surveyed by competent compass.	4,360	For the purpose of supplying Government with timber.	Government Letter, No. 585r, dated 18th Oct. 1862, to Board of Revenue. Board's Memorandum, No. 128, dated 30th Oct. 1862. Commissioner's Memorandum, No. 112, dated 5th Dec. 1862.
2 - - -	Dooar Bar Dooar - - -	Ditto - - -		4,629*		
3 - - -	Ditto Bholagong with Kharija Bhoologong.	Ditto - - -		3,306		
4 - - -	Dooar Pantan - - -	Ditto - - -		1,717		
5 - - -	Ditto Ghaygong with Kharija Chaygong.	Ditto - - -		2,642		
6 - - -	Dooar Bogri - - -	Ditto - - -		6,611		
7 - - -	Ditto Bungong - - -	Ditto - - -		5,287		
8 - - -	Ditto Bako - - -	Ditto - - -		1,585		
9 - - -	Ditto Lookeo - - -	Ditto - - -		3,571		
10 - - -	Ditto Moirapore - - -	Ditto - - -		3,306		
11 - - -	Ditto Doomaroot - - -	Ditto - - -		4,629		
12 - - -	Ditto Ranees - - -	Ditto - - -		1,454		
13 - - -	Ditto Panbarees - - -	Ditto - - -		3,966		
DURRUNG:				Acres.		
1 - - -	Nowdoor, Thannah Tezpore.	Bishnath - - -	Bounded on the East, by Temple of Bishnath and village; on the West, by shops of Kyahis; on the North, by Motuk village; on the South, by River Burhampooter.	72	For the purpose of Government Station.	Commissioner of Revenue's Letter, No. 643 of 18th March. 1861.
1 - - -	Chardoar, Thannah Tezpore.	Mohabboyrub - - -	Bounded on the East, by Gorsoa Gaw; on the South, by Bhyrnbee River; on the West, by Shookdub Beel; on the North, by Mahabboyrub Dewal.	157	Ditto Tezpore - - -	—
	Durrung, Thannah Durrung.	Chapai - - -	Bounded on the East, and South, by Marasootee, of Burhampooter River; on the North, by Kya Gola, of Rutton Chand Oswal; on the West, by Mungledye River.	42	Ditto Subdivision of Murgledye.	—

* This is the remaining portion of the Bar Door Timber Mehal, the greater part of which has been made over to the Lower Assam Tea Company.

I do hereby certify that this Register contains all lands in the Province of Assam, which I would recommend for reservation, or which are reserved under the Rules for the Sale of Waste Land, dated 30th August 1862.

(signed) W. Agnew,
Officiating Commissioner of Assam.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 2,108) ; dated the 22d May 1863.

I AM directed to acknowledge the receipt of your letter, No. 103, dated the 17th ultimo, with its enclosures, submitting a further report from the Board on the reservation from sale of waste lands, under Rule 21 of the new rules, and in reply to state that it will be sufficient for all purposes at present to reserve the lands specified in the list forwarded by the Commissioner of Assam.

2. The Lieutenant Governor is of opinion that the addition of the note proposed by the Board in your final paragraph is open to serious objection, as introducing an element of uncertainty into the system under which waste lands are now offered for sale. It is always open to the local authorities to add to the list any valuable timber forest, or other lands, which should, in their opinion, be reserved by Government.

From *R. B. Chapman*, Esq., Officiating Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 232) ; dated 21 July 1863.

IN continuation of the Board's letter, No. 103, dated 17th April last, I am directed by the Board of Revenue to forward herewith copies of two supplementary statements of lands to be reserved in Assam, in the districts of Durrung and Nowgong.

2. The Nowgong statement before submitted was defective, insomuch as it excluded the waste tracts to be reserved in the Golahghat subdivision, amongst which is the Nambar Forest.

From Major *W. Agnew*, Officiating Commissioner of Assam, to the Secretary to the Board of Revenue, Lower Provinces (No. 51) ; dated 6 July 1863.

Mem. No. 56,
dated 17 April 1863.
Mem. No. 82,
dated 6 June 1863.

ADVERTING to the Board's memoranda, numbers, and dates as per margin, I have the honour to forward herewith a statement showing generally the lands which I am of opinion should be reserved in the Durrung District.

2. Owing to the forests in the Nowdoar waste lands not having been explored, it is impossible to define, at present, the boundaries of the tract; but this can be left for future adjustment by the Deputy Commissioner of the District, on the country in that vicinity becoming better known.

REGISTER of WASTE LANDS, the Property of Government, not available for GRANT under the Resolution of the Governor General in Council, dated 17th October 1861, and the Rules issued by the Board of Revenue, dated 14th October 1862, in the District of Nowgong, Assam Subdivision, Golahhat.

Number of Plot.	Pergunnah, Thannah, or other Subdivision.	Mouzah.	Boundaries of the Plot.	Area in Acres.	Reasons of Reservation.	Orders under which Reserved.	Remarks
1.	2.	3.	4.	5.	6.	7.	8.
No. 1. Forest south of Golahhat.	Mehal Morungee.	Sakalee -	East, Dayang River; West, Reugmah Naga Hills; North, Mr. R. Spear's Grant, and the Junction of Dayang and Dhunseeree Rivers; South, Deemapoor.	About 500 square miles, or 320,000 acres.	For posts, planks, &c. on account of Government.	Orders of Government.	
No. 2. On the Dhunseeree River.	Ditto	Kullianee -	East, Reugmah Nagah Hills; West, Kullianee River; North, Morkaotee; South, Meekir Hills.	3,000 - -	- ditto - -	By order of Commissioner of Revenue.	
No. 3. On the Kullianee River.	Ditto	- ditto -	East, Kullianee River; West, Bakah Khat; North, Noollee Gurse Grant; South, Harbesah Meekirs Mouzah.	3,000 - -	- ditto - -	- ditto.	

Camp Khoontai, 29 June 1863.

(signed) *J. Thornton*,
Extra Assistant Commissioner.

REGISTER of WASTE LANDS not available for GRANT in the District of *Durrung*.

Numbers of Plot.	Pergunnah, Thannah, or other Sub-division.	Mouzahs.	Boundaries of the Plot.	Area in Acres.	Reasons for Reservation.	Orders, under which Reserved.	Remarks.
1.	Dowar Khalling.	Thapereebaree, and Shekker.	North, Bhootan Hills; South, Road from Gurkullah to Beegbaree; East, boundary of Doar Bareegoma; West, Bur Nuddee.	Those portions of Mouzaha Thapereebaree and Shekker, situated in Dowar-Khalling, on which Saul timber grows.	Because the tract contains valuable timber, which is required for Government purposes.	Lieutenant Governor of Bengal's, No. , dated 30th August, 1863.	Some portions of the land within these boundaries, have no actual timber in them, and if any of these are applied for, there is no objection to their being granted.
2.	Chardowar	- -	North, Bhootan Hills; South, a straight line running from Monayegoan to Baleeparah, and in the Bhorobe River, as marked in the district map of Durrung; East, in the Bhorobe River; West, Dhunseeree River.	That portion of the Chardowar Forest, on which the Caoutchouc tree grows to any extent, as well as the portion of Saul Forest, which lies on the right bank of Bhorobe River, north of Baleeparah, and near the Suffala Hills.	Because this tract contains Caoutchouc-producing tree, as also Saul Forest.	- - -	Ditto - - ditto.
3.	Nowdoar	-	This Doar is entirely unexplored; and, therefore, no boundaries can be given.	Any part of Nowdoar, where valuable timber grows in any abundance.	-	-	-

Revenue Commissioner's Office, Assam, }
6 July 1863.

(signed) *W. Agnew*,
Officiating Commissioner of Revenue.

— No. 47. —

From *H. L. Dampier*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Junior Secretary to the Government of Bengal (No. 104); dated 14 April 1863.

I AM directed by the Board of Revenue to acknowledge the receipt of your letter, No. 1134, dated 19th March, calling attention to your office letter, No. 582, dated 28th March 1859, and particularly to paragraphs 30 and 31 of Mr. Young's letter to Mr. Allen.

2. The orders in question related to the lime quarries in the Cossyah and Jynteah Hills (paragraph 16), the coal mines (paragraphs 23 and 24), and waste lands (paragraphs 30 and 31).

3. The lime quarries have formed the subject of protracted correspondence, which has so recently been before Government, that it is unnecessary to advert further to the subject.

4. With regard to the coal mines no report relating to those at Cherra Poonjee has been received; but, as to those at Lakadong, it was reported that Mr. Moran declined to renew his lease, upon which tenders were invited, apparently without success, for no further report on the subject has been made to the Board.

5. The waste lands formed the subject of the correspondence noted in the margin; nothing can be done until these lands have been surveyed. The Board have had no previous intimation that a topographical survey was in contemplation. These arrangements have apparently been made in direct communication with the Surveyor-general. The Board think it very advisable that the survey and demarcation of the waste lands should be carried out simultaneously with the proposed topographical survey.

To Government,
dated 15 June 1860,
No. 328.
From Government,
dated 5th July 1860,
No. 1671.

6. Before calling for any further report from the local officers on the subject of these waste lands, or of the coal mines, the Board desire me to observe that by Government Order, No. 891A, dated 2d April 1862, this territory was excluded

cluded from their administration, and placed under a special jurisdiction. No orders reviving the Board's authority have since been communicated to them. They think it possible that the late instructions regarding the leasing of lime quarries, and similar matters, may have been addressed to them without advertence to these special arrangements which exist.

From the Honourable *A. Eden*, Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 2315); dated 12 June 1863.

I AM directed to acknowledge the receipt of your letter, No. 104, dated the 14th April last, and, with reference to the concluding paragraph, to state that the jurisdiction of the Board in the Cossyah and Jynteah Hills was only temporarily suspended under orders of 2d April 1862, No. 891A, when General St. G. D. Showers was appointed Commissioner under Act XI. of 1857; but when that officer's functions ceased, and the civil control of the Cossyah Hills was again placed in the hands of the Commissioner of Assam by orders of 1st July 1862, No. 15T (a copy of which is herewith forwarded), it was intended that the Board's authority should revive. The Lieutenant Governor now directs that the Board will resume their authority.

2. Regarding the lime quarries, I am to state that as the matter has lately been separately considered, and has formed the subject of special correspondence, no further orders seem at present to be necessary; but as to the leasing of the Cherra and Lakadong coal mines, the Board are requested to be good enough to obtain a report from the Commissioner of Assam, and submit it for the information of Government.

3. With reference to the fifth paragraph of your letter, I am to state that the organization of a regular party for the survey of waste lands in the Cossyah and Jynteah Hills during the season of 1860-61, advocated by Major Rowlett and supported by the Commissioner of Assam, having been deemed impracticable, owing to the surveyors being engaged on other pressing work, the question was renewed in July 1861, when Captain Hopkinson, the Commissioner, agreeing with the Deputy Commissioner in charge of the Hills, that an opportunity so favourable for obtaining the long-desired survey would not probably again occur, strongly recommended the measure, urging (at the instigation of Mr. Lane, Chief Civil Assistant, Great Trigonometrical Survey, Assam Longitudinal Series, who had already completed during the previous season the survey of an area of 1,000 square miles of the country, extending from Nungklow to the foot of the Hills at Terriah Ghaut), that in order to its completion a charge of only 1,300 rupees for contingent expenses, and the loan to the Great Trigonometrical Survey Party, then on the Hills, of an additional assistant were all that was necessary.

4. The Surveyor-general having been asked if he could "provide the man and the money," replied, saying, that as so large and important an undertaking as the proposed survey would require a properly organized and equipped party and as Mr. Lane's establishment was not provided with topographers, or means for such detail duties, no properly qualified hands could be detached for the duty. Mr. Lane's time, besides, the Surveyor-general observed, was fully employed in prosecuting the important and legitimate duty of triangulating the Eastern Provinces, which was originally assigned him. In respect to the second point it was stated that no provision for the estimated cost of the proposed survey was made in the budget of 1861-62, and that it could not possibly be met by the Survey Department, A rough, or preliminary and less expensive geographical sketch, however, of the territory commenced under the authority of Major J. T. Walker, Superintendent of the Great Trigonometrical Survey, was ordered to be completed without delay, and it was confidently hoped that this would answer all local purposes till a more systematic and minute topographical survey could be made.

5. The Governor General's agent, North East Frontier, was informed accordingly, and, in reply to the inquiry as to the sources from which the cost

cost of the rough sketch should be defrayed, it was proposed that, as the sketch was required for all purposes connected with the general administration of the country, political, fiscal, judicial, military, and police, the cost should be defrayed from "general revenue."

6. The long-delayed scheme was now further interrupted by the illness of Messrs. De Souza and Lane, the two only surveyors reported by Mr. Walker as capable of undertaking the task. The Governor General's agent was informed accordingly, and Colonel Thuillier requested to provide for the necessary expenditure in the next year's (1861-62) budget.

7. In April following, in consequence of the insurrection in the Jynteah Hills, survey operations there were out of the question. In November 1862, however, the Surveyor-general was again called upon to report as to the possibility of taking steps for a topographical survey of the spur of hill country lying between the valley of Assam on the north, and the districts of Mymensing, Sylhet, and Cachar on the south, and extending from the Garrow Hills on the west, to the boundary of North Cachar on the east; and, if arrangements could be made to state when the survey could be undertaken, how long it would occupy, and what would be its cost.

8. Colonel Thuillier having in view the difficulties to be experienced in the survey of a remarkably hilly tract of country was of opinion that, without a trigonometrical basis, and the formation of a party of surveyors and subordinates specially trained and competent to delineate difficult hilly ground, the work could not be undertaken. Further, that with the numerically weak establishment of topographers at his disposal, all more or less quite new to the work, owing to the formation of a new party for Rewah, a survey force of sufficient strength for operations on the hills in the ensuing cold weather could not be organised. But if help could be obtained from the Great Trigonometrical Survey Department by the loan of one of its leading officers, the Surveyor-general thought that the nucleus of a small establishment might be formed in the season of 1863-64, and the work carried forward in a systematic and efficient manner. To this end Major Walker, who had been addressed on the subject by the Surveyor-general, offered the services of Captain Austen, and an assistant from 1st October next, when, adopting the standard scale of one inch to the mile, as the only scale suited to revenue, engineering, and geological purposes, and approved by the Government of India, the Surveyor-general expressed a hope that the survey could be prosecuted at about 18 rupees per square mile, and completed within five years after gradual expansion to full strength.

9. The usual strength of a topographical party was estimated by the Surveyor-general at 61,414 rupees; but for the first season, with a new staff, when working up to full strength, was not considered practicable, and could only be gradually attained, both the permanent and contingent expenses would only amount to 31,707 rupees. The Government of India, in the Home Department, having been furnished with a copy of the above correspondence, was asked to include the amount (31,707 rupees) in the budget of 1863-64, and the survey strongly recommended. On the 6th ultimo, their attention was again drawn to the subject, and the importance of the survey emphatically urged.

10. Colonel Haughton, the Governor General's agent, North East Frontier, submitted, in his report in February last, on the recent rebellion in the Jynteah Hills, a proposal to the effect that as no map of the country exists, and its want has been a serious hindrance to military operations during the recent campaign, a topographical survey of it should be made, both with the view to the efficient carrying on of military operations hereafter, if need be, and to the settlement of Europeans in the country. He was, in reply, informed of the intention of the Government to have the territory surveyed.

11. In conclusion, I am desirous to request that the Board will arrange, in communication with the Surveyor-general and the Commissioner of Assam, for the demarcation and survey of the waste lands referred to in Mr. Allen's report, and in the details herein given. It is of much importance, his Honour observes, that the extent and situation of the waste lands actually belonging to Govern-

ment and available for sale, should be accurately determined with as little loss of time as possible.

12. A subsequent letter, No. 31, dated 22d ultimo, on the same subject, received from the Surveyor-general, is herewith forwarded.

— No. 48. —

From *E. H. Lushington*, Esq., Secretary to the Government of India, Financial Department, to the Secretary to the Government of Bengal (No. 2996); dated 7 July 1863.

IN reply to your letter, No. 2345, dated 9th June 1863, I am directed to state that the Honourable the President in Council is pleased to authorise the expenditure of 5,812 rupees (Five Thousand Eight Hundred and Twelve), for the Darjeeling Terai, and to sanction an additional grant for the amount, under B. I. 1, Land Revenue of the Bengal Budget for 1863-64.

2. Care will of course be taken to recover from the purchasers of the surveyed waste lands such part of the expenditure as may be chargeable to their several allotments, while the cost of the survey of occupied lands will be borne by Government.

(No. 2790).

COPY of the above forwarded to the Board of Revenue for information, and with a request that due attention may be given to the subject referred to in para. 2.

From *R. B. Chapman*, Esq., Junior Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 174); dated 15 June 1863.

WITH reference to the orders of Government, No. 2201, dated 30th ult., by which a survey and demarcation of boundaries is no longer required as an indispensable preliminary to the sale of waste lands in Assam, Cachar, and Sylhet, or the redemption or commutation of grants of land under old rules in those districts, I am directed by the Board of Revenue to submit, for the orders of Government, the accompanying copy of a letter from the Commissioner of the Nuddea Division, No. 690, dated 28th April, with its enclosure, to inquire whether the Board is at liberty to apply to the Soonderbunds, and generally to lands analagously situate, the principle now conceded in regard to the lands in Assam, Cachar, and Sylhet.

From *V. H. Schatch*, Esq., Commissioner of the Nuddea Division (No. 690); dated 28 April 1863.

Forwarded to the Board of Revenue, Lower Provinces, for information.

From *C. P. Caspersz*, Esq., Commissioner in the Soonderbunds, to the Commissioner of the Nuddea Division (No. 309); dated 22 April 1863.

I HAVE the honour to request the favour of your informing me, *first*, whether it is necessary to survey all grants made under existing rules, for the redemption of which the grantees may apply; and, *secondly*, if a survey is necessary, whether the amount of redemption or any part thereof calculated agreeably to the Board's circular, No. 63½, dated 23d December 1862, may be received by me, previous to completion of such survey.

2. I presume

2. I presume that in every case where we have a reliable survey, no second survey will be necessary; but in the event of a survey being required, it will make a difference in the amount of redemption to be paid by the grantee if it is paid after completion of the survey. I therefore solicit instructions on the subject.

3. I submit herewith, copy of a letter from one of the grantees of Lots 43, 129, and 130, which has rendered this reference necessary.

From *W. O'Brien Smith, Esq.*, one of the Grantees of Lots 43, 129, and 130, to *C. P. Caspersz, Esq.*, Commissioner in the Soonderbun.; dated 21 April 1863.

THE grantees of Soonderbun Lots, No. 43, 129, and 130, are desirous, pending their appeal to the Supreme Government, to deposit one-tenth of the amount required for the redemption of the land revenue of their lots, and will feel obliged by your informing them whether the money is to be tendered to yourself, as Commissioner of Soonderbuns. If so, they will deposit the money at once, and will also be prepared to pay the sum required for the survey of Lots 129 and 130 as soon as you inform them of the amount required for such purpose.

Requesting the favour of an early answer.

From *V. H. Schaleh, Esq.*, Commissioner of the Nuddea Division, to the Commissioner in the Soonderbuns (No. 301); dated 27 April 1863.

I HAVE the honour to observe, with reference to your letter, No. 309, of the 22nd inst., that when a grant, for the redemption of which the grantee may apply, has been already surveyed, and the boundaries have been definitely laid down, and not merely approximately given, there will be no necessity for any further survey.

2. With regard to your second query, I observe that the rules for redemption of grants of waste lands, contain no provision as to the time at which the redemption-money, or any portion of it, is to be deposited; but this could ordinarily be done after completion of the preliminary survey when necessary, and of inquiry whether the requisite quantity of land has been cleared, &c.; but there can be no objection to the parties applying for redemption, depositing the redemption-money, or any portion of it, with you in anticipation of the completion of these proceedings if more convenient to them; but it should be accepted with a distinct intimation to the parties that its receipt is for their convenience, and is in no way to be considered as tending to the finality of the redemption proceedings.

3. As bearing on this subject, I forward copies of the correspondence referred to in the margin,* from which you will perceive that the Government do not intend that the remarks regarding redemption, contained in their 6th paragraph, are to be held to dispense with further inquiry and report.

From *S. C. Bayley, Esq.*, Junior Secretary to the Government of Bengal, to the Junior Secretary to the Board of Revenue (No. 61 τ; dated on board the Yacht "Rotas," 27 July 1863.

I AM directed to acknowledge the receipt of your letter, No. 174, dated the 15th ult., and in reply to inform you that the Lieutenant Governor does not see any sufficient reason for extending to the Soonderbuns the relaxation of the rule which requires survey as an essential preliminary to the grant of waste lands.

— No. 49. —

From *R. B. Chapman, Esq.*, Officiating Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 304); dated 17 August 1863.

I AM directed by the Board of Revenue to submit herewith, for orders, extract, paragraphs 1 and 4 of a letter from the Superintendent of Darjeeling, dated 3d instant, No. 942, inquiring how the amount realised from commutation

* From Junior Secretary to Government of Bengal; to Commissioner, No. 1696, dated 24th April 1863. From Junior Secretary to Government of Bengal to Mr. Dicey and others, No. 934, dated 4th March 1863.

tion of leases, such as those sanctioned by Government Order, dated 2d December 1862, No. 3113, is to be treated in account.

2. The Board have, in their letter, No. 144, dated 13th May last, inquired how the sale proceeds of land in the territory originally ceded by the Sikhim Rajah, which have heretofore been carried to credit of the Location Fund, should be dealt with. The proceeds of commutation, it is presumed, will follow the same rule as sale proceeds.

3. Both sale and commutation proceeds of waste lands in the more recently acquired confiscated territory will, of course, under the rules, have to be credited to "Public Debt." Should it be decided that the proceeds of lands in the old territory shall be similarly accounted for, the interest of the money invested in Government securities might, perhaps, be made available for the Location Fund.

EXTRACT from a Letter from the Superintendent of Darjeeling, to the Secretary to the Board of Revenue; dated 3 August 1863.

* No. 3113.

Para. 1. I HAVE the honour to request the instructions of the Board, as to the disposal of the funds accruing from commutation of leases under orders of Government,* dated 2d December 1862.

2. The rents now commuted, have always been credited to the "Location Fund," as also the price of such leases as have been commuted under the old rules.

3. The question now arises with regard to the "Kodobaree Lands," held by the Kurseong and Darjeeling Tea and Coffee Company, for which a nominal rent of Rs. 6-8 per annum was paid.

4. Commutation at 10 rupees an acre is now sanctioned by Government.

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Secretary to the Government of India, Financial Department (No. 3393); dated 28 August 1863.

I AM directed to solicit your attention to the letter from this office, No. 2295, dated 5th of June last, and to beg that his Honor the President in Council may be moved to grant his early consideration to the question therein submitted, regarding the mode in which the sale proceeds of the waste lands of Darjeeling, in the territory originally ceded by the Sikhim Rajah, should be treated in account.

From *J. Geoghegan*, Esq., Under Secretary to the Government of Bengal, to the Officiating Secretary to the Board of Revenue (No. 3392); dated 28 August 1863.

WITH reference to your Letter, No. 304, dated the 17th instant, inquiring how the amount realised from commutation of leases at Darjeeling should be treated in account, I am directed to state that the Lieutenant Governor awaits the decision of the Government of India on the question previously submitted by the Board, regarding the sale proceeds of land in the territory originally ceded by the Sikhim Rajah. As the two cases are analagous, and as the ruling passed on the one will probably govern the other, the attention of the Government of India has this day been again drawn to the subject.

— No. 50. —

(No. 134).

From *W. Gordon Young*, Esq., Officiating Commissioner of Chittagong, to the Secretary to the Government of Bengal (No. 125); dated 5 October 1863.

WITH reference to the concluding sentence of your letter to Dr. Barry, which accompanied Endorsement No. 3687, dated 22d ultimo, I have the honor to request you will inform me whether the Government is bound to dispose of its waste unutilised lands in one way only, viz., by sale under the rules of August 1862; and whether, if it be not possible so to dispose of them, the lands must remain waste rather than be made productive in any other way. I do not imagine that it is intended to go as far as this, yet the words of your letter are calculated to raise doubts which I should be glad to have solved with reference to the large extent of waste and useless lands of different kinds in this division which I have to deal with.

2. I am myself not aware of any rule or pledge by which Government has precluded itself from turning its own property to the best account.

3. The Waste Land Rules at least seem to contain nothing of the kind. Moreover, they purport to apply to "Unassessed Waste Lands," leaving it to be inferred that there may also be assessed waste lands. Neither does Sir C. Wood's Despatch of July 1862 insist upon waste lands being either sold in fee simple or left waste for ever. On the contrary, paragraph 61 of that Despatch seems to imply that a "tenure with fixity of rent" is in many cases preferable to sale, and "forest" (such as abounds here) is in the same paragraph, especially referred to as a species of land to which the renting system is often more suitable than "purchase of the fee simple."

4. Where a piece of land has been applied for under the rules, I can understand that the Government may consider itself bound to sell it accordingly; but where no such application has been made, or is likely to be made, I do not suppose that Government intends to tie its own hands, or those of its servants, so far as to prohibit any other arrangement, however manifestly conducive to the public interests as well as to those of the parties immediately concerned.

5. For instance, in this division are many tracts of waste land of the kind frequently referred to in the Secretary of State's Despatch, such as Soonderbun and Delta Land, "sandy tracts," "salt inundated land," "wild uncultivated country," "localities inhabited by warlike and predatory clans," and so forth. In those cases where no one is likely to buy such tracts under the rules, it is the practice to grant them for terms of years, either rent free or on very easy terms, to any one who will clear and cultivate them. And this practice, as regards the Regulation Districts, is of course known to and sanctioned by the Board of Revenue. Only lately, in the case of an island, which the Collector had made many attempts to farm, but without success, owing to its being so infested with wild beasts and overgrown with dense jungle, that nobody could go near it, the Board ordered it to be entered in the Waste Land Register. This was done as a last resource and not as implying anything wrong in the attempts made to farm it. Indeed, I have no doubt that, although the Board have thus declared it to come under the designation of "waste land," they would be very glad to hear of any one having been got to clear and cultivate it on any terms.

6. So, also, in the case of an application received not long ago from a native for the settlement of certain "waste lands" (hills, marshes, &c.), in the jungly parts to the south-east of this district, I directed the Collector to give consideration to the petition, "with a view to determining in what way the khas lands referred to (or any portion of them) may most speedily and properly be brought under cultivation through the instrumentality of the petitioner or of other parties."

So, likewise, there are large tracts of forests away in the hills to the east. These are lands that no European (and still less any other person) is likely to

purchase under the rules; indeed, such purchases are rather deprecated by the Secretary of State in paragraph 5 of his Despatch.

8. The practice here is to encourage the native tribes to clear and cultivate this land, making us a small annual payment in return for the permission.

9. Now, it appears to me, that if a strict interpretation is to be given to the concluding words of your letter, the practice described in the last three paragraphs must be stopped, and the lands in question must be abandoned to wild beasts and malaria, until some one applies for them under the rules, *i.e.* possibly for ever. The consequence of this would be not only loss of revenue, but deterioration of the whole country, and, occasionally, riots and bloodshed on account of the relinquished lands, without, as far as I can see, any counter-vailing advantage.

10. What I trust, then, I may be allowed to do, is to get useless and waste land brought under cultivation as far as possible; where it can be sold under the rules to sell it; where it cannot, to lease it for a long or short period.

(No. 135.)

From *S. C. Bayley*, Esq., Junior Secretary to the Government of *Bengal* to the Officiating Commissioner of *Chittagong* (No. 4392); dated 24 November 1863.

WITH reference to your letter, No. 125, dated the 5th ultimo, requesting information as to whether the Government is bound to dispose of its waste, unutilised lands only by sale, under the rules of August 1862, and whether, if it be not possible so to dispose of them, the lands are to remain waste rather than be made productive in any other way, I am to remark that the rules in question prescribe that from the date of their promulgation no fresh applications for grants of waste land, under any previous rules, will be entertained.

2. This rule must be observed, but it does not prevent the Government from letting its waste lands on temporary and terminable leases which convey no proprietary right, and are not commutable.

3. Leases of Government waste lands on these conditions may be granted at the discretion of the Commissioner of the division in the same way as other Government lands are let in farm on the best terms procurable, provided that the area included in any one lease does not exceed 3,000 acres, and that the period of the lease does not exceed 30 years.

From *W. Gordon Young*, Esq., Commissioner of the *Chittagong* Division to the Secretary to the Government of *Bengal* (No. 148); dated 6 November 1863.

IN continuation of my letter, No. 125, dated 6th ultimo, I have the honour to state that there are two Native petitions now before the Collector, in which application has been made for the settlement (permanent or otherwise) of tracts of waste land. These petitions were first presented to the Board, and were by that authority, forwarded to me "for disposal," by which, I suppose, it was meant that the Board, at least, were aware of no objection to compliance with the requests. I trust that the Lieutenant Governor also sees nothing objectionable in my entertaining such applications; but until I receive an intimation to this effect, I am in doubt how to proceed.

— No. 51. —

From Messrs. *Gladstone, Wyllie, and Co.*, and others, Rangoon, to *A. P. Phayre*, Chief Commissioner of British Burmah; dated 19 March 1863.

WITH reference to your request at our interview of this morning that we should address you in writing regarding the grant, dated 16th March 1863, under the rules for the grant of Waste Lands, to Mr. Thomas Sutherland, of the land laying between the Poozendong and Pegu rivers, including the whole of the available river frontage on the former and a portion of that on the latter river, we have the honour to state—

1st. That the land in question comes under the designation of extra suburban allotments, and that, under the rules for the disposal of such land, it ought to have been sold in lots by public auction at a fixed upset price after due advertisement in the public papers (*vide* rules for the extra Suburban Allotments in Browne's Manual, edition of 1861, page 92.)

2d. That the land in question cannot come under the rules for the grant of Waste Lands, or Clause 4 of these rules (*vide* Browne's Manual, page 30.)

3d. That it is a manifest injustice to those who have bought from the Government (in terms of their published rules) and paid for the adjoining sites to grant free for 16 years and thereafter at a nominal rental, the land in question.

4th. That the effect of the grant to one individual of the whole remaining river frontage of the Poozendong Creek will be practically to shut out from the rice trade any new comers who may wish to enter it, and to prevent those at present engaged in it from extending their business, it having been found in practice that the rice trade has centred at Poozendong.

5th. That the grantee or his assigns is put in a position to enter the trade of this place in competition with us on more favourable terms than we were able to do, from his having got his land practically for nothing.

6th. That while the grantee applied for this land under the pretext of establishing thereon a model farm, and the Government on this representation were no doubt induced to grant it, we would, while denying *in toto* the right of the Government, under the existing rules, to make this grant, point out that you have taken no guarantees (by endorsement on the grant or otherwise) that the land will be applied to no other purpose, or that it will be applied to this purpose within a specific time; and that we know the land to be utterly unsuited (by reason of its being at certain seasons of the year submerged by the tide under salt water and from other causes,) for a model farm; and further, that we believe no considerable portion of it, if any, ever will be made into a model farm; on the contrary, we have reason to believe that all that portion of it which consists of river frontage will be used for carrying on business in competition with us.

Mr. Sutherland having himself stated to several parties, who are ready, if you desire it, to come forward to testify to the fact, that his intention is to use at least a great portion of this land for purposes in no way connected with a model farm, but appertaining to the general business of the place.

7th. While disclaiming any desire to injure Mr. Sutherland, we cannot but feel that a very grave injustice has been done to us in this matter, and we are confident it has only to be brought to your notice to be remedied by the cancelling of the grant.

8th. It is not for us to say in what way you may give to Mr. Sutherland an equivalent for the cancelling of the grant referred to; but we would point out to you that in the vicinity of Rangoon there are many sites available

which could be legally granted under the Waste Lands Rules, much better adapted for a model farm than the one in question; in fact, we know of no site so ill adapted for a model farm as the one under discussion.

9th. Regarding your statement of this morning, that you granted to Mr. Sutherland the enormous extent of river frontage you have done in consideration of his taking a considerable quantity of land at the back of this river frontage, which you thought you could not otherwise have disposed of to so much advantage, we would point out to you:

That the river frontage granted to Mr. Sutherland amounts to 7,210 feet, or equal to nine lots of 750 feet \times 750 feet, and one lot of 460 feet \times 750 feet, aggregating, in round numbers, 124 acres, which, at the Government upset price of 400 rupees per acre (*see* rules for the Suburban Allotments, page 92 of Browne's Manual), would have yielded to the Government a capital sum of 49,600 rupees, besides paying from the first the usual land assessment of three rupees per acre in addition to the other local and general taxes; and we venture to affirm that the whole of this land would have been taken up within the next five years at at least the Government upset price, and very probably more. This capital sum of 49,600 rupees, to which amount the Government would have been in pocket by the sale of the river frontage alone above referred to, would have produced, at the interest of five per cent. per annum an annual amount of 2,480 rupees.

The total measurement of the land granted to Mr. Sutherland is, in round numbers, 402 acres, inclusive of the above 124 acres of river frontage under the terms of his grant; this land will yield no revenue for 16 years; thereafter it will pay land assessment at the rate of eight rupees, and one rupee, and Rs. 1. 8. per acre for the succeeding four, four, and eight years respectively. During these 32 years the land will yield the following aggregate amount of revenue to the Government:—

For the first 16 years	- - - - -	free.	
For the succeeding four years	- - - - -	402 acres.	
Less deduction for water-courses, &c., one-fourth, say 100	„		
Taxable area	- - - - -	302	„ Rs.
	at 8 annas, Co.'s Rs. 151 per annum	=	604
For the next four years, at 1 rupee	„ 302	„	= 1,208
For the next eight years, at Rs. 1. 8.	„ 453	„	= 3,624
Total revenue to be derived during the next 32 years from the whole amount of land granted to Mr. Sutherland inclusive of the 124 acres of river frontage	- - - - -		<u>Rs. 5,436</u>

During the same period the river frontage alone of the above grant would have yielded to the Government the following revenue, in addition to their being in pocket to the amount of the capital sum of 49,600 rupees realised by its sale, allowing, as above, that the land remained unsold during the next five years (on an average):—

After that the capital sum realised by its sale, as above explained, would yield, at simple interest, 2,480 rupees, or during 27 years	- - - - -	Co.'s Rs.	66,960
Land assessment for 26 years, the first year being free (<i>see</i> page 93 of Browne's Manual), on 124 acres, at three rupees each = 372 rupees	- - - - -		9,672
Total revenue that would be derived by the Government during the next 32 years from the river frontage only in addition to the capital sum	- - - - -		<u>76,632</u>
Total revenue that would be derived by the Government from the 402 acres (in which are included the above 124 acres of river frontage) granted to Mr. Sutherland	- - - - -		5,436
Difference in favour of the revenue by disposing of even the river frontage only according to law	- - - - -		<u>71,196</u>
Besides the capital sum sum of	- - - - -	Co.'s Rs.	<u>49,600</u>

The foregoing statement is, we think, so clear as to render further remark on our part unnecessary, beyond pointing out to you that the amount we have calculated on as revenue to be paid during the next 32 years under the grant to Mr. Sutherland is based on the supposition that he will honestly carry out his avowed (to the Government) purpose of making the whole of the land into a model farm; but the possibility must be contemplated on the river frontage becoming separated from the land behind it, and passing (by sale from Mr. Sutherland or his assigns, or otherwise) into the hands of parties who will use it for the purpose of carrying on a rice business, and of the interior portions of the land being abandoned, and thus yielding no revenue to the Government, there being in the terms under which the land had been granted to Mr. Sutherland no condition to prevent his disposing of the river frontage or any other portion of the land to parties who, having acquired it by the *bonâ fide* payment of a valuable consideration to Mr. Sutherland, their right to use it for any purpose could not be disturbed.

10. We trust it will suit your convenience to favour us with an early reply to this address.

(No. 198.)

FORWARDED to the Chief Commissioner of British Burmah for report.

By order, &c.

(signed) *C. U. Aitchison,*
Under Secretary to Government of India,
with the Governor General.

Simla, 15 August 1863.

From Lieutenant-Colonel *A. P. Phayre*, c. B., Chief Commissioner of British Burmah, and Agent to Governor General, to Colonel *H. M. Durand*, c. B., Secretary to Government of India, Foreign Department, Governor General's Head Quarters, *viâ* Calcutta (No. 263-4044); dated Rangoon, 2 October 1863.

I HAVE the honour to acknowledge the receipt of Docket, No. 198, dated the 15th August last, from Mr. Under Secretary *C. U. Aitchison*, forwarding, in original, for report, a letter to my address, dated the 19th March 1863, from Messrs. Gladstone, Wyllie, & Co., of Rangoon, and other gentlemen, referring to a grant of land made by my authority to Mr. Thomas Sutherland, a gentleman residing at Rangoon.

2. The grant in question was made to Mr. Sutherland on the 16th of March 1863. Although the land is situated within the boundaries called "extra suburban lots," which ordinarily are put up to auction, yet the land now in question can, under Rules III. and IV. of Rules passed in March 1861, by the Governor General in Council, be granted, as a special case, on special terms. The rules referred to are quoted in the margin for ready reference.*

3. The special case in this instance was, that Mr. Sutherland, a gentleman of great energy and scientific attainments, offered to take a grant of the land in question for the purpose of forming a model farm: he required the river frontage to erect machinery and enable him thereby to turn the rest of the land, that situated away from the river bank, to account; for it was a mere swamp

* Rule 3. No grant for agricultural purposes is to be made under these rules of a greater extent than ten thousand (10,000) acres, or within a distance of four miles from the nearest part of the boundary of the jurisdiction of the town magistrates of Rangoon and Dalhousie, and from the court-houses of the Deputy Commissioners of other districts. Within the above limits it shall be competent for the Deputy Commissioners, with the sanction of the Commissioner, to give grants of not less than five (5) acres, and not more than one hundred (100) acres, upon such conditions as, with reference to the nature and situation of the land applied for, may be specially fixed and determined.

Rule 4. Provided that, should it appear there is anywhere an isolated patch of waste land of smaller extent than is above noted, and which, from particular circumstances, it may be desirable to have redeemed, the local authorities may, at their discretion, give a grant of the same.

swamp covered with water at every flood tide, and of such a nature that, without the river frontage, it could not properly be turned to any use.

4. The land, then, was granted to Mr. Sutherland on the conditions that he was to establish there a model farm; on this the gentlemen who have signed the letter in question remonstrated against the terms on which the land had been granted; the gist of their remonstrance was that Mr. Sutherland had acquired his land on more favourable terms than they had acquired theirs in the immediate vicinity. I ascertained, however, that the majority of the gentlemen had no objection to offer, provided Mr. Sutherland was strictly kept to his plan of a model farm.

5. On further consideration of the grant made I was of opinion that the terms and conditions for establishing a model farm had not been expressed with sufficient clearness and strictness, and I intimated to Mr. Sutherland that I wished the terms to be re-drawn. That gentleman at once acceded, and a new grant was drawn out; I beg to submit a copy thereof, dated the 24th of June 1863.

6. I also beg to submit copy of a letter, No. 2117, dated the 4th of June, which I caused to be addressed to the gentlemen who wrote to me the letter of the 19th of March; in that letter I explained the course I had taken. I have every reason to believe that this final arrangement made was satisfactory to every one except to one firm.

7. In conclusion, I beg to assure his Excellency the Viceroy and Governor General, that, in making this grant, I was actuated solely with the desire of benefiting the Province by exhibiting to the people a model farm, such as a gentleman like Mr. Sutherland can form, and growing cotton and other produce brought to a high degree of perfection; that the grant was made strictly according to published rules; and that the first oversight of my having omitted to bind down Mr. Sutherland strictly to the formation of a model farm having been subsequently rectified, the majority of the gentlemen who remonstrated have expressed themselves as satisfied with the arrangement made.

8. I beg to return the original letter received with the docket under reply.

AGREEMENT FOR A GRANT OF WASTE LAND.

Whereas Thomas Sutherland of Rangoon, in the Province of Pegu, in British Burmah, merchant, hath applied to Her Majesty's Government to grant him four lots or grants of waste land for the purpose of a model farm only (including the introduction of machinery), measuring each one hundred acres or thereabouts, situated near the village of Kezoo, circle of Kyouk Kyoung, township of Daubong, for the purpose of establishing a model farm thereon, which Her Majesty's Government have consented to do for the purpose of a model farm, including the introduction of machinery, as aforesaid, on him, the said Thomas Sutherland, entering into and executing these presents. Now these presents witness, that, in pursuance of the said agreement, and in consideration of such grant of waste land as aforesaid, he, the said Thomas Sutherland, doth hereby covenant and bind himself with and to Her Majesty's Government in manner and form following, that is to say:—

I. That he will use, occupy, and apply the said land to and for the purpose and objects of a model farm only, including the introduction and erection of such machinery as may be required, and will clear from time to time such portions of the said lots as he can bring under crop, and to sow the same with cotton, indigo, tobacco, rice, and the like, in such a manner as to carry out faithfully a model farm on the said land.

II. That the said model farm shall be established by the said Thomas Sutherland within eight years from the date hereof.

III. That, if the said farm is not established within the said term of eight years, an application shall be made by the said Thomas Sutherland to the Deputy Commissioner of Rangoon for the time being for an extension of time not exceeding eight years.

IV. That, if, on the expiration of the second term of eight years, the said model farm shall not be completed to the satisfaction of the Deputy Commissioner of Rangoon for the time

time being, Her Majesty's Government may resume the said land hereinafter more particularly described, and intended to be converted into a model farm by the said Thomas Sutherland.

5. That, should the said Thomas Sutherland use the said land or any part thereof for any other purpose than that of a model farm as aforesaid, and introducing and erecting such machinery as he, the said Thomas Sutherland, may from time to time require for the purpose of a model farm as aforesaid, the same shall become *ipso facto* liable to be treated as an extra suburban allotment of land, and shall be liable to be purchased by the said Thomas Sutherland at the Government upset price only, which the said Thomas Sutherland for himself, his heirs, successors, and assigns, hereby covenants with Her Majesty's Government to pay for the same, provided always that no more than two 1st class allotments, that is to say, one 1st class lot marked A., situated generally as per plan annexed, and measuring not more than 250 yards of river or creek frontage, with 250 yards in depth; and in like manner another 1st class lot marked B., situated generally as per plan annexed, and measuring not more than 250 yards of river or creek frontage, with 250 yards in depth. The said two lots, A. and B., to be carefully measured and specially marked by iron-wood posts by the Deputy Commissioner of Rangoon, in communication with the said Thomas Sutherland, in all December next; and for such allotments only, he, the said Thomas Sutherland, on payment in full for the same at the Government upset price of 400 rupees per acre having been first made, shall be entitled to receive from the Deputy Commissioner of Rangoon a grant of the same as usual.

6. That the said Thomas Sutherland, using the said land and every part thereof for the purpose of a model farm, except such as may be purchased at the upset price under clause five as above, will at all times, during the whole term for which the same shall be held by him, conform to the conditions prescribed in certain rules for the granting of waste land in the province of Pegu, sanctioned by the Government of India, under date the 6th March 1861; and the said land, except the two allotments provided for in clause five of this indenture, shall, if the model farm be completed within the term mentioned in clause four, be reckoned as belonging to class three of rule one, and be treated accordingly, and for the true and faithful performance of which said conditions he, the said Thomas Sutherland, binds himself, his heirs and assigns firmly by these presents.

7. That, should the said Thomas Sutherland fail to perform all and every the said conditions prescribed in the said rules, except as is herein otherwise set forth, the Deputy Commissioner of Rangoon, or other officer duly empowered in that behalf for Her Majesty's Government of India, shall be entitled to cancel the said grant of one, or more, or all of the said portions of land, subject to confirmation by the Commissioner of Pegu and Chief Commissioner of British Burmah, and to resume the said land or such part thereof as shall not have been purchased under clause five of this indenture by the said Thomas Sutherland.

8. That, further, the said Thomas Sutherland, doth hereby for himself, his heirs, executors, administrators, and assigns, covenant to observe and abide by the General Revenue rules of the province or division of Pegu which now are, or hereafter shall be, in force.

9. That, in all matters and things in reference to the occupancy of the said land and its proper use by the said Thomas Sutherland, and all questions which may arise as to the due and proper performance of all or any of the terms of these presents, the decision of the Deputy Commissioner of Rangoon for the time being shall, subject to appeal to, and revision by, the Commissioner of Pegu, and of special appeal to, and revision by, the Chief Commissioner of British Burmah, be final and conclusive, and shall be acquiesced in by the said Thomas Sutherland, his heirs, or assigns.

10. And these presents further witness:—

That Her Majesty's Government do hereby grant unto the said Thomas Sutherland, his heirs, or assigns, for the term of 32 years from the date hereof, as a grant of waste land of class three, according to the rules for granting waste land in the province of Pegu, sanctioned by the Government of India, under date the 6th March 1861, the said four portions of waste land, measuring each 100 acres or thereabouts, situated near the village of Kezoo, circle of Kyouk Kyoung, of Daubong, for the purpose of establishing a model farm thereon, including the introduction of machinery as from time to time be required, and for no other purpose, but subject to the provisions of Article five as to the sale of such portions thereof by Her Majesty's Government to the said Thomas Sutherland, should the same be used by him for purposes other than those of a model farm, and subject to the true and faithful performance by the said Thomas Sutherland of all and every the stipulations, conditions, and agreements herein contained on his behalf, to be observed and performed; the said land being bounded and numbered as follows:—That is to say, lot No. 1, bounded on the north by paddy land, measuring from I. to J. 800 feet, from J. to K. 330 feet, from K. to L. 260 feet, from L. to M. 370 feet, from M. to N. 910 feet, from N. to O. 540 feet, from O. to P. 580 feet; on the east by lot No. 2, measuring from P. to I. 980 feet, from I. to H. 360 feet, from H. to G. 750 feet; on the south by Puzoondoung River, measuring 3,940 or thereabouts; on the west by Government land, measuring 1,180 feet, containing 100 acres or thereabouts, and situated generally as per plan annexed. Lot No. 2, bounded on the north by lot No. 4, measuring 1,300 feet; on the east by lot No. 3, 100 feet road and Pegu River, measuring from A. to B. 1,340 feet,

from B. to C. 820 feet, from C. to D. 850 feet, from D. to E. 550 feet; on the south by timber-bonding station and Pegu River, measuring from E. to F. 200 feet, from F. to B. 200 feet, from B. to G. 1,340 feet, or thereabouts; on the west by lot No. 1 and paddy land, measuring from G. to H. 750 feet, from H. to I. 360 feet, from I to P. 980 feet, from P. to Q. 680 feet, from Q, to R. 970 feet, containing 100 acres or thereabouts, and situated generally as per plan annexed. Lot No. 3, bounded on the north-east by Government land, measuring on that side from 1 to 2, 1,390 feet, from 3 to G. 990 feet; on the south-east by Pegu River and 100 feet road, measuring from G. to D. 1,380, from D. to 4, 750 feet, from 5 to B. 2,504 feet; on the south-west by lot No. 2, measuring 1,340 feet, and the north-west by lot No. 4, measuring 2,170 feet, containing acres 100 or thereabouts, and situated generally as per plan annexed. Lot No. 4, bounded on the north-east by Government land, measuring 2,540 feet; on the south-east by lot No. 3, measuring 2,170 feet; on the south-west by lot No. 2, measuring 1,300 feet; on the west by paddy land, measuring from R. to S. 980 feet, from S. to T. 980 feet, from T. to U. 420 feet, containing 100 acres or thereabout, and situated generally as per plan annexed.

In witness whereof the said parties to these presents have hereunto set their hands and seals, at Rangoon aforesaid, this 24th day of June in the year of our Lord 1863.

Signed, sealed, and delivered in the presence of

(signed)

Armoogum Moodelliar.

C. Vencatachellum Moodelliar.

G. Faithful,

Deputy Commissioner.

Thomas Sutherland.

From Captain *H. Nelson Davies*, Secretary to Chief Commissioner of British Burmah and Agent to Governor General, to Messrs. *Gladstone, Wyllie, and Co.*, Messrs. *Todd, Findlay, and Co.*, and other gentlemen, Rangoon (No. 2,117); dated 4 June 1863.

I HAVE the honour, by direction of the Chief Commissioner of British Burmah, to acknowledge the receipt of your letter, dated the 19th March last, complaining that your interests as land owners, holding land on the Puzoondoung Creek, in the neighbourhood of Rangoon, had suffered from a grant of land on that creek having been made to Mr. Thomas Sutherland.

2. The Chief Commissioner desires me to express his regret at the delay which has occurred in replying to your letter, and which has arisen, first, from his own absence on duty at Moulmain; and second, from his desire to settle the question in a manner satisfactory both to the gentlemen who addressed him and to Mr. Sutherland: he trusts that the result will show that the interests of the public, as well as those of both parties, in the present case, have not suffered from the delay.

3. Before proceeding to state the terms of the grant made to Mr. Sutherland, the Chief Commissioner desires it may be understood that there was nothing contrary to published rules in making the grant in question. The land is situated beyond the limits of the town and suburban lands; it is within what is called the limit of "extra suburban lots," and though there are rules for the sale by auction of such lots, yet there are also rules for the grant of waste land (the latest edition of which is dated the 6th March 1861); and under rule III. of those rules the power to make grants within the space called "Extra suburban" is expressly reserved: it was by virtue of that rule that the grant was made to Mr. Sutherland, and he received the grant according to the terms laid down in the said rules.

4. But, although such is the case, and the local authorities can at their discretion make such a grant, the Chief Commissioner admits that the landowners on the Puzoondoung Creek had good cause for remonstrating against any one receiving land immediately adjoining theirs, and for the same objects, on terms more favourable than they themselves had received their land from Government. The object of the grant made to Mr. Sutherland was to encourage him in, and enable him to carry out, his avowed undertaking, that is, the formation of a model farm. The greater portion of the land granted was useless unless the river frontage was included, and, it may be added, useless to any man for any purpose who had not the energy and scientific skill of Mr. Sutherland, whereby it might be turned to account. Under these circumstances, the grant was made under the rules quoted; but although the application made by Mr. Sutherland showed clearly his plans, the grant itself did not sufficiently express the obligation he was under to establish a model farm. On this being pointed out to the grantee, that gentleman in the most honourable manner at once agreed to accept a new grant, in which his obligations and duties, as well as his privileges, should be clearly set forth.

5. This has now been carefully done in a document drawn up by the Government Pleader, Mr. Donald Macleod, and the Chief Commissioner feels assured it is of a nature to give satisfaction to both parties. The grant is made expressly on the terms that a model farm shall be formed, Mr. Sutherland being allowed the option of purchasing to the extent of two lots under the extra suburban rules, in case doubts are entertained of the applicability

applicability of his machinery to the legitimate purposes of a farm. The documents are now all ready for signature,

6. It is generally admitted to be a great *desideratum* that the people of this country should be instructed in agriculture, and learn some better methods than those practised in their own rude tillage. The Chief Commissioner is persuaded that there could not be a more efficient means for accomplishing this desirable object, than in exhibiting to them the method of tilling the ground followed by a British farmer, and the results as shown in the superiority of their produce so obtained over that raised from their own rude and slovenly tillage. It is more especially desirable that the improvement which can be effected in cotton should thus be demonstrated, for the Chief Commissioner feels assured that, as far as soil and climate are concerned, that staple can nowhere be produced in greater perfection than in British Burmah; but the labour question, and the greater profits to be derived from other crops, at present preclude the hope of cotton cultivation being generally undertaken. Should it, however, be made evident that a superior description of cotton can be raised in this neighbourhood, one-half the difficulty will have been removed, and a strong motive for overcoming the other, that is, the want of labour, will have been supplied. The Chief Commissioner feels assured that Mr. Sutherland is, from his energy, skill, and scientific attainments as a civil engineer, eminently well calculated to succeed in the objects in view, and he trusts that the gentlemen he addresses will recognise in the plan for establishing a model farm on the land in question a great public benefit, and no detriment to their interests.

From *C. U. Aitchison*, Esq., Under Secretary to Government of India, Foreign Department, with the Governor General, to Messrs. *Gladstone, Wyllie, & Co.*, Rangoon. (No. 284); dated Camp, Meean Meer, 5 November 1863.

WITH reference to your letter to the Chief Commissioner of British Burmah, dated 19th March, respecting a grant of land made by his authority to Mr. Thomas Sutherland, I am directed to inform you that, for the reasons which Colonel Phayre has given in his letter to your address, No. 2117, dated 4th June, his Excellency the Viceroy and Governor General is not disposed to question the propriety of the grant.

— No. 52. —

(No. 154.)

From Lieutenant Colonel *J. C. Haughton*, officiating Commissioner of Assam, to the Secretary to the Government of Bengal; dated 24 October 1863.

I HAVE just perused in the "Englishman" newspaper the Rules for the Sale of Waste Lands, published by order of the Board of Revenue, under date 13th instant.

2. With reference to the provisions contained in Rule 20, that no sale of waste lands once made by the collector in conformity with the rules will be disturbed by higher executive authority, it appears to me desirable that some further precaution should be taken regarding the disposal of lands on the frontiers of the Province of Assam, as without such, though the whole of the rules should be complied with, Government might at any time be embroiled with the native tribes, and the cause might long be concealed.

3. I believe that the greater portion of the disagreements we have had with the wild tribes on the north-east frontier have arisen out of a real or imagined trespass on what they considered to be their own country.

4. Recently, in reply to an inquiry made by General Jenkins, as to why tea planters had not cultivated the hill slopes downwards, thus giving themselves the benefit of a residence in a cool climate, he observes, among other things:— "Although the Meekirs only cultivate small localities now and then, yet they consider the whole hills as belonging to themselves. They habitually only cultivate the same plot of lands for two or three years at furthest, and then they remove to a completely fresh forest, and every Meekir considers all the lands within certain boundaries, mostly hill streams, to belong to themselves, as they require all that immensity of land for their peculiar mode of cultivation, and they are always ready to oppose any intruders within their boundaries; and although they might raise no objection to giving up small patches of land, for a consideration, to individuals or small parties, they would undoubtedly resist the giving away large tracts of their land by Government to large companies."

5. An individual seeing a large tract of waste land in the proximity of his tea plantation, if in want of it, would naturally apply for it to the nearest collector, and in the case of the Abors, Nagas, Meekirs, and others, most probably the land would be sold without their being aware of the fact. It is almost certain that many of the wild tribes would not come in to complain, even if aware of the fact, but would simply take the first opportunity of butchering the intruder, if he refused to comply with any demand they might make.

6. Recently the following case came under my notice. There is a timber mehal on the borders of Kamroop, and another adjoining it on the borders of the petty state of Jyrung, in the Cossyall hills. Both are leased out by Government; the former solely on Government account, and the latter on account of the Rajah and the Government, under an agreement that Government should manage it, and divide the proceeds with the Rajah, in order to put an end to disputes of frequent occurrence.

7. In August 1861 the Rajah complained to the Deputy Commissioner at Cherra that a Mr. Bainbridge had applied to the Deputy Commissioner, Kamroop, for a grant of two hills within his boundary, forming part of his timber mehal, and that the Deputy Commissioner had entertained the application, notwithstanding his objections, had caused the land to be surveyed, and had recommended a grant of it to be given. Captain Lloyd, the Deputy Commissioner of Kamroop, paid no attention to the remonstrances of the Deputy Commissioner in the hills, and an appeal was preferred to the Commissioner. This, in consequence of the rebellion in the hills, transfer of jurisdiction to Brigadier General Showers, and subsequent changes, remained pending till lately. In the meantime, Captain Lloyd, in reply to the inquiry of the Officiating Commissioner, denied that he had granted any land in Jyrung, but did not disclose the real state of the case. The land, it appears, would have passed to Mr. Bainbridge but for the refusal of the Board of Revenue to part with any portion of the Kamroop timber mehal, to which he said it belonged. It has since been established to my satisfaction that the land really does belong to Jyrung, and that the former Deputy Commissioner of Kamroop so decreed; and further, Mr. Bainbridge himself brought to Captain Lloyd's notice that the decision had been confirmed by the former Commissioner General Jenkins.

8. There can, I think, be no doubt that sale of any land by a collector beyond his jurisdiction is null and void. I would therefore recommend that the Deputy Commissioner in Assam and the public be informed that any sales of land made by a collector beyond the limits of his district, as shown in existing Revenue Survey maps, is null and void, and may be set aside by the Commissioner or Governor General's Agent, Rule 20 notwithstanding.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4398); dated 24 November 1863.

I AM directed to forward the accompanying copy of a letter from the officiating Commissioner of Assam of the 24th ult., with a view to the issue by the Board of a supplementary order to the effect proposed by Colonel Haughton, and for such notice of the proceedings of Captain Lloyd, the Deputy Commissioner of Kamroop, as may be required.

2. All district officers, especially those in the north-east frontier, should be strongly cautioned against entertaining applications for land beyond the limits of their districts.

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Junior Secretary to the Government of Bengal (No. 428); dated 8 December, 1863.

IN reply to your No. 4398, dated 24th ult., I am directed to submit a copy of a circular order issued by the Board of Revenue as a precaution against district officers acting under the Waste Land Rules without jurisdiction.

2. The Board have been informed that Captain Lloyd has left the province of Assam, probably not to return to it, and they are therefore unable to obtain any explanation from him of the conduct so justly animadverted upon by Lieutenant Colonel Haughton.

3. The Board see in this correspondence further reason to doubt the wisdom of making grants and selling lands before completing all the formal preliminaries.

CIRCULAR ORDER of the Board of Revenue, Lower Provinces, to all Commissioners and District Revenue Officers (No. 77) ; dated 8 December 1863.

UNDER instructions from the Government of Bengal, the Board of Revenue are pleased to direct the following additions to Rules 4 and 20 of the Rules for the Sale of Unassessed Waste Lands in the Lower Provinces of Bengal, and for the redemption of the revenue of such lands already granted for a term of years:—

Addition to Rule 4 at the end:

“A collector can only receive applications under these rules for lands situate within the limits of his district, as shown in the Revenue Survey map of the district, when such a map is in existence, or, where the district has not been surveyed, as defined by Act VI. of 1853. A collector has no jurisdiction of any kind, under these Rules, over any lands lying beyond the limits of his district, thus defined; and any proceedings taken by him in respect of lands so situate are null and void, and shall be immediately and at any time set aside by the Commissioner, with or without appeal, anything contained in Rule 20 notwithstanding.”

Addition to Rule 20:

After “made by a collector in conformity with these rules,” insert “within the limits of his district, as defined in Rule 4.”

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4810) ; dated 21 December 1863.

I AM directed to acknowledge the receipt of your letter No. 428, dated the 8th instant, and in reply to inform you that the Lieutenant Governor approves of the Circular Order issued by the Board, “as a precaution against district officers acting under the Waste Land Rules without jurisdiction.”

— No. 53. —

From *W. Gordon Young*, Esq., Commissioner of the Chittagong Division, to the Secretary to the Government of Bengal (No. 219) ; dated 14 November 1863.

IN continuation of my letter No. 392,* dated 26th November 1862, I have the honour to submit herewith a tabular statement of waste lands available for grants for tea and other cultivation in the unsurveyed part of the Chittagong District.

* See Gazette Supplement, 20 Dec. 1862.

2. The statement which accompanied my letter abovementioned comprised only surveyed lands; and as the plots were made up of numbers of detached blocks, and the area and other information were derived from the old survey records of this district, it was not calculated to convey very reliable information as to the kind of land for which planters are looking out; and in fact, unless followed and supplemented by the publication of the statement now sent, it is likely rather to mislead inquirers than to convey a correct idea of the capabilities of the district.

3. The present statement has been prepared from the latest sources of information, and it contains only compact blocks, that are easily identifiable by means of the published maps, and that can be without much difficulty subdivided into smaller blocks or grants. I trust, therefore, that the Lieutenant Governor will be pleased to order its early publication in the “Gazette” Supplement, in like manner as the former and less serviceable statement was published in December last.

STATEMENT of Unsurveyed Waste Lands available in the District of Chittagong.

Names of Thanaas.	Number of Lots.	SITUATION.	Area of Land in Acres.	Distance from the Sadder Station, and Means of Communication.	REMARKS.
Zorwargunge	1	South of Fenny River, north-east of Zorwargunge, north-west of Bundermara Sirra, and south-west of Ramghur.	About 51,000	About 42 miles; excellent communication by land or water.	This includes some patches of land occupied, for cotton and other cultivation, by Joomeahs and other squatters without right to the soil. The soil is believed to be adapted for the cultivation of tea and coffee as well as cotton, and is said to be sandy; and the lots are said to contain quantities of serviceable timber, such as jarrul, kurroi, and garjum trees.
	2	South of the above plot, north of Seetakoond Peak, bounded on the east and west by the plains.	" 41,200	Average distance 32 miles; excellent communication by land or water.	
	3	South of the above plot, north of Burrakoomaree Dalla, and bounded on the east and west by the plains.	" 22,000	Average distance 20 miles; communication as above.	
Bhatteary	4	South of Burrakoomaree Dalla, north-east of Latubpore, and west of Thannah Raojan.	" 25,000	Average 10 miles; communication as above.	There is said to be little or no cultivation in this lot, but quantities of serviceable timber, as quoted above. The soil is sandy and of a slightly reddish colour.
Raojan	5	North of Kurnofooly River, east of Plains of Raojan, and west of Plains Rangoneah Pharee, and south of a line drawn between the villages of Nulloah and Thannah Hat Hazaree and Burmserra, in Pharee Rangoneah.	" 20,480	About 15 miles; communication chiefly by water.	
Putteah	6	South of Kurnofooly River, east of the Plains of Putteah, west of Rangoneah, north of a line drawn between Putteah Police Thannah and the village of Doodpookerea, in Pharee Rangoneah.	" 15,360	About 16 miles; communication chiefly by water.	Cotton and dhan abound in these lots, and there is but little timber; the soil is good, with little sand in it.
	7	East of Putteah, north and west of Dolachenee, and south of Lot No. 6.	" 23,040	About 18 miles; communication chiefly by water.	
Satkaneah	8	East of Juldee Police Pharee, west of Ahnuggur Pagullee, &c., and north of Chukkureah, and south of villages of Natmooree and Dokooreah.	" 46,080	About 27 miles; communication chiefly by water.	Abound in quantities of serviceable timber, with a few squatters, and a little cotton near Rajabaree. These lots are more especially famous for the jargum trees; the greater part is good earth without sand.
Chukereah	9	East of Government Road from Chittagong to Ookeah Ghât, and north of Mumooree River, south-west of Dullo River.	" 61,440	About 40 miles; communication by water or land.	
Ramoo	10	East and south of Government Road from Chittagong to Ookeah Ghât, north-west of Edghur, north of villages Gurjullea and Banontea.	" 9,000	About 60 miles; communication by land and water.	Abound in jargum trees and other good timber. There is little or no cotton or dhan grown. The soil is a mixture of sand and clay, called dorooosa, and is of a red colour.
	11	East of Government Road from Chittagong to Ookeah Ghât, south-west of Edghur, north-west of Kassepeah.	" 23,040	60 miles; communication as above.	
	12	South of Cox's Bazar Road and villages Chamdacherru and Rajakoo, north of Rajoo River, west of the Government Road between Chittagong and the Dâk Bungalow at the mouth of the River Rajoo, and east of the sea (Bay of Bengal), and west of Koomeapabuz.	" 82,000	70 miles; communication as above.	

STATEMENT showing roughly defined Lots of Waste Land available in the Chittagong District.

EACH lot cannot of itself be purchased or otherwise taken free of incumbrance, as exceeding the limit allowed by Government; but they contain some valuable blocks of hill and other land which would be so purchased, and which would be available for tea, coffee, and cotton cultivation. The lots can be identified by reference to the map of the district, surveyed by Lieutenant Siddons, which is obtainable in the Surveyor General's Office.

Forwarded to Commissioner of Chittagong, with reference to his letter No. 204, dated 30th October 1863.

Chittagong Collectorate,
7 November 1863.

(signed) *F. G. Millett,*
Officiating Collector.

THE areas above given have been very roughly estimated by the Collector from the maps. Their extent has been, I think, in most cases overestimated; but this is, perhaps, of no great importance, as in the event of grants being applied for they will be surveyed in detail.

This statement does not, of course, include any fact of what is termed the hill tracts beyond the limits to zillah Chittagong.

(signed) *W. Gordon Young,*
Commissioner.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4,467); dated 30 November 1863.

I AM directed to forward, for the issue of such instructions as the Board may think necessary, the accompanying copies of two reports* furnished direct to this office by the Commissioner of Chittagong, regarding the waste land available in his district for tea and other cultivation.

* No. 392, dated
26 November 1862,
with enclosure.

No. 279, dated
14 November 1863,
with enclosure.

— No. 54. —

MEMORIAL of *Paterson Saunders* (Senior), of Mahomdee, Oude, to the Honourable *Cecil Beadon*, C. B., Lieutenant Governor of Bengal; dated 21 September 1863.

THAT your memorialist, on the publication of the late Governor General in Council's Resolution of the 17th October 1861, regarding the sale of waste lands, engaged the services of an experienced tea-planter, and sent him to Assam, for the purpose of searching for lands and purchasing them on the terms of the said Resolution.

That Mr. John Stephen, his agent, after much time, expense, and labour, did succeed in selecting some lands, and went through all the formalities prescribed by the law, such as payment of surveys, &c.

That his agent, on the 27th October 1862, applied for two pieces of land in the Nowgong District, named Mirraghor and Bablakoosee, of about 600 and 700 acres respectively, before the publication of the new Bengal Rules in that district.

That his agent found some difficulty in obtaining possession from the Deputy Commissioner of Nowgong, in consequence of the publication of the new Bengal Rules, and petitioned the Board of Revenue on the subject. That subsequently, on the 28th June 1863, on consideration of the whole circumstances, the Deputy Commissioner gave possession of the lands to his agent as under the old rules.

That on the 22d August 1863, the Officiating Deputy Commissioner of Nowgong sent his agent a copy of a letter from the Board of Revenue, dated 5th August 1863, disallowing him to obtain such possession; and the Deputy Commissioner demands back the letter of permission granted to him in June to take possession of the land.

Under such circumstances, your memorialist knows no better course than to appeal to your Honor to confirm the act of the first Deputy Commissioner of

Nowgong. Your memorialist cannot believe that after the time, labour, and expense undergone to obtain such lands, the applicant shall lose it for the difference of a few days in date, when such date was unknown and unpromulgated in the district. It is true that the Resolution did not authorise persons to apply for lands, but neither did it abrogate the old rules under which persons were invited to apply for such lands. And your memorialist relies on the justice that characterises all the acts of your Honor, and the special declaration that where an applicant was led to expect, by the act of a collector, that his application would be complied with (in your memorialist's case two months' possession) he is not to be disappointed, and trusts that your Honor will give the necessary orders in the case.

And your memorialist will ever pray, &c.

No. 1157T.

Forwarded to the Board of Revenue for report and return.

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Secretary to the Government of Bengal (No. 390); dated 3 November 1863.

From Officiating
Commissioner of
Assam, No. 65,
dated 17 July.
To Officiating
Commissioner of
Assam, No. 108,
dated 6 August.

In reply to your No. 1157T, dated 10th ultimo, I am directed to forward, for the information of his Honor the Lieutenant Governor, copies of the correspondence noted in the margin, which will explain the circumstances under which the Board declined to admit the application to which Mr. Saunders' petition refers to be dealt with under the old rules.

2. The Board do not consider that an application made at Nowgong on the 27th October 1862 can, upon any reasonable or fair interpretation of the Rules of August 1862, be said to have been made before their promulgation, seeing that those rules were published in the "Calcutta Gazette" of the 17th September 1862.

3. The date of the promulgation of the rules they consider to have been the date of their publication in the official "Gazette," and as applicable to each particular district; speaking generally, the date of the receipt of the "Gazette" at the headquarters of the district.

4. The circulation of copies of the rules with an order of the Board dated 14th October cannot, in the opinion of the Board, be in any way held to be the first promulgation of the rules.

P.S.— Original petition returned.

From Major *W. Agnew*, Officiating Commissioner of Assam, to the Secretary to the Board of Revenue, Lower Provinces (No. 65); dated 17 July 1863.

I HAVE the honour to ask for the instructions of the Board of Revenue on the subject of two applications for waste lands in the Nowgong District, made by a Mr. Stephen on behalf of his employers, Messrs. Saunders, Fergusson, and Read.

Mr. Stephen's applications are dated respectively the 25th and 27th October 1862, and he contends that the lands applied for should be granted under the old rules of 1854, as the new ones were not promulgated in Nowgong on the above dates.

The question of what may be considered promulgation of the new rules has already been mooted in my letter to the Board, No. 166, dated 31st December 1862, forwarding Mr. Williamson's application for waste lands in the Seehsagur District. The features of Mr. Williamson's case are, however, widely different from those of Mr. Stephen. In the former the date of application was anterior to that on which the new rules were published in the "Calcutta Gazette," and their promulgation in any manner had not taken place; but the dates of Mr. Stephen's applications are, respectively, a month and seven days and a month and ten days after those rules had appeared in the Government "Gazette," and almost simultaneously

simultaneously in all the English journals in Calcutta, so that, as dāk communications from Calcutta to Nowgong is effected in less than 14 days, I think it highly improbable that Mr. Stephen wrote his application in ignorance of the fact that the old rules were no longer in force. The Officiating Deputy Commissioner of Nowgong recommended that the lands applied for should be granted under the old rules, on the grounds that the Board's circular of the 14th October, forwarding the new ones, did not reach his office till about the 30th idem, from which time he thinks promulgation should date; but this circular was issued only for the guidance of the district officers, and Mr. Stephen appears to have had far less chance of hearing of its receipt at Nowgong than of seeing the new rules in the local journals.

On the one hand, it is highly desirable that every reasonable concession should be made to tea-planters that will facilitate their operations, but, on the other, it is essential that the liberal policy of Government should not be abused. In the case of Mr. Williamson, the Board passed no authoritative decision as to what should be considered "promulgation of the new rules," and I now beg to ask for a ruling on the point. For my own part promulgation, I think, should date in each district from the day in which the Government Gazette containing the rules was received at the sudder station.

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, to the Officiating Commissioner of Assam (No. 108); dated 5 August 1863.

In reply to your letter No. 65, dated 17th ultimo, I am directed by the Board of Revenue to state that they think your construction of the "date of promulgation" of the Waste Land Rules reasonable, but would not lay down any rigid rule on the subject.

Under all the circumstances of the case, they decline to admit Mr. Stephen's application to be dealt with under the old rules.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue, Lower Provinces (No. 4400); dated 24 November 1863.

Your letter No. 390, dated 3d instant, reporting on Mr. P. Saunders' petition of appeal against the order of the Board, disallowing his possession under the old rules of two lots of waste lands in the Nowgong district, having been laid before the Lieutenant Governor, I am directed to say that his Honor has no doubt that the Board's decision is, technically speaking, right, and that the promulgation of the new rules must be held to have been made in each district from the date on which the "Gazette" of the 17th September 1862 was received there.

2. But, in the present case, possession of the land was actually given as under the old rules, and an amulnamah for that purpose was issued by the Deputy Commissioner. This being the case the act of the Deputy Commissioner, though unauthorised and done under a mistaken view of the rules, should, in the Lieutenant Governor's opinion, be upheld.

3. Mr. Saunders may, therefore, be allowed to have his land under the old rules.

RESOLUTION by the Government of Bengal, dated 24 November 1863:

ORDERED, that the petitioner be referred to the Board of Revenue, to whom orders have this day been issued on the subject of his petition.

From *R. B. Chapman*, Esq., Secretary to the Board of Revenue, Lower Provinces, to the Junior Secretary to the Government of Bengal (No. 429); dated 18 December 1863.

BEFORE carrying into execution the orders contained in your No. 4400, dated 24th November, the Board of Revenue desire me to request that you will lay before his Honor the Lieutenant Governor the accompanying copy of a despatch

from the Officiating Commissioner of Assam, No. 126, dated 16th November, with its enclosure, and to inquire whether the circumstances reported in these papers will lead his Honor in any way to modify the orders which he has passed in favour of Mr. Paterson Saunders and his co-grantees.

From Major *W. Agnew*, Officiating Commissioner of Assam, to the Secretary to the Board of Revenue, Lower Provinces (No. 126); dated 16 November 1863.

I HAVE the honour to ask for the orders of the Board of Revenue in regard to the matter referred to in the accompanying papers.

It will be seen that Mr. Paterson Saunders has instructed his agent, Mr. Stephen, to maintain possession of the land he applied for in Nowgong under the old rules, but which the Board refused to grant under those rules (*viz* their letter, No. 108, dated 5th of August last). Mr. Saunders bases his objection to the Board's order on the grounds that Mr. Brownlow, the officiating Deputy Commissioner, "decided" that he was entitled to the land, although it was discovered that the Rules of the 30th of August had been promulgated prior to the application for it being made, and Mr. Saunders supports his argument by a reference to a ruling of the Honourable the Lieutenant Governor on what he calls the very point at issue.

I beg to observe that Mr. Brownlow had no authority whatever for acting as he so very improperly did—namely, in giving Mr. Stephen an amalnamah to take possession of the land, while the question was still pending as to whether the application was to be treated as one coming under the old rules or not.

He never acquainted me that he had acted as he did, and it only came to my knowledge that possession had been given to Mr. Stephen when Lieutenant Campbell, the present officiating Deputy Commissioner, reported his refusal to give up the amalnamah, which he was required to do on being told that the Board declined to allow him to have the land under the old rules. The instructions I gave to Lieutenant Campbell appeared in my Abstract of Proceedings for the month of September, and were to the effect that Mr. Stephen should be warned that any money he laid out was spent at his own risk, as the land was now available to the public for purchase; and those instructions, I hope, meet with the Board's approval.

I am always desirous of acting in a liberal spirit towards tea-planters, but, in this instance, I see no grounds whatever for modifying the orders already passed. There cannot be the slightest doubt that Mr. Stephen filed his application for the land in the full knowledge of the promulgation of the new rules; and the mere fact of his getting Mr. Brownlow to play into his hand should not be allowed, in my opinion, to strengthen his employer's case, nor do I consider that the point on which His Honor the Lieutenant Governor gave the ruling Mr. Saunders quotes bears any real analogy whatever to the case in question. His Honor referred to Collectors acting in *bonâ fide* good faith, not to one acting in a most unusual and highly irregular manner, by taking upon himself to pass an order he was incompetent to give, and concealing the fact from his immediate superior. I have actually a letter from Mr. Brownlow, dated the 22d of June (copy submitted), saying he had treated Mr. Stephen's application for the grants as coming under the new rules, and yet it appears he gave him possession of the land on the 20th idem. It is impossible to understand such contradictory conduct as this. True, Mr. Brownlow seems to have proposed that the application should be recognised as coming under the old rules, although on what grounds he did so it is quite impossible to gather from his letter, the context of which would lead one indeed to suppose that the concluding word but one should have been "new" instead of "old," which would alter the nature of his proposal altogether; but, however that may be, it is quite clear that, pending the receipt of the Board's decision on the point, he grossly exceeded his authority in issuing amalnamah. He never, though, as Mr. Saunders wishes to make out he did, led Mr. Stephen to believe his title to the land was good; for, had Mr. Stephen been under any such impression, why should he have appealed to the Board against Mr. Brownlow's order, that is to say, his order treating the application as coming under the new rules?—and the very fact of this appeal having been preferred shows that this is not a case such as was contemplated by the Lieutenant Governor when laying down the ruling Mr. Saunders refers to.

There is a misstatement in that gentleman's 4th paragraph that I shall take the liberty to correct. He says, "Mr. Stephen applied for the land before the Bengal Rules were promulgated in the Nowgong district, and although it was afterwards discovered that the rules had been published in the 'Calcutta Gazette' at a previous date to Mr. Stephen's application, &c. &c." Now, the obvious intention of the above words is to lead to the belief that, when Mr. Stephen applied for the land, nothing was known at Nowgong about the Rules issued by the Government of Bengal, although they had appeared in the Gazette, which Gazette, however, we are to infer, had not reached Nowgong at the time. Had the matter really stood thus, the Board know, from the opinion I expressed in Mr. Williamson's case, and which opinion they approved of my acting upon, that I would have recommended a grant of the land being given under the Rules of 1854; but the truth is that the Gazette containing the rules that superseded those of 1854 had been received in Nowgong nearly a month

month before Mr. Stephen filed his application, and they had been copied as soon as they were published in the Gazette into all the Calcutta newspapers, so that Mr. Saunders' assertions that his agent applied for the land before they were promulgated in Nowgong can be taken for what it is worth.

Besides the main question for the Board's decision in this case—namely, whether any action is to be taken towards ejecting Mr. Stephen, my opinion on which point being that, as he has been duly warned that he has no title to the land, no further steps need at present be taken—two subsidiary ones arise, one of which is of considerable general importance, the other being more of a personal nature. The Board will observe that after their orders were made known to Mr. Stephen, he begged, on the part of his employers, that the land might be put up to sale; but he now asks, in conformity with Mr. Saunders' supposed wishes, to withdraw that application as on their account, requesting that his own name may be substituted as the applicant for sale, which he begs may be allowed to take place according to advertisement. The questions therefore are—1st, May lots be withdrawn at the request of the applicant for sale, after advertisement has taken place? and 2d, Is Mr. Stephen's request admissible? The first point seems one on which there may be a doubt, but I suppose there can be none that, if Mr. Stephen wishes to buy the land himself, he must (should it be ruled that the application made on the part of Saunders & Co. can be withdrawn) put in a fresh application in his own name.

From *W. H. Brownlow*, Esq., Extra Assistant Commissioner in charge, to the Commissioner of Gowhatty (No. 64); dated 22 June 1863.

WITH reference to your memorandum No. 88, of the 11th instant, I have the honour to forward copies of the entries in the Waste Land Register, giving the required information regarding Mr. Stephen's application to the Board, which is herewith re-submitted; and to state that, as the orders in regard to the above grants were passed after the receipt of the new rules, as you will observe in the copies of the entries above alluded to, the grants were treated as made under the new rules. I would therefore recommend that in this case, as well as all others of a similar nature, the grants be recognised as made under the old rules.

From Lieutenant *A. E. Campbell*, Officiating Deputy Commissioner of Nowgong, to the Commissioner of Assam (No. 292); dated 4 November 1863.

I HAVE the honour herewith to forward you copies of letters received from Mr. John Stephen regarding two grants of waste land in the Sohoree Mouzah, and which were refused him by the Board of Revenue in their letter No. 108, dated 5th August 1863.

I communicated to Mr. Stephen the contents of your letter No. 30, dated 28th September 1863, on which he asked me to have the grants advertised for sale; I accordingly wrote to the Board, in a letter, No. 288, dated 30th October 1863, requesting that an advertisement might be inserted in the Gazette.

You will observe, from the copies of the letters herewith sent, that Mr. Saunders has instructed Mr. Stephen to hold possession of the land until ejected by force, which he (Mr. Stephen), in one letter dated 30th October, states he purposes to do, but in another letter of the same date he requests that the land be put up to sale in his own name.

I solicit the favour of your informing me whether the sale of the land, as originally requested by Mr. Stephen, is to take place, or whether, as he now wishes, it be put up to sale in his own name; and further, whether he is to be allowed to retain possession of the grants, which he appears resolved to do, unless force be resorted to to eject him.

From *J. Stephen*, Esq., Manager for *Saunders, Read, and Fergusson*, Kholā Tea Plantation, to Lieutenant *A. E. Campbell*, Officiating Deputy Commissioner of Nowgong; dated 30 October 1863.

I HAVE the honour to forward herewith a letter from my employer, Mr. Paterson Saunders (senior), on the subject of the Merraghur and Balikoosee Grants, and which he requested me to deliver into your hands.

In conformity with the evident wishes of Mr. Saunders, I now withdraw my application of the 8th instant, for the sale by auction of the above grants. I further protest against the same being sold at the instance of any other person, and on the part of my employers state, that should you, notwithstanding this protest, sell the land in question to anyone whomsoever, you will do so in violation of the rules, and of their rights as proprietors of the land. Further, I beg to inform you that, in accordance with the instructions I have received, I shall hold possession of the grants until force is employed to eject me, or an adverse decree is given against my employers in a civil court.

From *P. Saunders*, Esq. (Senior), Bira Barea Estate, Luckimpore, Oude, to Lieutenant *A. E. Campbell*, Officiating Deputy Commissioner of Nowgong; dated 8 October 1863.

I HAVE the honour to inform you that the manager of the tea estates in which I have an interest, Mr. John Stephen, has forwarded to me copies of a correspondence between him and yourself, regarding two pieces of land for which he applied and obtained possession of from your predecessor in office.

2. A decision of the Board of Revenue, on what representation of circumstances I do not know, has led you to call upon Mr. Stephen, in your letter of 22d August, to give up possession of the land and to restore the amalnamahs issued by your predecessor. In your letter of 10th September you again call upon him to give up the amalnamahs, and state that you cannot make out what claim we have to the land.

3. As Mr. Stephen does not seem to be well acquainted with the rules and orders of his Honor the Lieutenant Governor of Bengal, I will answer the last question.

4. Mr. Stephen applied for the land before the Bengal Rules were promulgated in the Nowgong District; and although it was afterwards discovered that the Rules had been published in the "Calcutta Gazette" at a previous date to Mr. Stephen's application, it was decided by your predecessor that, under all the circumstances of the case, Mr. Stephen was entitled to the land, and he received possession with the amalnamahs.

5. But whatever doubts there may be as to whether he ought or ought not to have received possession of the land, the whole question is set at rest by the following reply of his Honor the Lieutenant Governor of Bengal, dated 19th September 1862, to a question put by the Secretary of the Landholders' Association on the very point at issue:—

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

6. Not only were we led to expect, by the act of a collector, that our application would be complied with, but it was complied with, possession of the land given, and the proper official documents given confirming that possession.

7. After being in possession for three months, and after having laid out large sums of money in seed, contracts, &c., we are now called upon to give up possession of the land and return the amalnamahs. Surely the Board of Revenue could not have had before it all these circumstances?

8. With great respect to the authorities, but with a firm determination to uphold my rights and those of my partners, I have instructed Mr. Stephen to hold possession of the amalnamahs and the land until he is forcibly ejected by the executive officers of Government, or by a decree of a court of law.

9. In the meantime I have memorialised his Honor the Lieutenant Governor of Bengal on the subject, and, should his decision be adverse, I will memorialise his Excellency the Governor General of India in Council. Should his Excellency's decision be adverse, I will memorialise his Excellency Her Majesty's Principal Secretary of State for India, and should his Excellency's decision be adverse, I will bring my case before Parliament.

From *J. Stephen*, Esq., Manager for *Saunders, Read, and Fergusson*, Kholia Tea Plantation, to Lieutenant *A. E. Campbell*, Officiating Deputy Commissioner of Nowgong; dated 30 October 1863.

HAVING this day, on the part of Messrs. Saunders, Read, and Fergusson, withdrawn my application of the 8th instant, for the sale by auction of the two grants of waste land in the Sohoree Mouzah, called Merraghur and Ballikoosee, and claimed the land as already belonging to them, protesting against the same being sold to any person whomsoever, I now, acting on my own behalf, and not as an agent for others, request that my name may be registered as the applicant at whose desire the land is to be sold, instead of the names of Messrs. Saunders, Read, and Fergusson, whose application is cancelled.

This application of mine is an entirely private concern of my own; and I beg you will inform me whether the sale will go on in accordance with it or (in consequence of the representations of my employers regarding their claim) be for the present put off.

From *J. Stephen, Esq.*, Manager for *Saunders, Read, and Fergusson*, Khola Tea Plantation, to Lieutenant *A. E. Campbell*, Officiating Deputy Commissioner of Nowgong; dated 8 October 1863.

WITH reference to your letter, No. 244, of the 3d instant, and to other former letters of the same term, I have the pleasure to send you 32 rupees, that the Sohoree grants may be advertised and put up to auction sale.

From *S. C. Bayley, Esq.*, Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4826); dated 22 December 1863.

I AM directed to acknowledge the receipt of your letter, No. 429, dated the 8th instant, with enclosures, and in reply to state that the directions given by Mr. Saunders to his agent, regarding the Deputy Commissioners' demand for the return of the amalnamah previously granted to him, had already been made known to the Lieutenant Governor in the petition forwarded by Mr. Saunders himself, and that the circumstances now reported are not such as to induce the Lieutenant Governor to modify his previous orders in favour of Mr. Paterson Saunders and his co-grantees.

2. A copy of Major Agnew's letter, with enclosures, has been sent through the Deputy Inspector General of Police, Assam, to Mr. Brownlow, for any explanation he may have to give of his proceedings in the case.

From *S. C. Bayley, Esq.*, Junior Secretary to the Government of Bengal, to the Deputy Inspector General of Police, Assam (No. 4825); dated 22 December 1863.

I AM directed to forward you the accompanying copy of a letter* from the Officiating Commissioner of Assam, to the Secretary to the Board of Revenue, regarding certain waste land in Nowgong applied for by Mr. Paterson Saunders under the Rules of 1854, and to request that you will be so good as to call upon Mr. Brownlow for any explanation he may have to give of his proceedings in the case.

* No. 126, dated 16 ultimo, with enclosures.

— No. 55. —

From *R. B. Chapman, Esq.*, Secretary to the Board of Revenue, to the Junior Secretary to the Government of Bengal (No. 426); dated 3 December 1863.

IN reply to your No. 4354, dated 21st November, I am desired by the Board of Revenue respectfully to state, for the consideration of his Honor the Lieutenant Governor, their opinion that it is very inadvisable to issue title-deeds to grantees of waste lands, under the old rules, in anticipation of the preparation of maps.

2. The object with which maps are required is to enable the district officers to verify the boundaries stated in the application made for lands. It is the conviction of the Board that in the great majority of the cases, of which particulars are given in the statements referred to in your letter, the information at the disposal of the district officers is by no means sufficient to enable them to dispense with these maps.

3. Without having some such map before him the Board do not see how a district officer can be sure that he is not recommending the grant of the same land to different applicants.

Several cases in which serious complications have arisen from errors of this nature

nature have already come to the notice of the Board, and they deprecate any measure likely to make such occurrences more frequent.

4. As a general rule the boundaries stated in these applications are so vague and indefinite that the greatest precautions are needful to prevent confusion. Any attempt to press forward the completion of the grants without these precautions will, the Board are assured, give rise only to trouble and litigation, which will far outbalance the gain of avoiding a little longer delay. The delivery of the pottah will render impossible the further intervention of the revenue authorities.

5. An explanation of the mistakes noticed in your third paragraph will be furnished hereafter.

From *S. C. Bayley*, Esq., Junior Secretary to the Government of Bengal, to the Secretary to the Board of Revenue (No. 4920); dated 31 December 1863.

WITH reference to your letter No. 426, dated the 3d instant, stating the reasons why the Board consider it very unadvisable to issue title-deeds to grantees of waste lands under the old rules, in anticipation of the preparation of maps, I am to say that the Lieutenant Governor sees no objection to the grant of a provisional title-deed in anticipation of survey, provided the grantee will enter into an engagement to abide by the decision of the Collector in respect to the boundary of his grant, and as to the final adjustment of the purchase-money with reference to the area finally determined by survey.

2. By this means the further interference of the Collector will not be precluded, and at the same time the grants will have their full value in the market.

— No. 56. —

REVENUE LETTER from *Madras*, dated 22 May, No. 46 of 1863.

Right Honourable Sir,

1. WE have the honour to forward copies of the rules which we have adopted for the sale of unassessed waste land in this Presidency, and of the forms of title-deeds to be given to purchasers of such lands, framed in accordance with the instructions conveyed in your Despatch to India, dated 9th July, No. 14 of 1862.

2. You will observe that we have fixed the maximum of agricultural lots under ordinary circumstances at 500 acres, and of building sites in towns, &c., at 10 acres; but we have provided that any person may apply for several contiguous lots each not exceeding these areas. In fixing these limits we have been guided by the circumstances of the Madras Presidency. As a general rule we have no large tracts, such as the Sunderbunds of Bengal, which it is an object to force into cultivation or to get cleared and improved at any sacrifice. The sale of lots of several thousand acres would preclude competition, as their price would be beyond the means of the bulk of the community, and facilities would be afforded for the monopoly of land by speculators in expectation of a rise in its value.

3. We have prescribed formalities prior to sale which will reduce to a minimum the chance of land being sold in ignorance of private claims upon it. The term of notice required before sale—viz., three clear months—is that prescribed in the Waste Lands Act, No. 23 of 1863.

4. We have included the cost of survey and demarcation, which are to precede sale, in the upset price, as the simplest way of realising it in cases where the purchaser may not be the original applicant.

5. We leave it optional with purchasers either to pay the full purchase-money within 30 days, and thereupon receive a freehold title, or to liquidate it in three equal

equal annual instalments bearing interest at six per cent. We observe that in the Bengal Rules the payment may be spread over 10 years, but this liberality appears to us far too great, and likely to encourage needy speculators rather than men of capital to become purchasers.

6. We have instructed the Collector and the Board of Revenue to exercise great caution in the sale of forest lands the timber on which is likely to be needed for railways or public purposes. Registers of such lands, as well as of other lands required for public or municipal purposes, are being prepared with a view to the careful reservation of all such tracts.

7. You will observe that the liability of all lands sold in freehold "to all general taxes and local rates payable by law or custom" is explicitly declared, and that we have also guarded the rights of Government and the public in streams, roads, and paths passing through or bounding lands so sold.

8. The Rules do not seem to call for any further remarks from us.

9. We have excepted the districts of Tanjore and Madras from the operation of these rules, in consequence of difficulties connected with the merassy tenure which prevails in them.

10. We give below the rates of upset price which we have fixed after communication with the local officers and the Board of Revenue:—

	FOREST LAND.	OPEN LAND.
Ganjam - - - - -	2½ Rs. an acre - -	5 Rs. an acre.
Vizagapatam - - - - -	5 - ditto - -	Not yet fixed.
Cuddupah - - - - -	5 - ditto - -	2½ Rs. an acre.
Kurnool - - - - -	10 - ditto for black cotton soil.	5 ditto for all other qualities of soil.
Nullamalays - - - - -	5 Rs. an acre.	
North Arcot - - - - -	5 - ditto - -	2½ Rs. an acre.
Trichinopoly - - - - -	5 - ditto - -	2½ - ditto.
Madura, Pulnis - - - - -	10 - ditto - -	5 - ditto.
Ditto in the Plains - - - - -	5 - ditto - -	2½ - ditto.
Finnevelly Hill ranges - - - - -	10 - ditto - -	5 - ditto.
Ditto in the Plains, all kinds - - - - -	2½ - ditto.	
Coimbatore (except Neilgherries) - - - - -	5 - ditto - -	2½ - ditto.
Salem (except Shervaroys) - - - - -	5 - ditto - -	2½ - ditto.

Considering the fact that most of the valuable culturable land of the Presidency is already assessed, and therefore beyond the scope of the rules, we have thought it undesirable to introduce a multiplicity of rates. The competition which the moderate size of our lots and the publicity attending the sales will ensure, will prevent lots of special value being sold below their real worth.

11. We also send herewith copies of our rules for the sale of waste lands on the Neilgherries and Shervaroys, and in the Wynaad Talook of Malabar. For the reasons stated in our Proceedings noted in the margin, we have thought it right to sell the waste land belonging to Government in these tracts on no other terms than payment of an annual assessment fixed in perpetuity, but redeemable at 25 years' purchase at the purchaser's option.

G. O. 6th December 1862, No. 2,554.

G. O. 23d December ,, No. 2,677.

G. O. 21st February 1863, No. 375, para. 13.

12. These tracts, as you are aware, are already assessed. The assessment, it is true, did not vary with the quality of the land, being fixed on the principle of an average; but we do not consider that this makes it the less an "assessment," and we have therefore ruled that these tracts are beyond the scope of the Resolution of the Supreme Government. Further, the assessment is extremely light, the expenses of administration are very heavy, and the land bears a high value.

Under these circumstances we have resolved to sell the Government waste, not reserved for special reasons, by auction, subject to the assessments stated below, at the upset price of the cost of survey and demarcation.

13. We have fixed the assessment on the Neilgherries at 2 rupees per acre for forest and 1 rupee per acre for open land, the previous rate of 1 rupee on both descriptions being clearly much too low for the former, on which coffee and other valuable products are grown. We at first contemplated selling these lands at a minimum upset price in addition to the assessment, but further consideration satisfied us that this was inexpedient, and that competition at the auctions might safely be relied upon for bringing in the value of the land over and above the annual assessment.

14. In the Wynaad we have decided that for the future the Neilgherry system and rates shall be adopted. We thus get rid of the objectionable system of levying the assessment only on the cultivated area, with its evils of periodical inspection and the facilities it affords for land-jobbing. The returns from coffee, &c. are very large, and the land can well pay the rates we have fixed. On the other hand, the expenditure on public establishments, roads, ghâts, &c. is and will continue to be very heavy. Of course all existing rights will be scrupulously respected, and the new system will take effect only in lands hereafter bought from Government. On the Shervaroys we have retained the present rate of assessment, viz., 1 rupee per acre, the land there being much less valuable than on the Neilgherries and in Wynaad, and the expenses of administration comparatively trifling.

15. The rules of these excepted tracts differ from the others only in the reservation of the assessment and the absence of a minimum upset price.

	Acres.	
Ganjam -	14,945	
Coimbatore -	18,788	
Salem -	21,890	
Malabar -	25,000	
South Canara -	5,172	(chiefly
Kurnool -	4,100	on ordinary
South Arcot -	661	system.)
Vizagapatam -	428	
Cuddapah -	342	
Madura -	165	
Kistna -	84	
Godavery -	49	

16. The applications for land under the new rules are shown in the margin, and are large only in the first four districts. We have sanctioned survey establishments for Ganjam, Coimbatore, Malabar, and South Canara. In Salem, Kistna, and Kurnool the Revenue Survey is in progress, and in the other districts the applications are so trifling that the surveys may be effected by local agency.

17. In Malabar and Coimbatore, owing to the great difficulty experienced in procuring surveyors and the pressing applications for land, we have been obliged to permit the collectors at the outset to sell in anticipation of survey; but we have attached conditions to this concession which will preclude dispute hereafter, and will ensure the identification of the blocks. This privilege is only temporary, and will be withdrawn as soon as possible.

18. Owing to our having abstained from publishing the rules originally framed under the Resolution of the Supreme Government, and expressly instructed our collectors to do no more than register and notify applications, we have not had occasion to act on the authority given in paragraph 76 of your Despatch already quoted.

19. On the other subjects of your Despatch, viz., the redemption and permanent settlement of the land revenue, we shall address you separately hereafter.

We have, &c.
(signed) *W. T. Denison.*
J. H. Grant.
T. Pycroft.

Enclosure 1 in No. 56.

RULES for the SALE of UNASSESSED WASTE LAND in the MADRAS PRESIDENCY, passed by the Honourable the Governor in Council on 5 March 1863, and numbered 476.

• Rule 18.

I. UNASSESSED waste lands in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter* provided, may, until further notice, be sold under the following rules.

II. Applications

II. Applications for land under these rules shall be addressed to the Collector of the district in which the lands are situated, and shall comprise the following particulars :—

(a.) The estimated area of the land applied for.

(b.) The situation of the land, and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres, unless otherwise specially ordered by Government. Within towns, villages, hill stations, railway stations, and sanitarium, the maximum extent of a lot shall be 10 acres; but any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public road, navigable river, canal, backwater, railway or tramway, the length of the road or water frontage shall not exceed one-half of the depth of the lot.

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If on receipt of an application under Rule II., the Collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land, and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI., within six weeks from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI., the Collector shall as soon as possible cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III., and shall advertise the lot for sale on a given day (to be fixed so as to admit of the notice required in Rule IX. being given), at the minimum price prescribed for the locality, or for the peculiar descriptions of land selected, as the case may be, together with the actual cost of survey and demarcation.

IX. The advertisement shall be in English and in the vernacular of the district, and shall specify the locality, extent, and boundaries of the lot, the upset price, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself, as well as in the neighbouring villages, in the offices of the Collector and the Tahsildar of the talook, the moonsiff's Court (if there be one), and the nearest police office. A notification of the intended sale shall also be inserted in the district gazette. The Collector shall, at his discretion, fix the time and place of sale, and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised, as aforesaid, for three full months.

X. The Collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX., to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

XI. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI. as may not be expended. If after survey, at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III.

XII. On the withdrawal of an application, it shall be discretionary with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases include the cost of the survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment, otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules be preferred to the land, the lot shall as advertised be put up to auction, and sold to the highest bidder above the upset price.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may at the option of the purchaser be paid in full within 30 days; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed, in the Form A. annexed to these rules, shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government may re-enter, and repossess themselves of the land, or, at their option, the land may be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the Deed marked B. annexed to these rules. When the conditions of Deed B. have been duly fulfilled, a deed, in the Form A., will be issued in lieu of it

XVI. The sale shall be conducted under and subject to the following conditions of sale:—

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding, and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council, under date the 5th day of March 1863, No. 476, and shall at the same time sign an acknowledgment in one of the Forms C. or D. (as the case may require) annexed to the said rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall within 30 days from the day of sale pay to the said Collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the Form marked A. annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within 10 days from the day of sale execute a deed in the Form marked B. annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within 30 days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect for 10 days from the day of sale to execute a deed in the Form marked B. annexed to the said rules, then the purchaser shall pay to the Collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money from the day of sale, until the purchase shall be completed in the one case; or until a deed in the Form B. be executed in the other case; without prejudice, nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited and retained by Government, and the Government shall be at liberty to resell the premises, either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship, or of exclusive occupancy, or of any other right, incompatible with the sale of land under these rules, shall be preferred to the land or any part of it, the Collector shall postpone the sale of the land until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government. A register of such reserves will be maintained in the Collector's office, and will be open to inspection by intending applicants at such times and under such rules as the Collector may prescribe by notification in the district gazette.

XIX. Land

XIX. Lands sold under these rules shall be for ever free from all demand on the part of the State on account of land revenue, but shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XX. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands sold under these rules, are reserved and in no way affected by the sale of such lands under these rules.

XXI. Nothing contained in these rules shall be held to debar the Government from granting unassessed waste lands on Puttah, Cowle, or otherwise at their discretion as heretofore.

XXII. It shall be competent to the Government to except the whole, or any part of any district from the operation of these rules.

FORM OF DEED.

No.

(A.)

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) Between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the district of (b) of the other part Whereas, under the rules for the sale of unassessed waste land passed by the Honourable the Governor of Fort St. George in Council on the fifth day of March 1863 and numbered 476 the Collector of did on the (a) day of (a) One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the schedule hereunder written And whereas at such sale the said (A. B.) offered the sum of rupees (a) for such land and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained And whereas previously to the execution of these presents the said (A. B.) has paid into the treasury of the said Collector to the credit of Her Majesty's Government of India the full sum of rupees (a) Now this Indenture witnesseth that in consideration of the said sum of rupees (a) so paid by the said (A. B.) the receipt whereof is hereby acknowledged the said Secretary of State in Council doth sell alien enfranchise and convey unto the said (A. B.) the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of in the Collectorate of bounded as mentioned in the schedule hereunder written and delineated in the map or plan hereunto annexed together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface ways paths passages waters water-courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining Except and always reserved out of these presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed To hold the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his heirs personal representatives and assigns for ever free from all demand on the part of Her Majesty for or on account of quit-rent assessment land tax or other land revenue But subject nevertheless to all general taxes and local rates now existing or which at any time hereafter may be imposed by law and to the covenant hereinafter contained And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns that he the said (A. B.) his heirs personal representatives and assigns will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The SCHEDULE to which the abovewritten Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of Fort St. George in Council was hereunto affixed in the presence of

L. S.

Secretary to Government.

Signed, sealed, and delivered by the above-named (A.B.) at _____ in the East Indies in the presence of (d)

Signature of (A.B.) L. S.

Received from the above-named (A.B.) the sum of rupees (a) being the consideration money above-mentioned to be by him paid - - - - -

Rupees (c)

Witness (d)

Collector of

- (a) Enter in words.
- (b) Add the purchaser's trade or occupation or other description.
- (c) Enter in figures.
- (d) One witness will suffice—his place of residence as also his occupation or other description must be written under his name.

FORM OF DEED.

No.

(B.)

THIS INDENTURE made the (a) day of _____ One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A.B.) of _____ in the district of (b) _____, of the other part Whereas under the rules for the sale of unassessed waste land passed by the Honourable the Governor of Fort Saint George in Council on the fifth day of March 1863 and numbered 476 the Collector of _____ did on the (a) day of (a) _____ One thousand eight hundred and sixty (a) offer for sale by public auction the piece or parcel of land containing British statute acres (a) situated in the village of _____ in the talook of _____ in the Collectorate of _____ bounded as mentioned in the Schedule hereunder written and delineated in the map or plan hereunto annexed And whereas at such sale the said (A.B.) offered the sum of rupees (a) for such land and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained And whereas at the time of such sale the said (A.B.) paid to the said Collector the sum of rupees (a) being the amount of deposit at the rate of 10 rupees per centum on the said purchase money as required by the said rules and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of rupees (a) in three yearly instalments of rupees (c) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six rupees per centum per annum Now this Indenture witnesseth that in consideration of the said sum of rupees (d) so paid to the said Collector as hereinbefore-mentioned (the receipt whereof is hereby acknowledged) and of the covenants on the part of the said (A.B.) hereinafter contained The said Secretary of State in Council for himself his successors and assigns doth hereby covenant

covenant with the said (A.B.) his heirs personal representatives and assigns that on payment by the said (A.B.) his heirs personal representatives or assigns of the said sum of rupees (e) with interest thereon as hereinmentioned He the said Secretary of State in Council his successors or assigns will convey unto the said (A.B.) his heirs personal representatives and assigns for ever the said land and premises together with all erections and buildings (if any) thereon erected and built and all products both above and below the surface ways paths passages waters water-courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining Excepting nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as aforesaid in all existing roads and paths and in streams of water running through or bounding the purchased land and premises to be held by the said (A.B.) his heirs personal representatives and assigns free from all demand on the part of Her Majesty for or on account of quit-rent assessment land tax or other land revenue But subject nevertheless to all general taxes and local rates now existing or which at any time hereafter may be imposed by law and to the observance of the several conditions in the said rules contained And the said (A.B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) That he the said (A.B.) his heirs personal representatives and assigns will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased And further that he the said (A.B.) his heirs personal representatives and assigns will on the (f) day of (f) which will be in the year One thousand eight hundred and sixty (f) pay or cause to be paid to the said Secretary of State in Council his successors or assigns the sum of rupees (c) of lawful money of British India and on the (g) day of (g) which will be in the year One thousand eight hundred and sixty (g) a like sum of rupees (c) and on the (h) day of (h) which will be in the year One thousand eight hundred and sixty (h) a like sum of rupees (c) of like lawful money And also will pay to the said Secretary of State in Council his successors or assigns interest at the rate of six rupees per centum per annum on the said balance of the said purchase money or sum of rupees (e) or on such part thereof as shall from time to time remain unpaid by two equal half-yearly payments on the (a) day of (a) and the (a) day of (a) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained and it is hereby declared and agreed by and between the said parties hereto that until default shall be made by the said (A. B.) his heirs personal representatives or assigns in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his heirs personal representatives and assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit and the said (A. B.) for himself his heirs personal representatives and assigns doth hereby further covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest hereinbefore covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due then and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his successors or assigns he the said (A. B.) his heirs personal representatives and assigns will deliver to any person authorised by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime and moreover that in the event of such default being made by the said (A. B.) his heirs personal representatives and assigns or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the said (A. B.) his heirs personal representatives and assigns it shall be lawful for the said Secretary of State in Council his successors or assigns at any time thereafter to resell the said premises either by public auction or private contract and if on such resale the said premises should be sold for a sum less than the said sum of rupees (i) he the said (A. B.) his heirs personal representatives and assigns will pay to the said Secretary of State in Council his successors or assigns the difference between the sum for which such premises shall be resold and the said sum of rupees (i) or it shall be lawful for the said Secretary of State in Council his successors or assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again re-possess and enjoy as in his and their former estate anything hereinbefore contained to the contrary notwithstanding.

In witness whereof the Honourable the Governor of Fort St. George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor

in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The SCHEDULE to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honourable the Governor of Fort St. George in Council was hereunto affixed in the presence of

(L. S.)

Secretary to Government.

Signed, sealed, and delivered by the abovenamed (A. B.) at in the East Indies, in the presence of

Signature of (A. B.)

(L. S.)

(j)

Received from the above-named (A. B.) the sum of rupees (a) being the consideration money abovementioned to have been by him paid } Rupees (k)

Witness (j)

Collector of

- (a) Enter in words.
- (b) Add the trade occupation or other description of the purchaser.
- (c) Enter one-third of purchase money after deducting the deposit of 10 per cent. in words.
- (d) Enter the deposit of 10 per cent. in words.*
- (e) Enter the full purchase money after deducting the deposit of 10 per cent. in words.
- (f) Twelve months from date of purchase, in words.
- (g) Twenty-four months from date of purchase, in words.
- (h) Thirty-six months from date of purchase, in words.
- (i) The sum for which the premises were knocked down, in words.
- (j) The place of residence, as also the occupation or other description of the witness must be written under his name.
- (k) Enter in figures.

FORM (C.)

I (A. B.) of do hereby acknowledge that I attended at the sale mentioned in the annexed* notice, dated the day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of rupees (a) , and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said notice. I have paid to the Collector of the sum of rupees (a) , being a deposit of ten rupees per cent. in part of my purchase money, and I elect to pay the residue thereof within thirty days from this day. Dated the (a) day of (a) , one thousand eight hundred and sixty (a).

Witness, (b)

Signature of (A. B.)

* Be careful to annex a copy of the notice, signed by the purchaser and collector, to the Form C.

(a) Enter in words.
(b) The place of residence, as also the occupation or other description of the witness, must be written under his name.

FORM (D.)

I (A. B.) of _____ do hereby acknowledge that I attended at the sale mentioned in the annexed* notice, dated the _____ day of _____ 186____, No. _____, and that I bid for the premises therein specified and distinguished as lot No. _____, the sum of rupees (a) _____, and that I was declared the purchaser thereof at that price, under and subject to the conditions of sale set out in the said notice. I have paid to the collector of _____ the sum of rupees (a) _____, being a deposit of ten rupees per cent. in part of my purchase money, and I elect to pay the residue thereof in three yearly instalments of rupees (a) _____ each, with interest thereon at the rate of six rupees per cent. per annum, as prescribed by the rules passed by the Honourable the Governor in Council on the 5th March 1863, and numbered 476. Dated the (a) _____ day of (a) _____ 186____.

Witness, (b) _____

Signature of (A. B.) _____

* Be careful to annex a copy of the notice, signed by the purchaser and collector, to the Form D.

(a) Enter in words.

(b) The place of residence, as also the occupation or other description of the witness must be written under his name.

FORM (E.)

(FORM OF ADVERTISEMENT.)

District of _____

Notice No. _____

Sale of Unassessed Waste Lands.

1. Notice is hereby given, that the lands hereunder specified will be put up to auction at _____ (under the Government rules for the sale of waste lands, dated 5th March 1863, No. 476), and sold to the highest bidder above the upset price or prices enumerated in the following schedule at _____ o'clock on _____ the _____ day of _____ 186____.

2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned:—

Schedule of Lands to be Sold.

District.	Talook.	Village.	No. of Lot.	Name (if any) and Boundaries.	Extent.	Upset Price.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding, and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council under date the 5th day of March 1863, No. 476, and shall at the same time sign an acknowledgment in one of the Forms C. or D. (as the case may require) annexed to the said rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall, within 30 days from the day of sale, pay to the said Collector the residue
0.48.

residue of his purchase money, and shall thereupon receive a conveyance of the premises in the Form marked A. annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall, within 10 days from the day of sale, execute a deed in the form marked B. annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within 30 days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect for 10 days from the day of sale to execute a deed in the Form marked B. annexed to the said rules, then the purchaser shall pay to the Collector interest at the rate of 12 rupees per cent. per annum on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a deed in the Form B. be executed in the other case; without prejudice, nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated

Collector of

Enclosure 2, in No. 56.

Encl. 2, in No. 55.

RULES for the SALE of WASTE LANDS on the NEILGHERRY HILLS, passed by the Honourable the Governor in Council on 6 March 1863, and Numbered 478 A.

* Rule 18.

I. WASTE lands in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter* provided, may, until further notice, be sold under the following rules.

II. Applications for land under these rules shall be addressed to the Collector of the Coimbatore District, and shall comprise the following particulars:—

(a.) The estimated area of the land applied for.

(b.) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres unless otherwise specially ordered by Government. Within towns and villages, the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public road or river, the length of the road or water frontage shall not exceed one half of the depth of the lot.

V. No lot shall be sold until it has been surveyed and durable boundary marks have been erected.

VI. If on receipt of an application under Rule II. the Collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The Collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI. within six weeks from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI., the Collector shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III., and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX. being given.

IX. The

IX. The advertisement shall be in English and Tamil, and shall specify the locality, extent, and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself as well as in the neighbouring villages, in the offices of the Collector and the tahsildar of the talook, and the nearest police office. A notification of the intended sale shall also be inserted in the District Gazette. The Collector shall, at his discretion, fix the time and place of sale, and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised, as aforesaid, for three full months.

X. The Collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX., to the applicant: but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

XI. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit, under Rule VI., as may not be expended. If after survey, at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expenses of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III.

XII. On the withdrawal of an application, it shall be discretionary with the Collector to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment; otherwise the amount shall be repaid to him at once from the sale-proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, be preferred to the land, the lot shall as advertised be put up to auction and sold to the highest bidder above the upset price subject to an annual assessment, payable on or before the 30th June of each and every year, of 1 rupee for each acre of land contained in the lot.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase-money may at the option of the purchaser be paid in full within 30 days, or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of six per cent. per annum. In the former case, on payment of the residue of the purchase-money, a deed in the form X. annexed to these rules shall be furnished to the purchaser, and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government may re-enter and repossess themselves of the land, or, at their option, the land may be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase-money by instalments, he shall not receive possession until he has duly executed the deed marked Y. annexed to these rules. When the conditions of Deed Y. have been duly fulfilled, a deed in the form X. will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale:—

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises; and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again, at the last preceding undisputed bidding, and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 rupees per centum, in part of his purchase-money, and intimate to the Collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council under date the 6th day of March 1863, No. 478 A., and shall at the same time sign an acknowledgment in one of the forms U. or V. (as the case may require) annexed to the said Rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase-money within 30 days, he shall, within 30 days from the day of sale, pay to the said Collector the residue of his purchase-money, and shall thereupon receive a conveyance of the premises in the form marked X. annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase-money by three yearly instalments, he shall, within ten days from the day of sale, execute a deed in the form marked Y. annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as, by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect, for ten days from the day of sale, to execute a deed in the form marked Y. annexed to the said rules, then the purchaser shall pay to the Collector interest, at the rate of 12

rupees per cent. per annum, on the remainder of his purchase-money, from the day of sale, until the purchase shall be completed, in the one case, or until a deed in the form Y. be executed in the other case, without prejudice, nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit-money shall be forfeited, and retained by Government; and the Government shall be at liberty to resell the premises, either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale who shall so neglect or refuse, as and for liquidated damages."

XVII. If, before the time of sale, a claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land, or any part of it, the Collector shall postpone the sale of the land, until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules, without the express sanction of the Government. A register of such reserves will be maintained in the Collector's Office, and will be open to inspection by intending applicants, at such times, and under such rules, as the Collector may prescribe by notification in the District Gazette.

XIX. The annual assessment on lands sold under these rules may at any time be redeemed by the owner, by payment of a sum equal to twenty-five times the said annual assessment; and the land so redeemed shall thereafter be for ever free from all demand, on the part of the State, on account of land revenue. On payment of the redemption money, the owner of the land shall be furnished with a deed in the form Z. annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands sold or redeemed under these rules shall, nevertheless, continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors, and of the public, in existing roads and paths, and in streams running through or bounding lands sold under these rules, are reserved and in no way affected by the sale of such lands under these rules.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on puttah, cowle, or otherwise at their discretion as heretofore.

(X.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A.B.) of in the district of (b) of the other part Whereas under the Rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the sixth day of March 1863 and numbered 478 A the Collector of Coimbatore did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the Schedule hereunder written subject to an annual assessment in perpetuity on the said land of rupees (a) and whereas at such sale the said (A.B.) offered the sum of rupees (a) for such land subject to such assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained and whereas previously to the execution of these presents the said (A.B.) has paid into the Treasury of the said Collector to the credit of Her Majesty's Government of India the full sum of rupees (a) Now this Indenture witnesseth that in consideration of the said sum of rupees (a) so paid by the said (A.B.) (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth sell alien and convey unto the said (A.B.) the piece or parcel of land containing British statute acres (a) situated on the Sherwaroy Hills in the collectorate of Salem bounded as mentioned in the Schedule hereunder written and delineated in the map or plan hereunto annexed together with all erections and buildings (if any) thereon erected and built and all products both above and below the surface ways paths passages waters watercourses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining except and always reserved out of these presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed to hold the said land and premises hereby conveyed with the appurtenances to the said (A.B.) his heirs personal representatives and assigns for ever subject nevertheless to the payment by the said (A.B.) his heirs personal representatives and

and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (a) on or before the thirtieth day of June in each year and likewise subject to the payment by the said (A.B.) his heirs personal representatives and assigns of all general taxes and local rates now existing or which at any time hereafter may be imposed by law as also to the covenants and conditions hereinafter contained and the said (A.B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A.B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the thirtieth day of June in each year the said sum of rupees (a) and likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed And further that in case he the said (A.B.) his heirs personal representatives or assigns shall make default in payment of the said annual assessment of rupees (a) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of rupees (a) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable Provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The SCHEDULE to which the above-written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of Fort St. George in Council was hereunto affixed in the presence of } (L.S.)
Secretary to Government.

Signed, sealed, and delivered by the abovenamed (A. B.) at _____ in the East Indies in the presence of (d) } Signature of (A. B.) (L.S.)

Received from the abovenamed (A. B.) the sum of rupees (a) being the consideration money above-mentioned to be by him paid. Rupees (e)

Witness (d)

Collector of Coimbatore.

- (a) Enter in words.
- (b) Add the purchaser's trade or occupation, or other description.
- (c) Enter twenty-five times the annual assessment, in words.
- (d) One witness will suffice. His place of residence, as also his occupation or other description must be written under his name.
- (e) Enter in figures.

(Y.)

No.

THIS INDENTURE made the (a) _____ day of _____ One thousand eight hundred and sixty (a) _____ between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of _____ in the district of (b) _____ of the other part Whereas under the Rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the sixth day of March One thousand eight hundred and sixty-three and numbered 478A the Collector of Coimbatore did on the (a) _____ day of _____ One thousand eight hundred and sixty (a) _____ offer for sale by public auction the piece or parcel of land containing British statute acres (a) _____ situated in the village of _____ in the _____

the talook of _____ in the collectorate of Coimbatore bounded as mentioned in the Schedule hereunder written and delineated in the map or plan hereunto annexed, subject to the payment by the said (A. B.) his heirs personal representatives and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (f) _____ on or before the 30th day of June in each year And whereas at such sale the said (A. B.), offered the sum of rupees (l) _____ for such land, subject to such assessment and being the highest bidder was declared to be the purchaser thereof, according to the terms and conditions in such rules contained And whereas at the time of such sale the said (A. B.) paid into the hands of the said Collector the sum of rupees (a) _____ being the amount of deposit at the rate of ten rupees per cent. on the said purchase-money as required by the said Rules and under the provision contained in those Rules has elected to pay the balance of such purchase-money amounting to the sum of rupees (c) _____ in three yearly instalments of rupees (d) _____ each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six rupees per cent. per annum Now this indenture witnesseth that in consideration of the said sum of rupees (e) _____ so paid to the said Collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the covenants on the part of the said (A. B.) hereinafter contained The said Secretary of State in Council for himself his successors and assigns doth hereby covenant with the said (A. B.) his heirs personal representatives and assigns that on payment by the said (A. B.) his heirs personal representatives or assigns of the said sum of rupees (c) _____ with interest thereon as herein mentioned he the said Secretary of State in Council his successors or assigns will convey unto the said (A. B.) his heirs personal representatives and assigns for ever the said land and premises together with all erections and buildings (if any) thereon erected and built and all products both above and below the surface ways paths passages waters watercourses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining excepting nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as aforesaid in all existing roads and paths and in streams of water running through or bounding the purchased land and premises to be held by the said (A. B.) his heirs personal representatives and assigns subject to the ~~payment of the said yearly sum of rupees (f) _____ on the 30th day of June in each year as hereinbefore mentioned~~ ~~And likewise~~ ~~subject to all general taxes and local rates now existing or which are hereafter may be imposed by law and to the observance of the several conditions in the said Rules contained~~ And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A. B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the 30th day of June in each year the said sum of rupees (f) _____ And likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased And further that he the said (A. B.) his heirs personal representatives and assigns will on the (g) _____ day of (g) _____ which will be in the year One thousand eight hundred and sixty (g) _____ pay or cause to be paid to the said Secretary of State in Council his successors or assigns the sum of rupees (d) _____ of lawful money of British India and on the (h) _____ day of (h) _____ which will be in the year One thousand eight hundred and sixty (h) _____ a like sum of rupees (d) _____ and on the (i) _____ day of (i) _____ which will be in the year One thousand eight hundred and sixty (i) _____ a like sum of rupees (d) _____ of like lawful money And also will pay to the said Secretary of State in Council his successors or assigns interest at the rate of six rupees per cent. per annum on the said balance of the said purchase-money or sum of rupees (c) _____ or on such part thereof as shall from time to time remain unpaid by two equal half-yearly payments on the (j) _____ day of (j) _____ and the (k) _____ day of (k) _____ in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.) his heirs personal representatives or assigns in payment of the said annual assessment or sum of rupees (f) _____ as and when the same shall become payable under the covenant hereinbefore contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his heirs personal representatives and assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby further covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest hereinbefore covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due then and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his successors or assigns he the said (A. B.) his heirs personal representatives

representatives and assigns will deliver to any person authorised by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime And moreover that in the event of such default being made by the said (A. B.) his heirs personal representatives and assigns or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the said (A. B.) his heirs personal representatives and assigns it shall be lawful for the said Secretary of State in Council his successors or assigns at any time thereafter to resell the said premises either by public auction or private contract and if on such resale the said premises should be sold for a sum less than the said sum of rupees (l) he the said (A. B.) his heirs personal representatives and assigns will pay to the said Secretary of State in Council his successors or assigns the difference between the sum for which such premises shall be resold and the said sum of rupees (l) or it shall be lawful for the said Secretary of State in Council his successors or assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as in his and their former estate anything hereinbefore contained to the contrary notwithstanding And further that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said annual assessment of rupees (f) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained Then and in such case and so often as the same shall happen the said assessment of rupees (f) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable Provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (m) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written

The SCHEDULE to which the above written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of Fort Saint George in Council was hereunto affixed in the presence of } (L.S.)

Secretary to Government.

Signed, sealed, and delivered by the above-named (A. B.) } Signature of (A. B.)
at in the East Indies in the presence of (n) } (L.S.)

Received from the above-named (A. B.) the sum of rupees (a) }
being the consideration money above-mentioned to } (o)
have been by him paid. } Rupees

Witness (n)

Collector of Coimbatore.

- (a) Enter in words.
- (b) Add the trade, occupation or other description of the purchaser.
- (c) Enter purchase-money after deducting the deposit, in words.
- (d) Enter one-third of purchase money after deducting the deposit, in words.
- (e) Enter the deposit in words.
- (f) Enter the assessment in words.
- (g) Twelve months from date of purchase, in words.
- (h) Twenty-four months from date of purchase, in words.
- (i) Thirty-six months from date of purchase, in words.
- (j) Six months from day of sale. Enter only the day and month, not the year.
- (k) Twelve months from day of sale. Enter only the day and month, not the year.
- (l) The sum for which the premises were knocked down, in words.
- (m) Twenty-five times the annual assessment, in words.
- (n) One witness will suffice. Enter his residence, as also his occupation or other description under his name.
- (o) Enter in figures.

(Z.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council, of the one part, and (A. B.) of in the district of (b) of the other part. Whereas by an indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein mentioned did sell alien and convey unto the said (A. B.) his heirs personal representatives and assigns for ever the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of in the Collectorate of Coimbatore bounded as mentioned in the schedule thereunder written and delineated in the map or plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his heirs personal representatives and assigns of the annual assessment or sum of rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by law as also to the several exceptions covenants and conditions therein contained and in and by such reciting Indenture it was declared and agreed that the said (A. B.) his heirs personal representatives and assigns should be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for land revenue And whereas the said (A. B.) under the said provision hath paid into the Treasury of the Collector of to the credit of Her Majesty's Government of India the said sum of rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of rupees (a) and of all land revenue payable thereon and that the said land may be likewise declared to be and continue as freehold Now this Indenture witnesseth that in pursuance of the said provision and in consideration of the said sum of rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remise release and for ever quit claim unto the said (A. B.) his heirs personal representatives and assigns the said annual assessment or sum of rupees (a) And further doth declare that the said land and premises may for ever be held as freehold fully and absolutely enfranchised exonerated acquitted and discharged by these presents from all demand on the part of Her Majesty for or on account of quitrent assessment land tax or other land revenue Provided always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several exceptions reservations covenants and conditions in the hereinbefore in part recited Indenture contained In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The Seal of the Honourable the Governor of Fort Saint George in Council was hereunto affixed in the presence of } (L.S.)

Secretary to Government.

Signed sealed and delivered by the above named (A. B.) at in the East Indies in the presence of (c) } Signature of (A. B.) (L.S.)

Received from the above-named (A. B.) the sum of rupees (a) being the consideration money above-mentioned to have been by him paid } Rupees (d)

Witness (c)

Collector of Coimbatore.

-
- (a) Enter in words.
 - (b) Enter the trade, occupation, or other description of the purchaser.
 - (c) One witness will suffice. Enter his trade, occupation, or other description.
 - (d) Enter in figures.

FORM (U.)

I (A.B.) of _____ do hereby acknowledge that I attended at the sale mentioned in the annexed* notice dated the (a) _____ day of _____ 186____ No. _____ and that I bid for the premises therein specified and distinguished as lot No. _____ the sum of rupees (a) _____ and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said notice I have paid to the Collector of _____ the sum of rupees (a) _____ being a deposit of 10 rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day Dated the (a) _____ day of _____ one thousand eight hundred and sixty (a) _____

WITNESS (b)

Signature of (A.B.)

FORM (V.)

I (A.B.) of _____ do hereby acknowledge that I attended at the sale mentioned in the annexed* notice dated the (a) _____ day of _____ 186____ No. _____ and that I bid for the premises therein specified and distinguished as lot No. _____ the sum of rupees (a) _____ and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said notice I have paid to the Collector of _____ the sum of rupees (a) _____ being a deposit of ten rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of rupees (a) _____ each with interest thereon at the rate of six rupees per cent. per annum as prescribed by the rules passed by the Honourable the Governor in Council on the sixth March 1863 and numbered 478A dated the (a) _____ day of _____ one thousand eight hundred and sixty (a) _____

WITNESS (b)

Signature of (A.B.)

(a) Enter in words.

(b) The place of residence, as also the occupation or other description of the witness, must be written under his name.

FORM (W.)

(FORM OF ADVERTISEMENT.)

Notice No.

District of Coimbatore.

Sale of Waste Lands.

1. Notice is hereby given that the lands hereunder specified will be put up to auction at _____ (under the Government rules for the sale of waste lands dated 6th March 1863, No. 478A.) and sold subject to annual payment of the assessment specified below to the highest bidder above the upset price or prices enumerated in the following schedule at _____ o'clock on _____ the _____ day of _____ 186____

2. All parties having claims on the said lands incompatible with the sale as herein notified are _____

* Be careful to annex a copy of the notice, signed by the purchaser and collector, to the Forms U. and V.

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are hereby required to prefer their claims on or before the day aforesaid to the undersigned.

SCHEDULE of Lands to be Sold.

District.	Talook.	Village.	No. of Lot.	Name (if any) and Boundaries.	Extent.	Upset price.	Annual Assessment.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

- (1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.
- (2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the Collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the Collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council under date the 6th day of March 1863, No. 478A., and shall at the same time sign an acknowledgment in one of the Forms U. or V. (as the case may require) annexed to the said rules.
- (3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall within 30 days from the day of sale pay to the said Collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the form marked X. annexed to the said rules.
- (4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within 10 days from the day of sale execute a deed in the form marked Y. annexed to the said rules.
- (5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.
- (6.) "That if the purchaser elects to pay within 30 days, and if, from any cause whatever, the purchase shall not be completed by the 30th day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for 10 days from the day of sale to execute a deed in the form marked Y. annexed to the said rules, then the purchaser shall pay to the Collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a deed in the form Y. be executed in the other case; without prejudice, nevertheless, to the right of resale reserved by the seventh condition.
- (7.) "That if the purchaser shall neglect or refuse to comply with the above conditions or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated

Collector of Coimbatore.

Enclosure 3, in No. 56.

RULES for the SALE of WASTE LAND in the Wynad Talook of MALABAR, passed by the Honourable the Governor in Council on the 7th March 1863, and numbered 482 A.

I. WASTE lands in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter* provided, may until further notice be sold under the following rules: • Rule 18.

II. Applications for land under these rules shall be addressed to the Collector of the Malabar District, and shall comprise the following particulars:—

(a.) The estimated area of the land applied for.

(b.) The situation of the land and its boundaries, as accurately as can be stated.

III. No lot shall exceed 500 acres, unless otherwise specially ordered by Government. Within towns and villages, the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact, and shall include no more than one tract of land, capable of being surrounded by a ring-fence, and when the land touches a public road or river, the length of the road or water frontage shall not exceed one-half of the depth of the lot.

V. No lot shall be sold until it has been surveyed, and durable boundary marks have been erected.

VI. If, on receipt of an application under Rule II., the collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI. within six weeks from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI., the collector shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III., and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX. being given.

IX. The advertisement shall be in English and in Malayalam, and shall specify the locality, extent, and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself, as well as in the neighbouring villages, in the offices of the collector and the tahsildar of the talook, the moonsiff's court, and the nearest police-office. A notification of the intended sale shall also be inserted in the district gazette. The collector shall, at his discretion, fix the time and place of sale, and may alter both if necessary, provided that not less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised, as aforesaid, for three full months.

X. The collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX., to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

XI. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI. as may not be expended. If, after survey at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them, as well as of surveying any excess beyond the limits prescribed in Rule III.

XII. On the withdrawal of an application, it shall be discretionary with the collector to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey, and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment, otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If, before the time of sale, no claim of private proprietorship, or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules, be preferred to the land, the lot shall, as advertised, be put up to auction, and sold to the highest bidder above the upset price, subject to an annual assessment, payable on or before the 30th June of each and every year, of two rupees for each acre of forest land, and one rupee for each acre of land other than forest contained in the lot.

XV. The successful bidder shall, immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may, at the option of the purchaser,

purchaser, be paid in full within 30 days, or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of six per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the Form (X.) annexed to these rules shall be furnished to the purchaser, and possession given. In the latter case, the land will remain hypothecated to Government, as security for the punctual discharge of the unpaid principal and interest as they fall due; and on default of any such payment, the Government may re-enter and repossess themselves of the land, or, at their option, the land may be resold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the Deed marked (Y.), annexed to these rules. When the conditions of Deed (Y.) have been duly fulfilled, a Deed in the Form (X.) will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale:—

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council, under date the 7th day of March 1863, No. 482A, and shall at the same time sign an acknowledgment in one of the Forms (U.) or (V.), (as the case may require), annexed to the said rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall, within 30 days from the day of sale, pay to the said collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the Form marked (X.), annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a deed in the Form marked (Y.) annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect for ten days from the day of sale to execute a deed in the Form marked (Y.) annexed to the said rules, then the purchaser shall pay to the collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a deed in the Form (Y.) be executed in the other case; without prejudice, nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules shall be preferred to the land or any part of it, the collector shall postpone the sale of the land until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes are not to be sold under these rules without the express sanction of the Government. A register of such reserves will be maintained in the collector's office, and will be open to inspection by intending applicants at such times and under such rules as the collector may prescribe by notification in the district gazette.

XIX. The annual assessment on lands sold under these rules may at any time be redeemed by the owner by payment of a sum equal to 25 times the said annual assessment, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the Form (Z.) annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands

XXI. Lands sold or redeemed under these rules shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors and of the public in existing roads and paths, and in streams running through or bounding lands sold under these rules are reserved and in no way affected by the sale of such lands under these rules.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on Puttah, Cowle, or otherwise at their discretion as heretofore.

No.

(X.)

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the District of (b) of the other part Whereas under the rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the seventh day of March One thousand eight hundred and sixty-three and numbered 482 A. the collector of Malabar did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the schedule hereunder written subject to an annual assessment in perpetuity on the said land of rupees (a) And whereas at such sale the said (A. B.) offered the sum of rupees (a) for such land subject to such assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained and whereas previously to the execution of these presents the said (A. B.) has paid into the Treasury of the said collector to the credit of Her Majesty's Government of India the full sum of rupees (a) Now this Indenture witnesseth that in consideration of the said sum of rupees (a) so paid by the said (A. B.) (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth sell alien and convey unto the said (A. B.) the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of Wynad in the collectorate of Malabar bounded as mentioned in the schedule hereunder written and delineated in the map or plan hereunto annexed together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface ways paths passages waters water-courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining except and always reserved out of these presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed to hold the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his heirs personal representatives and assigns for ever subject nevertheless to the payment by the said (A. B.) his heirs personal representatives and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (a) on or before the thirtieth day of June in each year and likewise subject to the payment by the said (A. B.) his heirs personal representatives and assigns of all general taxes and local rates now existing or which at any time hereafter may be imposed by law as also to the covenants and conditions hereinafter contained and the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A. B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the thirtieth day of June in each year the said sum of rupees (a) and likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed And further that in case he the said (A. B.) his heirs personal representatives or assigns shall make default in payment of the said annual assessment of rupees (a) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of rupees (a) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable Provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written

The SCHEDULE to which the above-written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of
Fort Saint George in Council was here- } (L. S.)
unto affixed in the presence of
Secretary to Government.

Signed sealed and delivered by the above- }
named (A. B.) at in the } Signature of A. B. (L. S.)
East Indies in the presence of (d)

Received from the above named A. B. the sum of }
rupees (a) being the consideration } Rupees (e)
money above mentioned to be by him paid }

Witness (d)

Collector of Malabar.

- (a) Enter in words.
- (b) Add the purchaser's trade, or occupation or other description.
- (c) Enter 25 times the annual assessment in words.
- (d) One witness will suffice. His place of residence, as also his occupation or other description must be written under his name.
- (e) Enter in figures.

(Y.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the district of (b) of the other part Whereas under the rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the seventh day of March One thousand eight hundred and sixty-three and numbered 482 A. the Collector of Malabar did on the (a) day of one thousand eight hundred and sixty (a) offer for sale by public auction the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of Wynad in the collectorate of Malabar bounded as mentioned in the schedule hereunder written and delineated in the map or plan hereunto annexed subject to the payment by the said (A. B.) his heirs personal representatives and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (f) on or before the thirtieth day of June in each year and whereas at such sale the said (A. B.) offered the sum of rupees (d) for such land subject to such assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained And whereas at the time of such sale the said (A. B.) paid into the hands of the said collector the sum of rupees (a) being the amount of deposit at the rate of ten rupees per cent. on the said purchase money as required by the said rules and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of rupees (c) in three yearly instalments of rupees (d) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six rupees per cent. per annum Now this Indenture witnesseth that in consideration of the said sum of rupees (e) so paid to the said collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the covenants on the part of the said (A. B.) hereinafter contained The said Secretary of State in Council for himself his successors and assigns Doth hereby covenant with the said (A. B.) his heirs personal representatives and assigns that on payment by the said (A. B.) his heirs personal representatives or assigns of the said sum of rupees (e) with interest thereon as herein mentioned he the said Secretary of State in Council his successors or assigns will convey unto the said (A. B.) his heirs personal representatives and assigns for ever The said land and premises together with all erections and buildings (if any) thereon erected and built And all products both above and below the surface ways paths passages waters water courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining Excepting nevertheless all existing and customary rights of Government and

and of proprietors of lands adjoining or lying near to the said land and premises purchased as aforesaid in all existing roads and paths and in streams of water running through or bounding the purchased land and premises To be held by the said (A. B.) his heirs personal representatives and assigns subject to the payment of the said yearly sum of rupees (f) on the thirtieth day of June in each year as hereinbefore mentioned And likewise subject to all general taxes and local rates now existing or which at any time hereafter may be imposed by law And to the observance of the several conditions in the said rules contained And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A. B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the thirtieth day of June in each year the said rupees (f) and likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased and further that he the said (A. B.) his heirs personal representatives and assigns will on the (g) day of (g) which will be in the year one thousand eight hundred and sixty (g) pay or cause to be paid to the said Secretary of State in Council his successors or assigns the sum of rupees (d) of lawful money of British India and on the (h) day of (h) which will be in the year one thousand eight hundred and sixty (h) a like sum of rupees (d) and on the (i) day of (i) which will be in the year one thousand eight hundred and sixty (i) a like sum of rupees (d) of like lawful money and also will pay to the said Secretary of State in Council his successors or assigns interest at the rate of six rupees per cent. per annum on the said balance of the said purchase money or sum of rupees (c) or on such part thereof as shall from time to time remain unpaid by two equal half yearly payments on the (j) day of (j) and the (k) day of (k) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.) his heirs personal representatives or assigns in payment of the said annual assessment or sum of rupees (f) as and when the same shall become payable under the covenant hereinbefore contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his heirs personal representatives and assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby further covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest hereinbefore covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due then and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his successors or assigns he the said (A. B.) his heirs personal representatives and assigns will deliver to any person authorised by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime and moreover that in the event of such default being made by the said (A. B.) his heirs personal representatives and assigns or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the said (A. B.) his heirs personal representatives and assigns it shall be lawful for the said Secretary of State in Council his successors or assigns at any time thereafter to resell the said premises either by public auction or private contract and if on such resale the said premises should be sold for a sum less than the said sum of rupees (l) he the said (A. B.) his heirs personal representatives and assigns will pay to the said Secretary of State in Council his successors or assigns the difference between the sum for which such premises shall be resold and the said sum of rupees (l) or it shall be lawful for the said Secretary of State in Council his successors or assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as in his and their former estate any thing hereinbefore contained to the contrary notwithstanding And further that in case he the said (A. B.) his heirs personal representative and assigns shall make default in payment of the said annual assessment of rupees (f) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of rupees (f) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty

to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (m) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The SCHEDULE to which the above-written Indenture refers.

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of }
Fort Saint George in Council was hereunto } (L. S.)
affixed in the presence of }

Secretary to Government.

Signed sealed and delivered by the above- }
named (A. B.) at in the } Signature of A. B. (L. S.)
East Indies in the presence of (n) }

Received from the above-named (A. B.) the sum of }
rupees (a) being the consideration } Rupees (o)
money above mentioned to have been by him paid }

Witness (n)

Collector of Malabar.

- (a) Enter in words.
(b) Add the trade, occupation or other description of the purchaser.
(c) Enter purchase money after deducting the deposit, in words.
(d) Enter one-third of purchase money, after deducting the deposit, in words.
(e) Enter the deposit in words.
(f) Enter the assessment in words.
(g) Twelve months from date of purchase in words.
(h) Twenty-four months from date of purchase in words.
(i) Thirty-six months from date of purchase in words.
(j) Six months from day of sale. Enter only the day and month, not the year.
(k) Twelve months from day of sale. Enter only the day and month, not the year.
(l) The sum for which the premises were knocked down, in words.
(m) Twenty-five times the annual assessment, in words.
(n) One witness will suffice. Enter his residence, as also his occupation or other description, under his name.
(o) Enter in figures.

(Z.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the district of (b) of the other part Whereas by an Indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein-mentioned did sell alien and convey unto the said (A. B.) his heirspersonal representatives and assigns for ever the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of Wynad in the collectorate of Malabar bounded as mentioned in the Schedule thereunder written and delineated in the map or plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his heirs personal representatives and assigns of the annual assessment or sum of rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by law as also to the several exceptions covenants and conditions therein contained And in and by such reciting Indenture it was declared and agreed that the said (A. B.) his heirs personal representatives and assigns should be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for Land Revenue And whereas the said (A. B.) under the said provision hath paid into the Treasury of the collector of to the credit of Her Majesty's Government of India the said sum of rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of rupees (a) and of all Land Revenue payable

payable thereon and that the said land may be likewise declared to be and continue as freehold Now this Indenture witnesseth that in pursuance of the said provision and in consideration of the said sum of rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remise release and for ever quit claim unto the said (A. B.) his heirs personal representatives and assigns the said annual assessment or sum of rupees (a) and further doth declare that the said land and premises may for ever be held as freehold fully and absolutely enfranchised exonerated acquitted and discharged by these presents from all demand on the part of Her Majesty for or on account of quit-rent assessment land tax or other land revenue Provided always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several exceptions reservations covenants and conditions in the hereinbefore in part recited Indenture contained In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the Seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The seal of the Honourable the Governor of }
 Fort Saint George in Council was here- } (L. S.)
 unto affixed in the presence of }

Secretary to Government.

Signed sealed and delivered by the above- }
 named (A. B.) at in the } Signature of A. B. (L. S.)
 East Indies in the presence of (c) }

Received from the above-named (A. B.) the sum of }
 rupees (a) being the consideration } Rupees (d)
 money above-mentioned to have been by him paid }

Witness (c)

Collector of Malabar.

- (a) Enter in words.
 (b) Enter the trade, occupation, or other description of the purchaser.
 (c) One witness will suffice. Enter his trade, occupation, or other description.
 (d) Enter in figures.

FORM (U.)

I (A. B.) of do hereby acknowledge that I attended at the sale mentioned in the annexed * Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of rupees (a) , and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said notice. I have paid to the collector of the sum of rupees (a) being a deposit of ten rupees per cent. in part of my purchase money and I elect to pay the residue thereof within thirty days from this day. Dated the (a) day of one thousand eight hundred and sixty (a)

Witness, (b)

Signature of A. B.

FORM (V.)

I (A. B.) of do hereby acknowledge that I attended at the sale mentioned in the annexed * Notice dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of rupees (a) , and that I was declared the purchaser thereof at that price under and subject to the conditions of sale set out in the said notice. I have paid to the collector of the sum of rupees (a) being a deposit of ten rupees per cent. in part of my purchase money and I elect to pay the residue thereof in three yearly instalments of rupees (a) each, with interest thereon at the rate of six rupees per cent. per annum, as prescribed by the rules passed by the Honourable the Governor in Council on the seventh March one thousand eight hundred and sixty three, and numbered 482A. Dated the (a) day of one thousand eight hundred and sixty (a)

Witness, (b)

Signature of A. B.

* Be careful to annex a copy of the notice, signed by the purchaser and collector, to the Forms (U.) and (V.)

(a) Enter in words.
 (b) The place of residence, as also the occupation or other description of the witness, must be written under his name.

FORM (W.)

FORM OF ADVERTISEMENT.

Notice No. _____—District of Malabar.

SALE OF WASTE LANDS.

1. NOTICE is hereby given, that the lands hereunder specified will be put up to auction at (under the Government Rules for the sale of waste lands, dated 7th March 1863, No. 482A) and sold subject to annual payment of the assessment specified below to the highest bidder above the upset price or prices enumerated in the following Schedule at o'clock on the day of 186 .

2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned:—

SCHEDULE of Lands to be sold.

District.	Talook.	Village.	Number of Lot.	Name (if any) and Boundaries.	Extent.	Upset Price.	Annual Assessment.

The sale will be made subject to the following conditions:—

CONDITIONS OF SALE.

- (1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.
- (2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the Rules passed by the Honourable the Governor in Council under date the 7th day of March 1863, No. 482A, and shall at the same time sign an acknowledgment in one of the Forms (U.) or (V.) (as the case may require) annexed to the said rules.
- (3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall within 30 days from the day of sale pay to the said collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the form marked (X.) annexed to the said rules.
- (4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments he shall within 10 days from the day of sale execute a deed in the form marked (Y.) annexed to the said rules.
- (5.) That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.
- (6.) "That if the purchaser elects to pay within 30 days, and if, from any cause whatever, the purchase shall not be completed by the 30th day from the day of sale, or if the purchaser shall elect to pay by instalments and shall neglect for 10 days from the day of sale to execute a deed in the Form marked (Y.) annexed to the said Rules, then the purchaser shall pay to the collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a deed in the Form (Y.) be executed in the other case; without prejudice nevertheless, to the right of resale reserved by the seventh condition.
- (7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated _____

Collector of Malabar.

Enclosure 4, in No. 56.

RULES for the SALE of WASTE LAND on the SHERVAROY HILLS, passed by the Honourable the Governor in Council on the 9th March 1863, and numbered 488 A.

I. WASTE lands in which no rights of private proprietorship or exclusive occupancy exist, and which may not be reserved as hereinafter* provided, may until further notice be sold • Rule 18. under the following rules.

II. Applications for land under these rules shall be addressed to the collector of the Salem District, and shall comprise the following particulars :—

- (a) The estimated area of the land applied for.
- (b) The situation of the land and its boundaries as accurately as can be stated.

III. No lot shall exceed 500 acres unless otherwise specially ordered by Government. Within towns and villages, the maximum extent of a lot shall be 10 acres. But any person may apply for several contiguous lots, each not exceeding the above limits.

IV. Every lot shall be compact, and shall include no more than one tract of land capable of being surrounded by a ring fence, and when the land touches a public road or river, the length of the road or water frontage shall not exceed one-half of the depth of the lot.

V. No lot shall be sold until it has been surveyed, and durable boundary marks have been erected.

VI. If on receipt of an application under Rule II, the collector has reason to believe that the land applied for is saleable under these rules, he shall call upon the applicant to deposit with him the estimated cost of surveying the land, and of marking it out with durable boundary marks, unless the land is already surveyed and demarcated. The collector will refund to the depositor any portion of his deposit which may not be actually expended in the survey and demarcation, and the depositor shall pay any deficiency.

VII. If the applicant fails to deposit the sum required under Rule VI, within six weeks, from the date of demand, his application shall be null and void.

VIII. On receipt of the deposit required under Rule VI, the collector shall, as soon as possible, cause the land applied for to be surveyed and marked out, and shall exclude from the lot all excess which may be found on survey beyond the limits prescribed in Rule III, and shall advertise the lot for sale on a given day, to be fixed so as to admit of the notice required in Rule IX being given.

IX. The advertisement shall be in English and Tamil, and shall specify the locality, extent, and boundaries of the lot, the aggregate annual assessment, and the place, time, and conditions of sale. It shall be posted for three clear months on the land itself as well as in the neighbouring villages, in the offices of the collector and the Tahsildar of the Talook, and the nearest police office. A notification of the intended sale shall also be inserted in the "District Gazette." The collector shall at his discretion fix the time and place of sale, and may alter both if necessary, provided that no less than 14 days' notice be publicly given of every such alteration, and that no land be sold until it has been advertised as aforesaid, for three full months.

X. The collector shall send written notice of the place and time of sale, as also of any alteration under the provisions of Rule IX, to the applicant; but no sale shall be disturbed in consequence of the non-receipt of such notice, or delayed in consequence of the non-appearance of the applicant.

XI. An applicant withdrawing his application prior to the sale of the land will be entitled to the refund of so much only of his deposit under Rule VI, as may not be expended. If after survey at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them; as well as of surveying any excess beyond the limits prescribed in Rule III.

XII. On the withdrawal of an application, it shall be discretionary with the collector to proceed with the sale of the land or not, as he considers best for the public interests.

XIII. The upset price shall in all cases be merely the cost of the survey and of the erection of durable boundary marks. If the original applicant be the purchaser, he shall receive credit for his deposit or payment; otherwise the amount shall be repaid to him at once from the sale proceeds.

XIV. If before the time of sale no claim of private proprietorship or of exclusive occupancy, or of any other right incompatible with the sale of the land under these rules be preferred to the land, the lot shall as advertised be put up to auction and sold to the highest bidder above the upset price, subject to an annual assessment, payable on or before the 30th June of each and every year, of 1 rupee for each acre of land contained in the lot.

XV. The successful bidder shall immediately on the sale being declared, pay down 10 per cent. of the price. The residue of the purchase money may at the option of the purchaser

purchaser be paid in full within thirty days; or in three yearly instalments of equal amount, bearing interest from the day of sale at the rate of 6 per cent. per annum. In the former case, on payment of the residue of the purchase money, a deed in the Form (X.) annexed to these rules shall be furnished to the purchaser and possession given. In the latter case the land will remain hypothecated to Government as security for the punctual discharge of the unpaid principal and interest as they fall due, and on default of any such payment the Government may re-enter and repossess themselves of the land, or, at their option, the land may be re-sold at the expense and risk of the defaulter. When the purchaser elects to pay the purchase money by instalments, he shall not receive possession until he has duly executed the deed marked (Y.) annexed to these rules. When the conditions of deed (Y.) have been duly fulfilled, a deed in the Form (X.) will be issued in lieu of it.

XVI. The sale shall be conducted under and subject to the following conditions of sale:—

(1.) "That the highest-bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the collector whether he elects to pay the residue within thirty days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council under date the 9th day of March 1863, No. 488A, and shall at the same time sign an acknowledgment in one of the Forms (U.) or (V.) (as the case may require) annexed to the said rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within thirty days, he shall within thirty days from the day of sale pay to the said collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the form marked (X.) annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall within ten days from the day of sale execute a deed in the form marked (Y.) annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within thirty days, and if, from any cause whatever, the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect for ten days from the day of sale to execute a deed in the form marked (Y.) annexed to the said rules, then the purchaser shall pay to the collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money from the day of sale until the purchase shall be completed in the one case; or until a deed in the Form (Y.) be executed in the other case; without prejudice, nevertheless, to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

XVII. If before the time of sale a claim of private proprietorship or of exclusive occupancy or of any other right incompatible with the sale of the land under these rules, shall be preferred to the land or any part of it, the collector shall postpone the sale of the land until such claim shall be disposed of in due course of law.

XVIII. Reserves of grazing and forest land, of land for the growth of firewood, for building sites, parks, recreation grounds, and the like, and of land required for other special purposes, are not to be sold under these rules without the express sanction of the Government. A register of such reserves will be maintained in the collector's office, and will be open to inspection by intending applicants at such times and under such rules as the collector may prescribe by notification in the "District Gazette."

XIX. The annual assessment on lands sold under these rules may at any time be redeemed by the owner by payment of a sum equal to twenty-five times the said annual assessment, and the lands so redeemed shall thereafter be for ever free from all demand on the part of the State on account of land revenue. On payment of the redemption money the owner of the land shall be furnished with a deed in the Form (Z.) annexed to these rules.

XX. Arrears of annual assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by the law for the time being in force in the Madras Presidency.

XXI. Lands

XXI. Lands sold or redeemed under these rules shall nevertheless continue subject to all general taxes and local rates payable by law or custom.

XXII. The existing and customary rights of Government, of other proprietors, and of the public in existing roads and paths, and in streams running through or bounding lands sold under these rules are reserved, and in no way affected by the sale of such lands under these rules.

XXIII. Nothing contained in these rules shall be held to debar the Government from granting waste land on Puttah, Cowle, or otherwise at their discretion as heretofore.

(X.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the District of (b) of the other part Whereas under the rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the ninth day of March One thousand eight hundred and sixty-three and numbered 488 A. the collector of Salem did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the land described in the Schedule hereunder written subject to an annual assessment in perpetuity on the said land of rupees (a) And whereas at such sale the said (A. B.) offered the sum of rupees (a) for such land subject to such assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained And whereas previously to the execution of these presents the said (A. B.) has paid into the treasury of the said collector to the credit of Her Majesty's Government of India the full sum of rupees (a) Now this Indenture witnesseth that in consideration of the said sum of rupees (a) so paid by the said (A. B.) (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth sell alien and convey unto the said (A. B.) the piece or parcel of land containing British statute acres (a) situated on the Shervaroy hills, in the collectorate of Salem, bounded as mentioned in the Schedule hereunder written and delineated in the map or plan hereunto annexed together with all erections and buildings (if any) thereon erected and built and all products both above and below the surface ways paths passages waters water-courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining except and always reserved out of these presents all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the land and premises hereby conveyed in all existing roads and paths and in streams of water running through or bounding the land and premises hereby conveyed to hold the said land and premises hereby conveyed with the appurtenances to the said (A. B.) his heirs personal representatives and assigns for ever subject nevertheless to the payment by the said (A. B.) his heirs personal representatives and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (a) on or before the thirtieth day of June in each year and likewise subject to the payment by the said (A. B.) his heirs personal representatives and assigns of all general taxes and local rates now existing or which at any time hereafter may be imposed by law as also to the covenants and conditions hereinafter contained And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A. B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the thirtieth day of June in each year the said sum of rupees (a) and likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises hereby conveyed And further that in case he the said (A. B.) his heirs personal representatives or assigns shall make default in payment of the said annual assessment of rupees (a) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of rupees (a) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable Provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (c) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

PAPERS RELATING TO THE SALE OF WASTE LANDS

The SCHEDULE to which the above-written Indenture refers—

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The seal of the Honourable the Governor of Fort Saint George in Council was hereunto affixed in the presence of

(L. s.)

Secretary to Government.

Signed sealed and delivered by the above-named (A. B.) at East Indies in the presence of (d) Signature of A. B. (L. s.)

Received from the above-named A. B. the sum of rupees (a) being the consideration money above-mentioned to be by him paid. Rupees (e)

Witness (d)

Collector of Salem.

- (a) Enter in words.
 (b) Add the purchaser's trade, or occupation, or other description.
 (c) Enter twenty-five times the annual assessment, in words.
 (d) One witness will suffice. His place of residence, as also his occupation, or other description, must be written under his name.
 (e) Enter in figures.

(Y.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the District of (b) of the other part Whereas under the rules for the sale of waste land passed by the Honourable the Governor of Fort Saint George in Council on the ninth day of March One thousand eight hundred and sixty-three and numbered 488A the collector of Salem did on the (a) day of One thousand eight hundred and sixty (a) offer for sale by public auction the piece or parcel of land containing British statute acres (a) situated on the Shervaroy hills, in the collectorate of Salem bounded as mentioned in the Schedule hereunder written and delineated in the map or plan hereunto annexed subject to the payment by the said (A. B.) his heirs personal representatives and assigns to the said Secretary of State in Council his successors or assigns yearly and every year for ever hereafter of the clear sum of rupees (f) on or before the 30th day of June in each year And whereas at such sale the said (A. B.) offered the sum of rupees (l) for such land subject to such assessment and being the highest bidder was declared to be the purchaser thereof according to the terms and conditions in such rules contained And whereas at the time of such sale the said (A. B.) paid into the hands of the said collector the sum of rupees (a) being the amount of deposit at the rate of ten rupees per cent. on the said purchase money as required by the said rules and under the provision contained in those rules has elected to pay the balance of such purchase money amounting to the sum of rupees (c) in three yearly instalments of rupees (d) each with interest on such balance or on such part thereof as shall from time to time remain unliquidated at the rate of six rupees per cent. per annum Now this indenture witnesseth that in consideration of the said sum of rupees (e) so paid to the said collector as hereinbefore mentioned (the receipt whereof is hereby acknowledged) and of the covenants on the part of the said (A. B.) hereinafter contained the said Secretary of State in Council for himself his successors and assigns doth hereby covenant with the said (A. B.) his heirs personal representatives and assigns that on payment by the said (A. B.) his heirs personal representatives or assigns of the said sum of rupees (c) with interest thereon as herein mentioned he the said Secretary of State in Council his successors or assigns will convey unto the said (A. B.) his heirs personal representatives and assigns for ever the said land and premises together with all erections and buildings (if any) thereon erected and built and all products both above and below the surface ways paths passages waters water-courses wells fences ditches easements profits rights members and appurtenances whatsoever to the said land and premises and every or any part thereof belonging or appertaining excepting nevertheless all existing and customary rights of Government and of proprietors of lands adjoining or lying near to the said land and premises purchased as aforesaid in all existing roads and paths and in streams of water running through or bounding the purchased land and premises to be held by the said (A. B.)

(A. B.) his heirs personal representatives and assigns subject to the payment of the said yearly sum of rupees (f) on the thirtieth day of June in each year as hereinbefore mentioned and likewise subject to all general taxes and local rates now existing or which at any time hereafter may be imposed by law and to the observance of the several conditions in the said rules contained And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that he the said (A. B.) his heirs personal representatives and assigns will yearly and every year for ever hereafter pay on or before the thirtieth day of June in each year the said sum of rupees (f) and likewise will at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the land and premises so purchased And further that he the said (A. B.) his heirs personal representatives and assigns will on the (g) day of (g) which will be in the year One thousand eight hundred and sixty (g) pay or cause to be paid to the said Secretary of State in Council his successors or assigns the sum of rupees (d) of lawful money of British India and on the (h) day of (h) which will be in the year One thousand eight hundred and sixty (h) a like sum of rupees (d) and on the (i) day of (i) which will be in the year One thousand eight hundred and sixty (i) a like sum of rupees (d) of like lawful money And also will pay to the said Secretary of State in Council his successors or assigns interest at the rate of six rupees per centum per annum on the said balance of the said purchase money or sum of rupees (c) or on such part thereof as shall from time to time remain unpaid by two equal half-yearly payments on the (j) day of (j) and the (k) day of (k) in each year together with a proportionate part of like interest until the said balance shall be fully paid or satisfied or until the said Secretary of State in Council shall obtain possession of the said land and premises under the provisions hereinafter contained And it is hereby declared and agreed by and between the parties hereto that until default shall be made by the said (A. B.) his heirs personal representatives or assigns in payment of the said annual assessment or sum of rupees (f) as and when the same shall become payable under the covenant hereinbefore contained or in payment of the said instalments or any of them or any part thereof respectively or of the said interest or any part thereof it shall be lawful for the said (A. B.) his heirs personal representatives and assigns peaceably and quietly to occupy possess and enjoy the said land and premises so purchased and receive and take the rents issues and profits thereof to and for his and their own use and benefit And the said (A. B.) for himself his heirs personal representatives and assigns doth hereby further covenant with the said Secretary of State in Council his successors and assigns in manner following (that is to say) that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said instalments or any or either of them or any part thereof respectively or in payment of the interest hereinbefore covenanted to be paid or any part thereof as and when such instalments and interest shall respectively become due then and in such case and within one month after demand of possession shall have been made on him or them by or on behalf of the said Secretary of State in Council his successors or assigns he the said (A. B.) his heirs personal representatives and assigns will deliver to any person authorised by an order passed by the Governor of Fort Saint George for the time being in Council to receive the same the quiet and peaceable possession of the said land and premises together with all erections and buildings which now are or which at any time between the date of these presents and such delivery of possession may be erected and built or standing on the said land and all improvements made to the said land in the meantime And moreover that in the event of such default being made by the said (A. B.) his heirs personal representatives and assigns or in case of the breach or non-performance of any of the covenants and agreements herein contained on the part of the said (A. B.) his heirs personal representatives and assigns it shall be lawful for the said Secretary of State in Council his successors or assigns at any time thereafter to resell the said premises either by public auction or private contract and if on such resale the said premises should be sold for a sum less than the said sum of rupees (l) he the said (A. B.) his heirs personal representatives and assigns will pay to the said Secretary of State in Council his successors or assigns the difference between the sum for which such premises shall be resold and the said sum of rupees (l) or it shall be lawful for the said Secretary of State in Council his successors or assigns at any time after such default or breach into and upon the said land and premises or any part thereof in the name of the whole to re-enter and the same to have again repossess and enjoy as in his and their former estate anything hereinbefore contained to the contrary notwithstanding And further that in case he the said (A. B.) his heirs personal representatives and assigns shall make default in payment of the said annual assessment of rupees (f) or any part thereof as and when the same shall become payable under the covenant hereinbefore contained then and in such case and so often as the same shall happen the said assessment of rupees (f) and all arrears thereof shall and may be treated as arrears of ryotwary land revenue and may be recovered in the same manner as ryotwary land revenue is now or at any time hereafter may be recoverable Provided always and it is hereby declared and agreed by and between the parties hereto that the said (A. B.) his heirs personal representatives and assigns shall at any time be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (m) of lawful money of British India and that immediately after such payment the land and premises hereby conveyed

veyed shall be for ever free from all demand for land revenue In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The SCHEDULE to which the above-written Indenture refers :—

District.	Talook.	Village.	Name (if any) and Boundaries.	Extent.

The Seal of the Honourable the Governor of Fort Saint George in Council was hereunto affixed in the presence of (L.s.)

Secretary to Government.

Signed sealed and delivered by the above-named A. B. at in the East Indies in the presence of (n) Signature of A. B. (L. s.)

Received from the above-named (A. B.) the sum of rupees (a) being the consideration-money above-mentioned to have been by him paid. Rupees (o)

Witness (n)

Collector of Salem.

- (a) Enter in words.
- (b) Add the trade, occupation, or other description of the purchaser.
- (c) Enter purchase money, after deducting the deposit, in words.
- (d) Enter one-third of purchase money, after deducting the deposit, in words.
- (e) Enter the deposit in words.
- (f) Enter the assessment in words.
- (g) Twelve months from date of purchase in words.
- (h) Twenty-four months from date of purchase in words.
- (i) Thirty-six months from date of purchase in words.
- (j) Six months from day of sale. Enter only the day and month, not the year.
- (k) Twelve months from day of sale. Enter only the day and month, not the year.
- (l) The sum for which the premises were knocked down, in words.
- (m) Twenty-five times the annual assessment, in words.
- (n) One witness will suffice. Enter his residence, as also his occupation, or other description under his name.
- (o) Enter in figures.

(Z.)

No.

THIS INDENTURE made the (a) day of One thousand eight hundred and sixty (a) between the Right Honourable the Secretary of State for India in Council of the one part and (A. B.) of in the district of (b) of the other part Whereas by an Indenture dated the (a) day of One thousand eight hundred and sixty (a) and made between the said Secretary of State of the one part and the said (A. B.) of the other part the said Secretary of State for the considerations therein mentioned did sell alien and convey unto the said (A. B.) his heirs personal representatives and assigns for ever the piece or parcel of land containing British statute acres (a) situated in the village of in the talook of in the collectorate of Salem bounded as mentioned in the Schedule thereunder written and delineated in the map or plan thereunto annexed with the appurtenances subject to the payment by the said (A. B.) his heirs personal representatives and assigns of the annual assessment or sum of rupees (a) and to the payment of all general taxes and local rates then existing or which at any time thereafter might be imposed by law as also to the several exceptions covenants and conditions therein contained And in and by such reciting indenture it was declared and agreed that the said (A. B.) his heirs personal representatives and assigns should be at liberty to redeem such annual assessment by payment to the said Secretary of State in Council his successors or assigns of the sum of rupees (a) and that immediately thereafter the said land and premises should be for ever free from all demand for land revenue And whereas the said (A. B.) under the said provision hath paid into the treasury of the collector of to the credit of Her Majesty's Government of India the said sum of rupees (a) and hath requested that the said land may be declared to be for ever hereafter absolutely freed and discharged from the payment of the said sum of rupees (a) and of all land revenue payable thereon and that the said land may be likewise declared to be and continue as freehold Now this indenture witnesseth

witnesseth that in pursuance of the said provision and in consideration of the said sum of rupees (a) so paid by the said (A. B.) as hereinbefore mentioned (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth remise release and for ever quit claim unto the said (A. B.) his heirs personal representatives and assigns the said annual assessment or sum of rupees (a) And further doth declare that the said land and premises may for ever be held as freehold fully and absolutely enfranchised exonerated acquitted and discharged by these presents from all demand on the part of Her Majesty for or on account of quit-rent assessment land tax or other land revenue Provided always and it is hereby declared and agreed by and between the parties hereto that in all other respects the said land and premises shall be subject to the several exceptions reservations covenants and conditions in the hereinbefore in part recited indenture contained In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council And the said (A. B.) hath set his hand and seal the day and year first above written.

The seal of the Honourable the Governor of Fort Saint George in Council was hereunto affixed in the presence of (L. S.)
Secretary to Government.

Signed sealed and delivered by the above-named (A. B.) at in the East Indies in the presence of (c) Signature of A. B. (L. S.)

Received from the above named (A. B.) the sum of rupees (a) being the consideration money above mentioned to have been by him paid. Rupees (d)
Witness (c) Collector of Salem.

- (a) Enter in words.
- (b) Enter the trade, occupation, or other description of the purchaser.
- (c) One witness will suffice. Enter his trade, occupation, or other description.
- (d) Enter in figures.

FORM (U.)

I, (A. B.) of , do hereby acknowledge that I attended at the sale mentioned in the annexed * notice, dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of rupees (a) and that I was declared the purchaser thereof at that price, under and subject to the conditions of sale set out in the said notice. I have paid to the Collector of the sum of rupees (a) being a deposit of 10 rupees per cent. in part of my purchase money, and I elect to pay the residue thereof within 30 days from this day. Dated the (a) day of 186 (a).
Witness (b) Signature of A. B.

FORM (V.)

I, (A. B.) of , do hereby acknowledge that I attended at the sale mentioned in the annexed * notice, dated the (a) day of 186 , No. , and that I bid for the premises therein specified and distinguished as lot No. , the sum of rupees (a) and that I was declared the purchaser thereof at that price, under and subject to the conditions of sale set out in the said notice. I have paid to the Collector of the sum of rupees (a) being a deposit of 10 rupees per cent. in part of my purchase money, and I elect to pay the residue thereof in three yearly instalments of rupees (a) each, with interest thereon at the rate of six rupees per cent. per annum, as prescribed by the rules passed by the Honourable the Governor in Council on the 9th March 1863, and numbered 488 A. Dated the (a) day of 186 (a).
Witness (b) Signature of A. B.

* Be careful to annex a copy of the notice, signed by the purchaser and collector, to the Forms (U.) and (V.)
(a) Enter in words.
(b) The place of residence as also the occupation or other description of the witness must be written under his name.

FORM (W.)

(FORM of ADVERTISEMENT.)

Notice, No. _____—District of Salem.

SALE of WASTE LANDS.

1. NOTICE is hereby given, that the lands hereunder specified will be put up to auction at _____ (under the Government Rules for the sale of waste lands, dated 9th March 1863, No. 488 A,) and sold, subject to annual payment of the assessment specified below, to the highest bidder above the upset price or prices enumerated in the following Schedule, at _____ o'clock on _____ the _____ day of _____ 186 .

2. All parties having claims on the said lands, incompatible with the sale as herein notified, are hereby required to prefer their claims on or before the day aforesaid to the undersigned,

SCHEDULE of Lands to be Sold.

District.	Talook.	Village.	Number of Lot.	Name (if any), and Boundaries.	Extent.	Upset Price.	Annual Assessment.

The sale will be made, subject to the following conditions:—

CONDITIONS of SALE.

(1.) "That the highest bidder above the upset price shall be the purchaser of the premises, and if any dispute arise between two or more bidders at the same price, the premises shall be immediately put up again at the last preceding undisputed bidding, and resold.

(2.) "That immediately after the lot is knocked down, the purchaser thereof shall pay to the collector a deposit of 10 rupees per centum, in part of his purchase money, and intimate to the collector whether he elects to pay the residue within 30 days, or by three yearly instalments, as provided by the rules passed by the Honourable the Governor in Council, under date the 9th day of March 1863, No. 488 A, and shall at the same time sign an acknowledgment in one of the Forms (U.) or (V.) (as the case may require), annexed to the said rules.

(3.) "That if the purchaser shall elect to pay the residue of his purchase money within 30 days, he shall, within 30 days from the day of sale, pay to the said collector the residue of his purchase money, and shall thereupon receive a conveyance of the premises in the form marked (X), annexed to the said rules.

(4.) "That if the purchaser shall elect to pay the residue of his purchase money by three yearly instalments, he shall, within 10 days from the day of sale, execute a deed in the form marked (Y), annexed to the said rules.

(5.) "That all persons desirous of becoming purchasers are to satisfy themselves as to the identity and correct description of the property, and the measurement and boundaries of the premises, previous to the sale; as by having the premises knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

(6.) "That if the purchaser elects to pay within 30 days, and if, from any cause whatever the purchase shall not be completed by the thirtieth day from the day of sale, or if the purchaser shall elect to pay by instalments, and shall neglect for 10 days from the day of sale to execute a deed in the form marked (Y.) annexed to the said rules, then the purchaser shall pay to the collector interest at the rate of 12 rupees per cent. per annum, on the remainder of his purchase money, from the day of sale until the purchase shall be completed in the one case, or until a deed in the Form (Y.) be executed in the other case, without prejudice nevertheless to the right of resale reserved by the seventh condition.

(7.) "That if the purchaser shall neglect or refuse to comply with the above conditions, or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to resell the premises either by public auction or private contract, without the necessity of previously tendering a conveyance to the purchaser; and the deficiency, if any, arising from such resale, together with all expenses attending it, shall be made good by the purchaser at the present sale, who shall so neglect or refuse, as and for liquidated damages."

Dated _____

Collector of Salem.

ACT No. XXIII of 1863.

AN ACT to provide for the Adjudication of Claims to Waste Lands.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims which may be preferred to waste lands proposed to be sold or otherwise dealt with on account of Government, and of objections taken to the sale or other disposition of such lands; it is enacted as follows:—

Preamble.

I. When any claim shall be preferred to any waste land proposed to be sold or otherwise dealt with on account of Government, or when any objection shall be taken to the sale or other disposition of such land, the Collector of the district in which such land is situate, or other officer performing the duties of a Collector of land revenue in such district, by whatever name his office is designated, shall, if the claim or objection be preferred within the period mentioned in the advertisement to be issued for the sale or other disposition of such land, which period shall not be less than three months, proceed to make an inquiry into the claim or objection.

Provision for inquiry into claims to land or objections to sale of same.

II. The Collector or other officer as aforesaid, shall call upon the claimant or objector to produce any evidence or documents upon which he may rely in proof of his claim or objection, and after considering the same, and making any further inquiry that may appear proper, shall dispose of the case by an order for the admission or rejection of the claim or objection, and if the land is proposed to be sold, for the sale of the same, subject to any condition or reservation which to such Collector or other officer as aforesaid shall appear to be proper. If the land is ordered to be sold subject to any condition or reservation, such condition or reservation shall be notified to intending purchasers at the time of sale.

Procedure in such cases

III. Pending an inquiry into any claim or objection under the last preceding Section, the Collector or other officer as aforesaid, shall postpone the sale or other disposition of the land, and if he shall order that such claim or objection be rejected, he shall further postpone the sale or other disposition of the land, to allow the claimant or objector to contest the order of rejection in the manner hereinafter provided.

Pending inquiry, sale, &c., to be postponed.

IV. If the Collector or other officer as aforesaid shall consider the claim or objection to be established, and that the sale or other disposition of the land should not take place, he shall stop the sale or other disposition of the land; but such sale or other disposition of the land may afterwards be proceeded with, if, on an order issued by the Local Government to try the claim or objection as provided in Section VI. of this Act, the claimant or objector shall fail to establish the same.

Sale to be stopped if claim appear to be established, but may afterwards be proceeded with.

V. If the Collector or other officer aforesaid shall order that the claim or objection be rejected, or that the land be sold subject to any condition or reservation, or that it be otherwise dealt with, he shall cause a copy of such order to be delivered to the claimant or objector, and if such claimant or objector shall not, within one week from the delivery of such copy, or within such further time as the Collector or other officer as aforesaid, for any special reason to be recorded shall see fit to grant, give notice in writing to such Collector or other officer as aforesaid that he intends to contest such order, the order shall be final. If the claimant or objector shall, within the time allowed, give such notice, the Collector or other officer as aforesaid shall immediately make a report to the Board of Revenue or other superior revenue authority, and shall forward with such report a copy of his order, stating fully all the circumstances of the case, and the evidence adduced in support or otherwise of the claim or objection; and such Board or other authority, on the receipt of such Report, and after calling for any further information which it may consider necessary, may confirm, modify, or reverse the order of the Collector or other officer as aforesaid. If the Board, or other authority as aforesaid confirm the order of the Collector or other officer as aforesaid, or modify such order in such manner as to leave any part of such order in force adverse to the claimant or objector, the Collector or other officer as aforesaid shall certify such order to the Court constituted as hereinafter provided, and such Court shall forthwith give notice to the claimant or objector; and if such claimant or objector shall not, within 30 days from the delivery of such notice from the Court, institute a suit in such Court to establish his claim or objection, the order of the Board or other authority aforesaid shall be final.

Procedure after passing of order in the case.

Report to Revenue Board.

Decision of Board.

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

Local Government may, within 12 months, order suit to be brought to try claim admitted by collector.

VII. For the investigation and trial of claims under this Act, the Local Government shall constitute, in every district in which there may be any waste lands capable of being sold or otherwise dealt with on account of Government, a Court consisting of an uneven number of persons, not less than three, of whom the Judge of the District, or the officer presiding in the principal Civil Court of original jurisdiction in the district by whatever name his office may be designated, shall be one. Any one or more of the members of which such Court shall consist, shall have power to make all such orders in the case as may be

Special court for trying claims.

necessary prior to the hearing of the suit; provided that, whenever the Collector or other officer by whom the original inquiry was held is the officer presiding in the principal Civil Court of original jurisdiction in the district, such officer shall not be a member of such Court.

Notice of constitution of special courts, claims not cognizable in other courts.

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

Special courts where to be held.

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

Plaintiff and defendant in suits under section V.

X. In every suit instituted under Section V. of this Act, the claimant of the waste land, or objector to the sale or other disposition of such land shall appear as plaintiff, and the Collector or other officer aforesaid shall appear as defendant on the part of Government. Either party may appear by pleader or by agent; provided, that if such other officer as aforesaid, be the presiding officer of the principal Civil Court of original jurisdiction in the district, the Local Government shall appoint some other officer to appear as defendant in the case on its behalf. In any suit ordered to be instituted by the Local Government under Section VI of this Act the Government, by any officer to be appointed for the purpose, shall appear as plaintiff, and the claimant or objector as aforesaid shall appear as defendant.

Proviso.

Plaintiff and defendant in suits under Section VI.

XI. In suits instituted under this Act, except as hereinafter provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

Proceedings regulated by Civil Procedure Code

Procedure before hearing of suit.

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

Procedure on hearing.

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

No appeal or revision.

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

Reference of question of law, &c., to High Court, &c.

XV. If, on the trial of any suit under this Act, any question of law, or of usage having the force of law, or the construction of a document affecting the merits of the case shall arise, on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with its own opinion, for the opinion of the High Court of Judicature, or of the highest Civil Court of Appeal and revision in the territory, in which the land is situate; provided that it shall be the duty of every Court held under this Act to make such reference to such High Court or Court of Appeal, if in any suit under this Act any question shall arise involving any principle of general importance, or the rights of a class.

Such reference obligatory in certain cases.

Court may proceed notwithstanding reference.

XVI. The Court may proceed in the case notwithstanding a reference to the High Court, or other highest Civil Court of Appeal as aforesaid, and may pass an order contingent upon the opinion of the High Court, or other Court as aforesaid on the point referred, but no final order for the sale or other disposition of the land in question in the suit, or for the admission or rejection of any claim or objection which shall be before the Court in such suit, shall be passed until the receipt of the order of the said High Court, or highest Civil Court of Appeal.

Record of cases where to be deposited.

XVII. The record of cases disposed of by Courts constituted under this Act shall be deposited amongst the records of the principal Civil Court of original jurisdiction in the district in which the property in dispute is situate.

Limitation as to claims to land sold or dealt with.

XVIII. No claim to any land, or to compensation or damages in respect of any land sold or otherwise dealt with on account of Government as waste land, shall be received after the expiration of three years from the date on which such land shall have been delivered by the Government to the purchaser, or otherwise dealt with. If within three years after any lands have been delivered by the Government to the purchaser, or otherwise dealt with, any claimant or objector shall prefer a claim to the land so delivered or otherwise dealt with, or an objection to such sale, or to compensation or damages in respect thereof, in the Court constituted under this Act for the district in which the land is situate, and shall show good and sufficient reason for

Provisions for such claims if preferred within time.

for not having preferred his claim or objection to the Collector or other officer as aforesaid, for within the period limited under Section 1 of this Act, such Court shall file the claim or objection, making the claimant or objector plaintiff, and the Collector of the district or other officer as aforesaid (with the like provision as aforesaid, if such other officer be the presiding officer of the principal Civil Court of original jurisdiction in the district), the defendant in the suit, and the foregoing provisions of this Act shall be applicable to the trial and determination of the suit. The report of the officer employed to give delivery, or to take possession on the part of the Government, of the land sold or otherwise dealt with, shall be conclusive evidence as to the date on which such delivery was made, or possession was taken.

XIX. In any case in which the land has been sold, if the Court shall be of opinion that the claim of the claimant is established, the Court shall not award the claimant possession of the land in dispute, but shall order him to receive from the Government Treasury, by way of compensation, a sum equal to the price at which the land was sold, in addition to the costs of suit. If claim established, possession not to be given, but compensation.

XX. If the land shall have been sold subject to any condition or reservation, or shall not have been sold, but shall have been otherwise dealt with on account of the Government, and the Court shall be of opinion that the claim to such land, or the objection of an objector is established, the Court shall award the claimant or objector to receive such sum in respect of his interest in such land as shall be awarded in that behalf under the provisions of Act VI of 1857 (*for the acquisition of lands for public purposes*), and thereupon the Local Government shall proceed under the said Act to obtain an award of the value of such interest. When land has not been absolutely sold, or has been otherwise dealt with.

XXI. An award under any of the provisions of the two last preceding sections shall be in full satisfaction of the claim of the claimant or objector, and shall bar any future claim on his part in respect to the land in suit resting on the same cause of action, or on a cause of action which existed prior to the date of the sale or other disposition of the land on account of Government. Award under the two last sections to be in full satisfaction.

XXII. Nothing in this Act shall be held to prevent the Local Government from awarding to any claimant of waste land sold on account of the Government, on proof to the satisfaction of the Local Government of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the Collector or other officer as aforesaid, or to the proper Court constituted under this Act within the period prescribed by this Act), such amount of compensation for the said land within the limit as to amount mentioned in Section XIX of this Act, if the land have been sold not subject to any condition or reservation as to such Local Government may seem proper. Government not barred from awarding compensation for land absolutely sold, though claim be not preferred in time.

XXIII. If the land have been sold subject to any condition or reservation, or have been otherwise disposed of on account of Government, and any claim to such land, or objection to the sale or other disposition of the land shall be proved to the satisfaction of the Local Government, although not preferred to the Collector or other officer as aforesaid, or to the Court constituted under this Act, within the period prescribed by this Act, the Local Government may award to such claimant or objector such amount as to such Local Government may appear to be the value of the interest of such claimant or objector in such land. Compensation for land sold subject to condition, if claim proved, though not preferred in time.

XXIV. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females. Interpretation. Number. Gender.

*Enclosure 5, in No. 56.

(No. 208.)

From *P. Grant*, Esq., Collector of Coimbatore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue.

Coimbatore Collector's Office, Ootacamund,
6 October 1862.

Sir,

1. WITH reference to the Board's Miscellaneous Circular, dated 26th September 1862, No. 6507, I have the honour to forward a notification which, with their approval, I purpose publishing in my district gazette. Pending the Board's reply (which I hope to receive soon), I will arrange with the district engineer for the survey of such lands as may be applied for.

2. In framing the enclosed notification, I have been chiefly guided by the draft rules forwarded with the Proceedings of Government, dated 27th February 1862, No. 433.

3. The points to which I beg special attention are—

I. Whether any time is to be allowed for payment?

II. Whether there is to be any limit to the size of the lots?

4. As to the first, I think, payment should precede possession, and that a heavy penalty should attach to the failure of a purchaser to conclude his bargain, as a security to the other bidders.

5. As to the second, I think that if the Government deem it an object to secure competition, there should be some limit, say 500 acres for agricultural allotments, and 15 acres for building sites at the different Hill stations.

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6. I propose

6. I propose notifying all future sales in the district gazette, as well as by notice at Ootacamund, Coonoor, Wellington, Kotagherry, and in the villages adjoining the lands themselves. I would submit for consideration whether they should also be advertised in the local paper, viz., the "Neilgherry Star."

7. I beg to be particularly informed whether I am right in considering that the order of Government applies to all Government lands on the slopes, as well as the plateau of the hills. This question I ask, as several applications for lands on the slopes have been made, and the applicants are anxious to obtain early possession of them.

I have, &c.
(signed) P. Grant, Collector.

NOTIFICATION.

UNDER instructions from Government, the Collector of Coimbatore gives notice that Government lands on the Neilgherry hills will from this date be disposed of under the following rules only:—

I. Applicants for land must apply in writing to the Collector stating the situation and extent of the land sought.

II. If there be no objection to the sale of the lands, intimation to that effect will be given to the applicant who must therefore deposit with the Collector a sum sufficient to cover the probable cost of survey and boundary marks which is generally estimated at annas per acre.

III. On receipt of such deposit the Collector will make arrangements for the survey of the land, as soon as practicable, and will publicly advertise the intended sale of the lands, the upset price, annual assessment, time and place of sale.

IV. All lands disposed of on the Neilgherry hills shall be sold by public auction to the highest bidder, and shall be put up at an upset price of 5 rupees per acre for wooded or sholah land, and 2½ rupees per acre for open or grass land, subject further to a yearly assessment of 2 rupees per acre for the former, and 1 rupee per acre for the latter from the date of possession being given.

V. The actual purchaser shall pay in addition the expense of survey and boundary marks as actually incurred. If the original applicant be the purchaser, and the cost of survey and boundary marks exceed the sum deposited by him under Rule 2, he shall make good the deficit; if, on the other hand, the cost of survey and boundary be less than his deposit, the surplus shall be refunded to him. If the original applicant be not the purchaser, the whole of his deposit shall be refunded to him.

VI. The purchase money must be paid to the Collector before possession can be given.

VII. The assessment shall be paid annually on or before the 30th June of each year, for the preceding 12 months.

VIII. It shall be competent to any purchaser of land to redeem the annual assessment at any time by paying up a sum equal to 25 years' purchase of the said assessment, and the land so redeemed shall thenceforth be free of all land-tax payable to the State.

IX. All transfers of land bought under this notification must be registered in the Collector's books within six months of such transfer.

X. In the event of the purchase money of any lot not being paid within six months of the day of sale, such lot shall be resold at the risk of the first purchaser who shall forfeit all gain and make good all loss consequent on such resale, as well as the assessment due on the land.

XI. Arrears of assessment shall be recoverable in the same manner as arrears of ryotwary land revenue are, or may be recoverable by law.

XII. On the completion of the purchase of land, the purchaser shall be furnished with a title deed in the following form, and shall be bound by its terms, as well as by the conditions stated in this notification.

FORM OF TITLE DEED.

Know all men by these presents, that the Governor in Council of Madras has sold to his heirs, executors, administrators and assigns, for the sum of _____ rupees a day received by me, the tract of land measuring British statute acres _____ situate in _____ to be holden by him in full proprietary right, subject to the following conditions:—

I. The aforesaid lands are subject to an annual payment to the Collector for the time being of _____ rupees payable on or before the 30th June of each year for the 12 months preceding.

II. Arrears.

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

III. No transfer of proprietary right will be recognised by the Civil Courts or by the Revenue Officers of Government unless duly registered.

IV. The proprietor is to maintain permanent boundary marks round his grant and keep them in a state of repair.

V. The grant conveys the plenary right to all products both above the surface and below the same.

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

VII. The lands included in this deed are shown in the subjoined table:—

Number of Grant.	Talook and Village.	Boundaries of Grant.	Area in Acres.

VIII. The proprietor shall be at liberty at any time to redeem the annual assessment of the said land by payment of rupees, and after such payment the said land shall be free for ever from all demand for land revenue.

IX. The liability of the lands herein specified to municipal or local taxes, is not affected by this grant.

Coimbatore, Collector's Office,
6 October 1862.

I am, &c
(signed) P. Grant, Collector.

Enclosure 6, in No. 56.

PROCEEDINGS of the Madras Government, Revenue Department, 6 December 1862.

1. ORDERED that the above letter be submitted for the orders of Government with reference to their proceedings dated 24th September 1862, R. D., No. 2080, and in continuation of the Board's letter dated 14th October 1862, No. submitting the draft of rules for the sale of waste land.

2. Mr. Grant's proposed rules are in some respects imperfect, and in others opposed to the Board's draft, while the system proposed by Government for the Neilgherries is so different from that to be introduced elsewhere that, if it is to be maintained, further instructions are necessary on some minor details, among which may specially be mentioned, the mode in which payment is to be made for the land.

3. As regards the limit to be prescribed on the Neilgherries for the size of the lots, the Board consider Mr. Grant's proposal of 500 acres for a farm or plantation allotment, and 15 acres for a building site in the cantonment, to be suitable and reasonable.

4. They understand that in the Wainád, 300 acres are the extent which is preferred for a single coffee plantation, as manageable without difficulty, while a larger extent would as a rule include an undue proportion of unsuitable land.

5. The Board presume that whatever rules are determined on for the Neilgherry plateau will apply equally to the slopes towards the lower country, and here again they would point how great will be the inequality between occupiers on these hills under the Government rules, and settlers in the close neighbourhood, in the Wainád and in Coorg, on the far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution of the Supreme Government.

(signed) W. Hudleston, Secretary.

Enclosure 7, in No. 56.

OFFICIAL Memorandum from W. Hudleston, Esq., Secretary to the Board of Revenue, to the Honourable T. Pycroft, Chief Secretary to Government (No. 821); dated Madras, 27 October 1862.

1. IN reply to the Chief Secretary's Memorandum dated 24th October 1862, the Secretary Revenue Board has the honour to state that the inequality to which the Board referred in the position of intending settlers on the Neilgherries under the conditions proposed by Government

Government in their order dated 24th September 1862, No. 2080, Revenue Department, paragraphs 8 to 14 inclusive, and of intending settlers in the Wainád and Coorg under the terms of the Governor General's Resolution and the Despatch of the Secretary of State, is in the amount which they will be required to pay for the land to obtain it free of assessment and to the resulting disadvantage to the Neilgherry settler of an annual payment should he not be able to redeem the land tax on the terms proposed.

2. The price originally proposed by the Governor General for land unencumbered with jungle was 5 rupees per acre, and for forest land Rs. 2. 8. per acre.

3. The objection of the Secretary of State to this part of the Resolution was based on the unfitness of such a rate for all lands without reference to their relative advantages, and he directed that a minimum price should be fixed in communication with the local authorities for the various descriptions of soil, and that the land should be sold at auction at this upset price.

4. In the rules subsequently published for the Bengal Presidency Rs. 2. 8. per acre is adopted as the minimum upset price, and 10 rupees per acre as the maximum. This will include all the Darjeeling and Assam lands suited for tea cultivation.

5. In the published rules for the North Western Provinces issued since the receipt of the Secretary of State's Despatch the upset price is fixed "at five rupees" per acre for cultivated and Rs. 2. 8. for uncultivated land, unless for some special reason (such as proximity to a station, valuable timber being on the land, &c.) that rate be held to be inadequate, in which case the Collector is to report to the Revenue Board what upset price he thinks proper for their confirmation, and the land will be sold free of assessment to the land revenue. These terms will apply to all the lands in the Dehra Doon and on the hill ranges not in the immediate vicinity of the stations of Simla, Mussoorie, Almora, &c.

6. The upset price proposed by this Government for the whole of the waste lands on the Neilgherries within or without the cantonment is 55 rupees per acre for jungle land and 27½ rupees per acre for open grass land which rates appear to the Board almost prohibitive and certainly as contrasting most unfavourably with the terms under the other Governments above mentioned. It is most probable that one or other of those schemes will be applied to lands in Coorg, and the Board did not contemplate that more restrictive terms could be intended for the Wainád.

By order,
(signed) *W. Hudleston*, Secretary.

Enclosure 8, in No. 56

ORDER thereon, 6 December 1862, No. 2554.

1. WITH the first of the above letters the Board of Revenue submitted the draft of a notification prepared by the Collector of Coimbatore regarding the sale of lands on the Neilgherry hills, on the terms laid down in G. O. 24th September last, No. 2080. The Board in submitting the draft drew attention to the great "inequality between occupiers on these hills under the Government rules, and settlers in the close neighbourhood, in the Wainád and Coorg, on the far more advantageous terms contemplated by the Secretary of State's Despatch and the Resolution of the Supreme Government." The second paper above recorded contains a fuller statement of the inequality referred to.

2. The Governor in Council observes that the Neilgherry hills cannot be termed "unassessed waste." So far back as 1850 the Government prescribed, with the approval of the Home Governments, the conditions on which land on the Neilgherries would be granted to Europeans for agricultural purposes. Under these rules the fee simple property in the land was in no case to be disposed of, the utmost that could, except in special cases, be granted was a lease for 33 years for agricultural, and 99 years for building purposes; and all land was put up to auction at an upset price of from eight to ten years' assessment, subject to the yearly assessment.

3. In 1859 these rules were revised. Land required for agricultural purposes was to be put up to auction without any upset price, but subject to an annual assessment of 1 rupee per acre, redeemable at 20 years' purchase. Building lots in the stations were to be put up to auction at an upset price of 20 rupees per acre on freehold tenure.

4. Practically, therefore, the hills have been and are "assessed," and the Board will find in paragraph 20 of the last Despatch from the Secretary of State that the Supreme Government have themselves described the Neilgherries, Shervaroy's and Wainád as "lands which, being assessed at 1 rupee per acre, will not be purchasable for less than 20 rupees per acre." It is obvious that land is not the less "assessed" because the Government have prescribed an uniform rate on the principle of an average instead of, as usual, rates varying with the quality of the soil.

5. Under these circumstances the Board will perceive that their arguments are inapplicable, and that lands on the hills cannot in fact be sold in the manner they contemplate without actually infringing the Resolution of the Supreme Government.

6. There can be no doubt that the assessment fixed in G. O., 24th September last, is extremely light, and taking into consideration the natural advantages of climate, soil, and proximity to the coast which the hills possess, and the expenses which the State has incurred and

and must continue to incur in the general administration of the tract, the Government can see no reason for sacrificing, on such easy terms as the Board seem to contemplate, a revenue which is paid with ease, and for which the settler receives such solid benefits.*

7. On a careful reconsideration of the Order of September, the Governor in Council resolved to abandon the upset price therein ordered, as it may reasonably be assumed that competition at the auctions will bring in whatever the land may be worth over and above the annual assessment. All land applied for, if not reserved for public reasons, will be put up to auction without any upset price, but subject to an annual assessment of 2 rupees per acre for "Shola" or wooded, and 1 rupee per acre for "grass" or open land. The maximum size, of each lot will be 500 acres for agricultural, and 10 acres for building purposes, but an applicant may apply for several contiguous lots, each not exceeding the above area.

8. The purchaser of any lot may at any time redeem the assessment on it at 25 years' purchase, as ordered by the Secretary of State.

9. The Collector's draft rules have been modified to suit the above decision. The Board will ascertain from the Government Pleader whether the form of deed is sufficient for the objects in view, and will furnish the Collector with a form of sale advertisement and redemption deed.

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

Enclosure 9, in No. 56.

LETTER from *G. A. Ballard*, Esq., Collector of Malabar, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 207); dated Calicut, 9 October 1862.

1. I HAVE the honour to acknowledge receipt of the proceedings of the Board, covering Government Order, dated 24th September 1862, No. 2080. I am directed to furnish at once the information required in paragraphs 3 and 4 of that Order.

2. With reference to paragraph 3, I would refer to my letter to the Board of the 19th August last, No. 170, reporting the applications that had been made for waste lands in Malabar, in reviewing which communication the Board observed that no step beyond registry could be taken pending the publication of the subsidiary rules. No arrangements, therefore, have been completed for the sale of waste under the Resolution of the Government of India of October last, nor have any been made for the redemption of the land revenue.

3. I will report further on the subject of paragraph 4 of the Government Order under review very shortly, but I am desirous of receiving instructions regarding the Government waste lands in Wynad with the least possible delay. I would strongly advocate that the action of the rules just applied to the Neilgherries be, with some modification, extended to Wynad also.

4. If on the Wynad applications the payment of a price down sufficient to cover the purchase of the proprietary right, and 20 to 25 years' moderate assessment is made compulsory, I much fear it will check enterprise, and it will certainly circumscribe competition.

If a nominal minimum price only is fixed, the interests of Government would be seriously sacrificed.

If, however, the proprietary right is sold at an easy rate, with a moderate assessment, redeemable either at sale or at some future period, at the option of the purchaser, enterprise and competition have full scope, whilst Government interests are secured.

5. I would therefore propose that on application for Government waste in Wynad the proprietary right be put up to auction at a minimum price of five rupees for heavy forest and two-and-a-half rupees for open land per acre, subject only to an annual assessment of one rupee and half a rupee per acre respectively. The assessment to be payable throughout the holding, cultivated or uncultivated, but in the case of *bonâ fide* coffee cultivation, commencing with purchase, not to be leviable till the third year.

The assessment to be redeemable at the time of purchase of the proprietary right, or at any subsequent period, on payment of 20 times its annual amount.

I am strongly of opinion that a higher rate throughout the holding than I have named cannot be exacted; and I believe it will be found that much of the open land will not bear what I have proposed.

6. No single application should embrace more than 300 acres; otherwise a capitalist might practically exclude competition by applying for a tract the upset price of which would virtually prevent others bidding for it. But there should be no objection made to the same individual company applying for several lots, contiguous or otherwise, each not exceeding the limit.

7. I venture to hope these modifications will commend themselves to the Board; and that I may be permitted to publish the Neilghery Rules thus modified at once. I am very sanguine the result would quickly show their applicability to Wynad.

The

* NOTE.—The Government maintain the following Establishments on the Hills:—
At Ootacamund—A subordinate court; a magisterial office presided over by an European officer; two medical officers; a chaplain; a tahsildar with treasury; police force; post office; telegraph office; an executive engineer.

At Coonoor—A medical officer; a chaplain.]

The Collector will please to report the upset price which he considers would be fair for the sale of waste land, free of assessment, which is the system contemplated by the Resolution of the Governor General, and in the Despatch of the Secretary of State.

(signed) *W. Hudleston,*

To *G. A. Ballard, Esq.,* Collector of Malabar.

Secretary.

Enclosure 10, in No 56.

From *G. A. Ballard, Esq.* Collector of Malabar, to *W. Hudleston, Esq.* Secretary to the Board of Revenue, Madras (No. 170); dated Calicut, 19 August 1862.

* Miscellaneous.

IN reply to the Board's Circular,* dated 2d instant, No. 5028, I have the honour to submit statement in abstract of the number of applications and extent of land applied for, in connexion with the Governor General's Resolution regarding the sale of waste, and to express my opinion that more applications would doubtless have been made, if the subsidiary rules of the Local Government had been issued. I have no doubt many will be made as soon as the rules are issued.

2. I take this opportunity of submitting a notice I issued soon after arrival in the district. This was all the action that the orders of Government appeared to admit of.

3. I observe by an issue of a local paper received a day or two ago that the Collector of Coimbatore appears to be "giving publicity to," and acting on the draft rules. I request I may be informed if this course can be pursued here. It is most desirable that definite rules should be published, and action permitted, with respect to the Wainád and other hill tracts in Malabar.

(Enclosure No. 1.)

STATEMENT in Abstract of the number of Applications, and extent of Land sought under the Resolution of the Governor General of India in Council (No. 3264); dated 17 October 1861.

No.	Names of Applicants.	Extent of Land Applied for.	Locality.	REMARKS.
		<i>Acres.</i>		
1	Mr. R. Nicol - -	1,000	Wainad.	
2	Mr. Alexander Gibray -	3,000	Mysore, Coorg or Wainad.	
3	Mr. Donald M'Gregor -	3,000	Ditto.	
4	Mr. J. W. Minchin -	Not given -	Wainad -	Land denominated "Kullagum Mulla" is applied for.
5	Colonel J. W. Woolridge	1,000	Ditto.	
6	Mr. G. N. Smyth - -	1,200	Walaghat.	
7	Mr. G. F. Brown - -	Not given -	Wainad -	Land on the western side of the Terunelli Pagoda.
8	Mr. J. Gordon - -	200	Ditto.	
9	Mr. J. Thorpe Appleton -	About 1,500	Walaghat.	
10	Mr. F. J. Ferguson -	About 2,000	Wainad.	
11	Messrs. Arbuthnot & Co.	2,000	Ditto.	
12	Mr. Arthur Lascelles -	2,000	Ditto.	
13	Mr. G. N. Smyth - -	4,000	Walaghat.	
14	Mr. C. Y. Reed - -	Not given -	Wainad -	Applies for all the forest land situated at the western extremity of the Terunelli Valley.
15	Eduman Pilla - -	20	Ditto.	
16	Virappan Pilla and Modura Pilla.	Not given -	Ditto -	The hill denominated "Pudikadava Kunu" is applied for.
17	Strinivassa Modili - -	Ditto -	Ditto -	The hill denominated "Cuppungara Kunu" is applied for.
18	Minoki - -	Ditto -	Ditto.	
19	Thuminakaran - -	Ditto -	Ditto -	The hill denominated "Umbala Kunu" is applied for.
20	Gopala Nair - -	10	Ditto.	
21	Chinasammi - -	Not given -	Ditto -	The hill denominated "Culputur" is applied for.

Calicut,
19 August 1862.

(signed) *G. A. Ballard,*
Collector.

(Enclosure No. 2.)

NOTICE.

1. THE collector of Malabar gives notice that until the orders of Government, shortly expected, are received, he can do no more than register applications for tracts of land for coffee planting, &c. By the orders of Government, applicants are not to be put in possession till certain rules now in contemplation, regarding the sale and tenure of such lands, are formally introduced.

2. Meantime applications will be registered. They should be addressed to the collector of Malabar. Priority of application will be duly considered.

3. Applications should be as definite as possible, both as regards the extent, the boundaries, and the nature of the ground applied for.

4. Immediate publicity will be given to the Government Orders on this subject, when received.

Circuit Cutchery,
Vadakaucherri, 17 May 1862.

(signed) G. A. Ballard, Collector.

The collector is informed that no step beyond registry of applications is proposed to be taken at present in Coimbatore, or can be taken elsewhere, under the Governor General's Resolution, pending the publication of the subsidiary rules of the local government.

(signed) W. Hudleston, Secretary.

Enclosure 11, in No. 56.

PROCEEDINGS of the Madras Government, Revenue Department, 23 December 1862.

LETTER from G. A. Ballard, Esq., Collector of Malabar, to W. Hudleston, Esq., Secretary to the Board of Revenue, Fort Saint George (No. 237); dated Calicut, 19 November 1862.

Sir,

1. ADVERTING to the Board's Proceedings of the 30th ultimo, No. 7188, on my letter to your address of the 9th ultimo, No. 207, I have the honour to observe that I think 25 years might be substituted for 20 in paragraph 5 of my letter, and that I would propose 25 years' purchase of the assessment in addition to the upset prices of 5 rupees and Rs. 2. 8. per acre on forest and open land respectively, if there is no competition, or in addition to the highest price bid if there is competition, as the price at which such lands should be sold free of assessment.

2. But I would respectfully urge that this redemption of the assessment should be left optional with the purchaser. It must be remembered that under the rules the land would be surveyed before sale, its extent will be accurately known, the assessments proposed will be on its whole extent, independent of cultivation, and invariable in amount, and consequently the collection will be attended with the least possible trouble to Government or inconvenience to the landowner.

3. If redemption of assessments on the terms proposed is made compulsory it will grievously check investment, and if it is allowed on easier terms it will (as it appears to me, needlessly) sacrifice the interests of Government.

1. Mr. Ballard's proposal is equivalent to saying that forest land in the Wainád shall not be obtainable at a less price than

Five rupees + (assessment rupees 1 \times 25 years =) 25 rupees = 30 rupees per acre, or open land at less than 2½ rupees + (assessment annas 8 \times 25 years =) 12½ rupees = 15 rupees per acre, at which rates any European or Native capitalist desirous of establishing a coffee plantation of 300 acres extent in the Wainád, on the same footing as land will, it is believed, be obtainable for tea plantations in the other Presidencies, or for coffee on the Mahabuleshwar range, or in Coorg, or on the Mysore slopes of the Western ghauts would have to pay down 900 l. for forest land, or 450 l. for open land, as the case may be, before commencing operations, and could not under the most favourable circumstances expect the least return for this investment and for the additional expense of reclaiming the land and forming the plantation under three years.

2. Mr. Ballard does not however propose to adopt the system advocated by the Supreme Government, and would follow by preference that which this Government have declared applicable to the Neilgherries, which is altogether different in principle, and in the opinion of the Board holds out less encouragement than the former to the settlement of Europeans, and the investment of capital in planting operations.

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3. The Board have already submitted for the consideration of Government that intending settlers on the Neilgherries and in the Wainád would be placed at a great disadvantage if the lands in those places should be subjected to an annual assessment, while in other parts of India similar lands will be sold free of assessment. They need, therefore, scarcely say that they are opposed to Mr. Ballard's proposal, which differs from that of Government only in so far that his proposed annual assessment for the Wainád lands is lower than that fixed by Government for the less valuable land on the Neilgherries.

4. It is not now to be considered whether one system or the other is preferable for general adoption, but whether the lands of the Neilgherries and the Wainád are to be placed at a disadvantage as compared with lands suitable for profitable occupation by Europeans in every other part of British India.

5. The Board are of opinion that such a distinction would check the settlement of Europeans in those two parts of the country, and that on the other hand the public revenue would gain little or nothing by accepting these comparatively small areas from the general scheme.

6. They would regret the final adoption of a system which, in their opinion, is calculated to discourage enterprise and the investment of capital in this Presidency, and to check materially, in the localities in question, the development of a valuable source of wealth and prosperity; but, under the circumstances of the case, they consider it their duty to submit the above letters for the decision of Government with copy of Mr. Ballard's letter, dated 19 August 1862, reporting the extent to which applications for land under the terms of the Governor General's Resolution had been registered to that date and the Board's Proceedings thereon.

(signed) *W. Hudleston*, Secretary.

Enclosure 12, in No. 56.

ORDER thereon, 23d December 1862, No. 2677.

1. WITH these Proceedings the Board of Revenue submit a letter from the Collector of Malabar, proposing the terms on which, in his opinion, Government waste in Malabar should be sold under the Resolution of the Supreme Government, dated 17th October 1861, No. 3264.

2. At present, Government waste when sought for coffee cultivation, is put up to auction without any upset price, and besides whatever sum it may fetch at auction, pays a jenm or proprietary fee of 8 annas per acre on the whole area, and an annual assessment of 2 rupees per acre on every acre cultivated with coffee in and after the third year. If any crop other than coffee is raised on a portion of the estate the regulated assessment of the crop is levied. The assessment, unlike the jenm fee, is payable only on the cultivated area, and it as well as the jenm is redeemable at 20 years' purchase.

3. Mr. Ballard would, in modification of this system, sell the land at an upset price of 5 rupees per acre for "heavy forest," and 2½ rupees per acre for "open" land, subject to an annual assessment of 1 rupee per acre for the former and ½ rupee per acre for the latter, this assessment being payable on the whole area of the estate and from the date of purchase, in regard to all crops except coffee, to which he would allow two years' freedom of assessment. He would further allow proprietors the option of redeeming this assessment at 25 years' purchase.

4. The Board consider these rates excessive. They point out that the minimum price of land on freehold tenure would thus be 30 rupees per acre for forest and 15 for open land; that these rates contrast very unfavourably with those obtaining in Coorg, Mysore, and Bombay; and that in their opinion they will preclude the settlement of European capitalists.

5. The Government are unable to concur in the views expressed by the Board and the collector. They consider that Wainád, like the adjoining Neilgherries, is to all intents and purposes "assessed," and consequently that Government land in it is not saleable in the manner contemplated by the Board. Further, Wainád is peculiarly adapted to the cultivation of coffee—the administration of the talook is necessarily very expensive, and the influx of capital and settlement of Europeans are certainly not impeded by the assessment, which bears an insignificant ratio to the value of the produce. Native proprietors are known to be realising 10 and 12 rupees per acre for coffee land, and a considerable estate has, to the knowledge of Government, been lately sold for 40 rupees per acre, exclusive of the annual assessment which will still be payable. Even, therefore, if the talook were not practically "assessed," the Government would not feel warranted in making such a sacrifice of the public interests as the Board's proposition involves.

6. In respect to land not belonging in jenm right to Government, and Government land already taken up, the present system will remain unchanged, but as regards waste belonging to Government in jenm right, the Governor in Council considers that the Neilgherry system may with advantage be introduced into Wainád. The Government, as jenmakars, may undoubtedly deal with their land in this manner, and as the change will be prospective, and will apply only to lands not already taken up, private rights will in no respect be infringed. The present system of charging a low rate (½ rupee per acre) on the whole area and an annual assessment only on the cultivated area, imposes on the Government the expense and the

trouble of periodical inspections and measurements, and affords facilities for retaining large tracts waste on mere speculation. The Governor in Council resolves, therefore, that Government waste shall hereafter be sold in Wainád, as on the Neilgherries, by auction without any upset price, but subject to an annual assessment from the outset of 2 rupees per acre for forest and 1 rupee per acre for grass land on the whole area. This assessment will be redeemable at any period at the option of the purchaser, at the rate ordered by the Home Government, viz., 25 years' purchase. The jemm fee will be abandoned entirely on lands sold on these terms.

7. There can be no doubt that this assessment is exceedingly light, especially when the heavy expenses are considered, which the Government must incur, in general administration and the construction of passes and roads. The Government are satisfied that an efficient administration of the Province is the likeliest means of inducing the investment of capital in it, but this object cannot be attained if the revenue is sacrificed. The Board of Revenue will make the necessary alterations in the Neilgherry Rules, and forward them to the Collector of Malabar.

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

Enclosure 13, in No. 56.

PROCEEDINGS of the Madras Government, Revenue Department, 21 February 1863.

Read Proceedings of the Madras Government, dated 15 and 19 January 1863, Nos. 100 and 121, Revenue Department.

1. THE Board regret that it escaped their notice when submitting the collectors' recommendations that the Government Order of 24 September 1862, No. 2,080, required them to suggest a minimum price for the unassessed waste land at the disposal of Government in the different districts.

2. The upset price proposed by the collectors are:—

Ganjam.—Mr. Forbes: Forest, 2½ rupees per acre; other waste, 5 rupees.

Vizagapatam.—Mr. Carmichael: Uncleared land, 5 rupees per acre; cleared land, 15 rupees.

Cuddapah.—Mr. Wedderburn: 5 rupees per acre for all unassessed waste.

Kurnool.—Mr. Banbury's Black cotton soil, 20 rupees per acre, } With a deduction
Sandy clay 10 " " } of 25 per cent. for
Red ferruginous 5 " " } uncleared land.

Mr. Minchin would reduce these rates by 50 per cent. on jungle land, and 25 per cent. on open land, if it is desired to encourage large sales, and proposes 2½ rupees per acre for land on the Nullamullays.

North Arcot.—Mr. Fraser: 3 rupees per acre for cleared land. } In Palmanair and
1 " " jungle " } part of Godia-
5 " " open land } tam, and Chit-
2 " " capable of being irrigated. } toor Talooks.
2 " " for jungle. } In all other parts
of the district.

Trichinopoly.—Mr. McDonell: 40 rupees per acre for land at the base of the Pachamalais.

Salem.—Hon. Mr. Arbuthnott: 8 rupees per acre for superior jungle. } On the She-
4 " " common grass land. } varoys.
2½ rupees per acre for land in the plains.

Madura.—Mr. Levinge: 3½ rupees per acre for land in the plains.
10 " " for valuable jungle land. } On the hills
5 " " for sholas and ordinary jungle. } including the
2½ " " for open grass lands. } Pulnis
1 " " for poorest land.

Tinnevelly.—Mr. Silver: 12 rupees per acre for hill land where available.

Madras.—Mr. Cunliffe: 20 rupees per acre for dry land.
40 " " for nunjah.

Letter dated 30 August 1862, Submitted to Government on 2 December.

3. Thus the several rates proposed, jungle or forest land, are per acre:—

<i>Rs. a.</i>			<i>Rs. a.</i>	
	2 8	Ganjam.	12 -	Tinnevelly hills, and for open land per acre.
	5 -	Vizagapatam.	5 -	Ganjam.
	5 -	Cuddapah.	15 -	Vizagapatam.
Black	- 15 -	} Karnool, generally.	5 -	Cuddapah.
Clay -	- 7 8		20 -	} Karnool, generally.
Red -	- 3 12		10 -	
	2 8	Nullamullays in Kur- nool.	5 -	} Nullamullays in ditto.
	1 -	In the western hilly part of North Arcot.	2 8	
	2 -	Elsewhere in North Arcot.	3 -	In western hills of North Arcot.
	3 -	Puchamallay hills in Trichinopoly.	Irrigable - 5 -	} Elsewhere in ditto.
	8 -	Shevaroy, Salem.	Not so - 3 -	
	2 8	In plains, Salem.	4 -	Shevaroy, Salem.
	3 8	In plains, Madura.	2 8	Elsewhere in ditto.
	10 -	} Hills, Madura.	3 8	Plains, Madura.
	5 -		Unirrigable 20 -	2 8
		Irrigable - 40 -	1 -	
				Madras.

4. The Board do not think that the upset price should vary so materially in different parts of the country. They do not find in the collectors' reports sufficient grounds for making such distinctions. The fact common to all the districts is that unassessed waste will in general command a price in the market, on the ground that the purchaser will buy the land free from all Government charge. It is also apparent that the Government, by offering such land for sale in open market, instead of at an uniform fixed price as was at first contemplated, will secure to some extent a superior price for any land that may from special advantages, either of situation or fertility, exceed the average value. The Board, therefore, would recommend that in all districts the upset price be fixed at 5 rupees an acre for forest lands, and 2½ rupees an acre for other unassessed waste.

5. They propose that these upset prices should be adopted in the case of all unassessed waste at the disposal of Government, whether in the plains or on the hills, that may not for special reasons be excluded.

6. With regard to the Shevaroy hills, the Board observe that the Government, in their Order dated 1 July 1862, No. 1,433, concurred with the Board that the uniform 1 rupee tax imposed on the lands required for coffee cultivation on those hills was not the kind of assessment contemplated in the sale rules first published. The Government having, however, ruled subsequently that similar lands on the Neilgherry hills and in Wynad are not to be considered as unassessed, it remains for the Government to decide whether the lands on the Shevaroy hills are to be offered for sale as unassessed waste, or to be treated in the same way as the lands on the Neilgherry hills and in Wynad. The Board may remark that, comparatively speaking, there is on the Shevaroy hills very little of the kind of land best suited for coffee cultivation, that is land covered with forest.

(signed) *W. Hudleston*, Secretary.

Enclosure 14, in No. 56.

ORDER thereon, 21 February 1863, No. 375.

1. In these proceedings, the Board of Revenue state their views as to the upset price which should be fixed on unassessed waste in several districts of this Presidency.

2. The Board first give the prices recommended by the collectors, which vary from 1 rupee to 40 rupees per acre; and, for reasons stated, recommend that in all districts the upset price be fixed at 5 rupees for forest, and 2½ rupees for other unassessed waste, ordered to be sold on freehold tenure.

3. The course to be followed on the Shevaroy hills is specially referred for orders.

4. *Ganjam*.—The Government have already passed orders* on the Ganjam district.

5. *Vizagapatam*.—In Vizagapatam the acting collector (Mr. Carmichael) recommends 5 rupees for "uncleared" or forest land, and 15 rupees for "cleared" land. The first of these rates is approved by Government with the usual reservation that tracts of valuable timber are to be reserved, such tracts as it would be desirable for the Forest Department to work, and as are evidently sought merely for the sake of the timber on them.

* G. O. 24 December 1862, No. 2,687.

6. As to cleared land, looking at the price proposed, the Government wish to be informed what description of land is included under this designation, whether really unassessed land or land already assessed but at present uncultivated.

7. *Cuddapah*.—In Cuddapah the collector proposes 5 rupees per acre, “whether cleared land or under brushwood.” There is, he says, “an immense amount of unassessed waste land in the district, guessed at 15,00,000 acres;” but this includes “hills, jungles, salt barrens, and other uncultivable land,” left unassessed at the survey because for the most part valueless. Mr. Wedderburn adds that the only unassessed waste which would be worth a purchaser’s notice is the forest land, of which there is supposed to be 25,000 acres in Rajumpett talook; but this tract he considers should not be disposed of, as the future railway will run in close proximity to it. It is now in the hands of the Forest Department, who are working it on behalf of Government; and should be reserved, being valuable from its situation for supplying Madras with fuel, &c. Looking at what Mr. Wedderburn says of the saleable waste, and his declaration that more than half the land assessed at less than 8 annas per acre is waste, the Government prefer adopting the rates proposed by the Board.

8. *Kurnool*.—Mr. Banbury, while acting as collector of Kurnool, proposed the following rates:

Black cotton soil	-	-	-	-	20 rupees per acre.
Sandy clay	-	-	-	-	10 ” ”
Red soil	-	-	-	-	5 ” ”

or twenty times the lowest assessment of each kind; a deduction of 25 per cent. being allowed on land “thickly covered with trees or low jungle.” Mr. Banbury remarks that these rates “may perhaps seem higher than has been anticipated, but the value of land in this district is now rapidly rising, and it would be necessary to put a fair value thereupon, in order to prevent the numerous proposals which will doubtless be made by the richer Ryots with a view of obtaining tracts useful only for pasturage, and then levying from their poorer fellow-villagers a tax for grazing in localities to which they have always hitherto had free access, thus engendering much local ill-feeling and animosity.” The rules for the sale of waste admit of a sufficiency of pasturage being reserved; but Government can scarcely allow that extensive tracts should be kept as common in all time to come. A careful division of the land into moderate sized lots would enable all to bid for what they may require, a sufficiency being reserved for pasturage. Mr. Minchin, the collector of the district would reduce Mr. Banbury’s rates by 50 per cent. on jungle and 25 per cent. on open land, “if the object be to encourage large sales;” but he states they are “a fair full value of the different classes of lands on the plains.” For the Nullamalay hills (not specially noticed by Mr. Banbury) Mr. Minchin would fix 2½ rupees per acre.

9. The Kurnool district is now being regularly surveyed and assessed, and irrigation is being supplied to parts of it by the Irrigation Company. The Government must look to the assessment of the newly irrigated land to reimburse them for their expenses in supporting the Company and surveying and settling the district. Lands sold under the new rules therefore should only be such as will not come within the new settlement, or within the influence of the new irrigation works, and for such the rates of 10 and 5 rupees may be adopted; the former for black cotton and the latter for all other kinds; any further value in exceptional cases being expected from competition. These rates will accordingly be adopted.

10. The rate of the Nullamallays, with the exception of the tracts reserved by the conservancy, will be 5 rupees, as for other forest land.

11. *North Arcot*.—Mr. Fraser proposes rates ranging from 1 to 5 rupees per acre; but no real reasons are assigned. The Government prefer the Board’s rates, which will accordingly be adopted.

12. *Trichinopoly*.—The whole of this district has been surveyed and assessed, excepting a tract of some 10,000 acres at the foot of the Pachamallay hills, covered with dense jungle. The collector proposes 10 rupees per acre or 20 years’ purchase. The Government believe all this tract is very feverish, and they think that it might safely be rated at 5 rupees. This is accordingly sanctioned; open land, if there be any available, being put up at 2½ rupees per acre.

13. *Salem*.—Mr. Arbuthnott proposes 2½ rupees for all land in the low country, the unassessed waste being of the “poorest quality.” This rate may be adopted for open land, and the higher one of 5 rupees applied in the case of forest land, if any such there be. On the Shervaroys Mr. Arbuthnott suggests two rates, viz., 8 rupees for superior jungle land, and 4 rupees for common grass land. The Shervaroys are, as to assessment, exactly in the same position as the Neilgherries, one uniform rate of 1 rupee per acre having been prescribed in 1859. In July last the Government* concurred with the Board that this is not the kind of assessment contemplated in the Supreme Government’s Resolution. They have, however, lately ruled† in the case of the Neilgherries, that an uniform rate on the principle of an average is quite as much an assessment as a graduated series of rates, and this on full consideration they hold to be the correct view. There is no reason why the Shervaroys should be differently treated, except that the land being poorer the rate should be lower. The Government therefore direct that land on the Shervaroys be sold without any upset

* G. O. 1 July 1862, No. 1,433.
† G. O. 6 December 1862 No. 2,554.

Price, but subject to an annual assessment of 1 rupee per acre, redeemable at the rate ordered by the Home Government, viz., 25 years' purchase.

14. *Madura*.—Mr. Levinge proposes 3½ rupees in the low country. For the sake of uniformity, the Government prefer the Board's rates. On the Pulnies Mr. Levinge suggests four rates, viz., 10 rupees for valuable jungle, 5 rupees for sholas and ordinary jungle, 2½ rupees for open grass, and 1 rupee for the poorest land. Mr. Levinge has been influenced to a certain extent by the favourable terms on which the Travancore Government grant coffee lands. Considering the position of the Pulney hills, their distance from the coast, limited extent, &c., the Government consider that the sale of lands on them on freehold tenure may with propriety be allowed, but they are of opinion that two rates will be sufficient for the present. The poorer land will not be sought till the superior is bought up, and a multiplicity of rates leads to frauds and disputes. The rates of 10 rupees for forest and 5 rupees for open land seem the best arrangement. These are accordingly sanctioned for adoption. The Government believe there is a fine site for a large reservoir on the Pulnies; this will of course be reserved, as well as Teak or other valuable forest.

15. *Tinnevelly*.—Mr. Silver recommends 12 rupees for hill lands where available. He has proposed no rate for lands in the plains. This omission he will be required to supply. Ten rupees will be fixed (as above ordered for Madura) for forest and 5 rupees for grass land on the Tinnevelly hill ranges.

16. *Madras*.—In Madras Mr. Cunliffe proposes 20 rupees for dry and 40 rupees for wet land; but nothing can be done in this district until the new Waste Lands' Act is published. No orders are therefore called for at present.

17. The districts for which no rates have been suggested are Godavery, Nellore, Kistna, South Arcot, and South Canara. The Board will be requested to expedite the submission of the reports of the collectors of these districts, and it will at the same time be intimated to them that the Government are particularly desirous that all further delay should be avoided.

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

Enclosure 15, in No. 56.

PROCEEDINGS of the Madras Government, Revenue Department, 28th February 1863.

LETTER from *P. Grant*, Esq., Collector of Coimbatore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 35); dated Ootacamund, 19 February 1863.

Sir,

• Dated 6 December 1862, No. 2,554.

1. With reference to the Proceedings* of Government, Revenue Department, communicated by the Board on the 11th December 1862, I beg to be informed, whether paragraph 5 of the Rules for the sale of Government lands on the Neilgherry hills, may not be temporarily modified. Two surveyors are, I believe, on their way to the hills; it is however of importance that the applicants for land should obtain possession of the same at an early date, as the felling season is passing away. Many of the lands applied for are in distant parts of the hills, and some time must necessarily elapse ere they are surveyed and demarcated.

2. Under these circumstances I request that I may be allowed to put up the lands to auction before they have been surveyed, on the understanding that the applicants have clearly demarcated them, and that on the completion of the regular survey, any excess land shall be paid for at the auction price, or resumed by Government, as may be deemed expedient.

3. This modification of the Rules will not be necessary after the present season. An early reply is requested.

ORDERED to be submitted for the decision of Government.

(signed) *W. Hudleston*, Secretary.

Enclosure 16, in No. 56.

(No. 433.)

ORDER thereon, 28th February 1863, No. 439.

1. With these proceedings the Board of Revenue submit a letter from the Collector of Coimbatore, in which that officer requests to be informed whether Clause V. of the Rules for the sale of lands on the Neilgherries, which enjoins that no lot shall be sold until or unless it has been previously surveyed and demarcated, may not be temporarily modified because

because it is of importance that the applicants for land should obtain possession of the same at an early date, as the felling season is passing away. Mr. Grant adds that two surveyors are on their way to the hills, but that many of the lands applied for are in distant parts of the hills, and some time must necessarily elapse before they are surveyed and demarcated.

2. Competent surveyors are scarce in this Presidency, and the temporary character of the employment connected with the survey of waste lands, renders the few that are to be found unwilling to leave other service. The regular survey cannot be weakened by drafting its best men from their parties. Meanwhile, however, if a remedy is not promptly applied, the applicants will lose a whole season, a result very much to be deprecated. The emergency, it may be remarked, is only temporary, and will cease as soon as the large number of applications, received in the interval between the publication of the resolution of the Government of India and the issue of final orders on the subject, is disposed of.

3. Under these circumstances, the Government resolve temporarily to relax the rule alluded to at the outset, and until a sufficient number of competent surveyors are procured to survey lots without serious delay, but on the following conditions, viz. :—

I. The estimated cost of survey and boundary marks to be deposited beforehand.

II. The purchaser to bind himself by a written deed to conform to the rules, to pay any survey expenses incurred in excess of the deposit, and to abide by the decision of Government as to any excess which may be found in his lot on survey, whether that decision be the absolute resumption of the excess without any refund or reduction of survey deposit or purchase money, or whether it be the inclusion of the excess in the lot, a rateable addition being then made to the purchase money. On the other hand, if the area of the lot, as ascertained by survey, prove to be less than the estimated area declared at the time of sale, a rateable reduction will be made in the purchase money. When an assessment is payable on the land, its amount will, in all cases, be regulated by the extent of land made over to the purchaser.

III. No lot to be sold until good boundary marks are set up, and special care is to be taken by the collectors that, in fixing these boundary marks, no encroachment is made on lands belonging to private persons.

4. The order now given is in some measure contrary to the instructions of the Secretary of State. The Government of India, in their original resolution, provided for lands being sold previous to survey, but the Secretary of State (paragraph 11 of his despatch, 9th July 1862, enclosed) quoting the Bengal rule said, "I am of opinion that this provision should be modified. * * * If the land is unsurveyed, the first step will be to survey it." The Governor in Council is, however, of opinion that the precautions to be taken pursuant to this order, and especially the previous erection of boundary pillars, satisfy the requirements of the Secretary of State's despatch sufficiently to allow Government to sanction the course now ordered.

5. This order will apply only to the Districts of Coimbatore and Malabar, in which alone there will be difficulty at first in surveying the lands applied for without very great delay.

6. The Board of Revenue will, in communication with Mr. Dale, draw up and forward the necessary deeds to the collectors as soon as possible.

7. These proceedings will be reported to the Government of India and the Secretary of State with the other recent orders regarding the sale of waste lands.

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

— No. 57. —

COPY REVENUE DESPATCH to the Government of Madras (No. 46); dated India Office, 8 August 1863.

Sir,

1. I HAVE had under my consideration in Council, your letter of the 22d May last (No. 46), with which you forward copies of the general rules for the sale of unassessed waste lands within your Presidency; and also of special rules applicable to lands in the Neilgherry and Shervaroy hills, and the Wynaud talook of Malabar. These latter lands having been, by previous orders, subjected to a general average assessment, do not come within the scope of the rules promulgated regarding the sale of unassessed waste.

2. The rules appear to be in conformity with the instructions contained in my Despatch of the 9th July (No. 14) 1862, as adapted to the circumstances of your India.
o.48. H H 4 Presidency,

Presidency, and have my approval. The only provision which seems to call for remark is that portion of Rule XI, which declares that "If after survey, at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them." It appears to me to be the duty of the collector to ascertain, in the first instance, whether the lands applied for are saleable under the rules, and if they are found not to be so, to avoid the needless expense of a survey; and that it would be unfair to charge the applicant with expenses which have been incurred, not from his default, but from that of the officers of Government.

3. The rates of upset price for land in the different districts have been carefully considered, and will, I trust, be found suitable. You will, however, watch their operation, with the view of modifying them wherever it may be found to be necessary.

4. I trust that the application of the Neilgherry system, and rates to the Wynaud talook, will be a step towards getting rid of the objectionable plan of levying the assessment only on the cultivated area, which involves the necessity of periodical inspections of the lands. The terms on which grants have already been made must of course be respected, but the proprietors may perhaps be induced to accept fresh grants on the new conditions, by which they would be relieved from all interference on the part of the revenue officers.

5. I observe with satisfaction, that owing to your not having issued any rules framed under the Resolution of October 1861, and to your having instructed the collectors to do no more than register, and you have not had occasion to act on the authority conveyed in paragraph 76 of my Despatch before referred to.

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

— No. 58. —

REVENUE LETTER from Madras, dated 20th June, No. 55 of 1863.

Right Hon. Sir,

1. IN continuation of paragraph 10 of our letter, dated 22nd May 1863, No. 46, we have the honour to report that we have excepted lands in the Delta talooks of the Godavery district, from the operation of the new rules for the sale of unassessed waste, inasmuch as they are within the influence of the Anicut, and will rise greatly in value when the means of irrigation are extended to them. Elsewhere in this district 2½ rupees per acre has been adopted as the upset price. The same rate has been fixed for the Kistna district; water, if supplied from a Government source, forming a separate charge. The papers on the subject are enclosed.

Procs. of Govt. 4 May 1863, Nos. 12, 13.
Ditto - 7 May 1863, Nos. 55, 56.
Ditto - 21 May 1863, Nos. 255, 256.

2. We also forward the accompanying letter from the Board of Revenue with our Order thereon, dated 15th instant, No. 1,045, approving a proposal made by the Board, that the spirit of the new rules should be made applicable to assessed waste in the immediate vicinity of towns when sought for the special purpose of building thereon; the lot being limited to an area not exceeding four acres, and the upset price being 25 years' purchase of the assessment plus the cost of demarcation and survey.

Procs. of Govt.
15 June 1863,
No. 1,045.

We, have, &c.
(signed) W. T. Denison.
J. H. Grant.
E. Maltby.
T. Pycroft.

Enclosure 1, in No. 58.

PROCEEDINGS of the Madras Government, Revenue Department, 4th May 1863.

LETTER from *A. Purvis*, Esq., Collector of Godavery, to *W. Hudleston*, Esq. Secretary to the Board of Revenue, Madras (No. 68); dated Ambajepetta, 31 March 1863.

Sir,

1. I have the honour to acknowledge the receipt of the proceedings of the Board of Revenue, under date the 13th December last, calling on me to report on the upset price at which the unassessed waste land at the disposal of Government in this district, should be put up for sale on parties applying for the same.

2. In the Delta talooks of this district, the unassessed waste is stated by the settlement officers in their reports, to amount to 69,455 acres. This is mainly land situated within the limits of a number of different villages near the coast, a considerable portion of which will be gradually rendered fit for cultivation, as the means of irrigating the same from the Anicut are extended. Whether under the views enunciated in paragraph 9 of the Order of Government of the 21st February last, such lands should be sold, may be a question.

3. In the upper talooks the unassessed waste is given on the same authority, at 104,962 acres. There is besides a very considerable extent of land forming the hill tract of Jud-dunghi, now included in the Peddapur talook, which has not been surveyed. There is also similar land in the Yernagudem talook. These tracts are, as the Board are aware, very unhealthy during several months in the year.

4. For the unassessed waste in the Delta talooks, I would, if it should be determined to sell such lands outright, fix the upset price at five rupees per acre. The water, if taken, to be of course paid for at the fixed rate per acre.

5. For the unassessed waste in the upper talooks, the rate recommended by the Board, viz. Rs. 2. 8. per acre, may well be adopted; and I would suggest the same rate for the tracts referred to in paragraph 3, should applications for any land in such localities be made.

6. With reference to the order of Government of the 24th September last, and the Board's proceedings of the 17th of the following month, I beg to state that any demarcation or detailed survey of waste lands, in anticipation of applications being made for purchase, does not appear to me to be necessary.

1. Ordered to be submitted to Government for their decision.

2. The Board have ascertained from Mr. Master, that although too much of the unassessed waste in the Delta talooks, the remarks of Government regarding the Kurnool district in paragraph 9 of their proceedings, dated 21st February 1863, No. 375, are applicable, inasmuch as the extension of the Anicut channels may within a comparatively short period, render these lands highly desirable property; still, a considerable extent will remain to which there will be no objection to apply the rules for the sale of unassessed waste, in combination with the water rate, should irrigation be supplied from the Government works. The Board would therefore recommend that a discretion be left to the Collector to apply the rules to unassessed waste in the Delta talooks or not, according to the merits of each individual case.

3. As to the upset price, the Collector proposes 5 rupees per acre in the case of the Delta lands, and 2½ rupees in all other cases.

4. Considering that under the above limitation only the most inferior or most unfavourably situated lands in the Delta would be sold, and that the water rate would be charged for irrigation from the Government works, the Board see no sufficient reason for maintaining a distinction, which there seems nothing in the circumstances of the land concerned to justify; and they therefore recommend that in all cases alike, the upset price for these unassessed waste lands be fixed at 2½ rupees per acre in the Godavery district as in the Kistna.

5. The Board understand that there is no heavy jungle land included in these tracts, except possibly in the very unhealthy hill district.

(signed) *W. Hudleston*, Secretary.

Enclosure 2, in No. 58.

ORDER thereon, 4th May 1863, No. 759.

1. The Government are of opinion that it would be best that the land in the Delta talooks of the Godavery district referred to in paragraph 2 of the Collector's letter, should be excepted from the operation of the rules for the sale of unassessed waste.

2. Elsewhere in the district, 2½ rupees may be adopted as the upset price.

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

Enclosure 3, in No. 58.

LETTER from *E. B. Foord*, Esq., Acting Collector of the Kistna District, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 47); dated Masulipatam, 6 March 1863.

26 September 1862, Miscellaneous Circular,
No. 6,507.
17 October 1862, No. 6,940.
13 December 1862, No. 8,115.

1. WITH reference to the circular proceedings of the Board noted in the margin, relative to the sale of waste lands, I have the honour to report that in this district, nothing more has been done than registering applications.

**Hardurchia binata*.
† *Acacia Chundra*.

2. As regards the upset price, it depends much upon the nature and quality of the soil. There are but few forests in this district, of large trees. The forests in the Masulipatam portion are in Zemindary estates. The Epi* and Chundra† forests in the Guntoor portion are on hills, which of course cannot be sold for agricultural purposes. There are some soapnut jungles in Government lands, and a mangrove jungle near the mouths of the Kistna. The sale of these lands will be very detrimental to the interests both of the Government and the public. I do not therefore advocate it.

3. I can see no objection to selling the so-called jungle lands, overgrown with thorny bushes, and shrubs, which are very extensive in the upland taluks. These lands are immemorial wastes, and to bring them under the plough requires a great deal of labour and expense for clearing them.

4. I would therefore fix the upset price of these lands at 2½ rupees per acre, as there is but little chance of people taking up these lands, except for pasturage. It will consequently be but a very poor investment of their capital.

5. The other waste lands unencumbered with jungle, both in the Delta and upland taluks, as well as the extensive swamps in the coast villages, are more easily cultivable. I would fix the minimum price of the former at 6 rupees per acre, and of the latter at 4 rupees, charging water rate every year, if Government water is taken for those lands.

6. These rates have been fixed with reference to the value of land in this district. The reason for my suggesting a reduced price for swamps is because they are comparatively less lucrative, as the land requires two or three years' soaking with sweet water to destroy the salt on the surface, and as these swamps generally require drainage, the landholder will have to dig channels for that purpose.

7. As regards lands required for building purposes, in towns and villages, I would fix the upset price at 15 rupees per acre in the former, and 10 rupees per acre in the latter. Under the existing rules, which require 20 years' assessment on these lands to be the upset price, people are availing themselves very little of the concession.

8. I have no doubt that every land, according to its position and usefulness, will fetch its proper price for Government in a fair competition, which it is the duty of the authorities to secure.

Board's Proceedings, 17 October 1862, No. 6,940.

9. I do not think it is desirable to demarcate and survey any waste lands in this district in anticipation. As the parties select them, the survey can be made by the establishment already entertained in this district. I cannot at present state what the cost per acre of such survey would be.

The Acting Collector will please to state whether the lands which he proposes to sell are unassessed waste. Much immemorial waste land bears a field assessment in the village registers.

To *E. B. Foord*, Esq.
Acting Collector of the Kistna District.

(signed) *W. Hudleston*,
Secretary.

Enclosure 4, in No. 58.

PROCEEDINGS of the Madras Government, Revenue Department, 7th May 1863.

Read again, letter from the Acting Collector of Kistna, dated 6th March 1863.

Read also the following letter from the same officer, dated 21st March 1863, No. 60.

1. WITH reference to the proceedings of the Board, dated 13th instant, I have the honour to report, that I propose to sell unassessed waste lands only, at the rates mentioned in my letter of the 6th instant.

2. Under

2. Under the lowest class, rupees 2½ per acre, come the brushwood jungles in the upland talooks. In the Masulipatam portion of this district, where joint rents are in force, the villagers take a large extent of jungle land, for the pasturage of the village cattle, at a very low rate of cist. As these lands, however, do not bear a field assessment, I would include them in the unassessed waste.

3. The swampy lands in the coast villages proposed to be sold at 4 rupees per acre, have never been assessed, and the highest rate of 6 rupees per acre is intended for cultivable Porumbokes, unencumbered with jungle, in the villages in the interior.

1. ORDERED that the above papers be submitted for the decision of Government.

2. The Acting Collector proposes three rates for the upset price of unassessed waste, viz., rupees 2½ per acre for scrub jungle lands in the upland talooks, rupees 4 per acre for the swamps in the coast villages, and rupees 6 for other waste lands unencumbered with jungle, both in the Delta and upland talooks, the annual water rate being chargeable if Government water is taken for the cultivation.

3. The scrub jungles, which are very extensive, require much labour and expense to clear them, and are likely to be taken up only for pasturage.

4. The swamps must be drained at considerable expense, and need to be saturated with fresh water for two or three years to get rid of the salt in the surface soil.

5. The open wastes not included in the foregoing can be more cheaply brought under cultivation.

6. It appears to the Board that the two last classes of land possess no superiority or advantage whatever over the quality of waste land, which elsewhere will be sold under the rules at 2½ rupees per acre, and they would, therefore, recommend that this rate be adopted throughout the district as the upset price for unassessed waste, trusting to competition to adjust minor inequalities.

7. There are no heavy jungle lands available for sale in the district. The reserves recommended by the Acting Collector will, of course, be maintained.

8. As regards building sites, the Board infer, from paragraph 7 of the Acting Collector's letter, dated 6th March 1863, that the lands to which he refers are assessed; and if so, they will not come under the operations of the rules for the sale of unassessed land.

9. If, however, the lands in question are unassessed, the Board see no reason for treating them differently as regards the upset price from other similar waste sought for cultivation.

10. Their position will ensure greater competition and higher resulting prices.

(signed) *W. Hudleston*, Secretary.

Enclosure 5, in No. 58.

ORDER thereon, 7th May 1863, No. 780.

The Government concur with the Board, that 2½ rupees per acre would be a suitable minimum price. Water, if supplied from a Government source, will of course form a separate charge. The "Epi" and "Chundra" forests, as well as the soap nut and mangrove jungles, mentioned by the collector, will of course be reserved.

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

Enclosure 6, in No. 58.

(No. 91.)

From *A. Purvis*, Esq., Collector of the Godavery District, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras.

Godavery District, Collector's Office, Cocanada,
30 April 1863.

Sir,

I HAVE the honour to inform you that Mr. W. Gibson, at Cocanada, has applied to me to be allowed to purchase a piece of land situated in the vicinity of Cocanada for building purposes. The above land is 1 acre 25 cents in extent. It has never been assessed, being a sand ridge near the sea, and unfit for cultivation. I propose to fix on it an annual quit-rent of Rs. 1. 4. at the rate of one rupee per acre, and request the Board will be pleased to grant

0.48.

grant sanction for putting up the land in question to auction under clause first, paragraph four, of the proceedings of the Madras Government, dated 5 August 1859, No. 1053, fixing the upset price of Rs. 31. 4., or 25 times the amount of the proposed quit-rent. The ground has at present a small bungalow on it, lately purchased by Mr. Gibson.

2. The district engineer informs me that the land in question is not required for public purposes.

I have, &c.
(signed) A. Purvis, Collector.

Enclosure 7, in No. 58.

(No. 95.)

From A. Purvis, Esq., Collector, to W. Hudleston, Esq., Secretary to the Board of Revenue, Madras.

Godavery District, Collector's Office, Cocanada,
2 May 1863

Sir,

I HAVE the honour to inform you that as Mrs. Beenlen, at Jagarnaikpuram has applied to me to be allowed to purchase a small piece of land situated close to her house at Jagarnaikpuram for building purposes. The above land is 15 cents in extent. It has never been assessed, being waste and unfit for cultivation; I propose to fix on it an annual quit-rent of 5 annas, at the rate of 2 rupees per acre, the assessment fixed on similar land in the vicinity, and request the Board will be pleased to grant sanction for putting up the land in question to auction under clause first, paragraph 4, of the proceedings of the Madras Government, dated 5 August 1859, No. 1053, fixing the upset price at Rs. 7. 13, or 25 times the amount of the proposed quit-rent.

2. There is no probability of the land ever being required for public purposes, and there is no objection to disposing of it as proposed.

I have, &c.
(signed) A. Purvis, Collector.

PROCEEDINGS of the Madras Government, Revenue Department, 21 May 1863.

READ the following letters from the Collector of the Godavery District, dated 30 April and 2 May 1863, Nos. 91 and 95, stating that Mr. W. Gibson and Mrs. Beenlen have applied for permission to purchase lands at Cocanada and Juggernaickpuram, and requesting sanction for putting them up to auction at the upset price.

(In Consultations 8 and 11 May 1863, Nos. 2,797 and 2,851.)

Ordered to be submitted for the sanction of Government under the old rules, as the new rules for the sale of unassessed waste are not to operate in the Delta.

(signed) W. Hudleston, Secretary.

Enclosure 8, in No. 58.

ORDER thereon, 21 May 1863, No. 881.

1. THE Order of 4 May 1863, No. 759, does not preclude Government from selling and in the Delta talooks under the new rules in those instances in which they think fit to do so.

2. The lands applied for are building sites, and the reasons which led Government to except the Delta talooks from the operation of the new rules do not apply to them. They will accordingly be sold under those rules at the upset prices proposed by the Collector.

3. The rules of 1859 are no longer in force, except of course as regards lands now held under them.

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

Enclosure 9, in No. 58.

PROCEEDINGS of the Madras Government, Revenue Department, 15th June 1863.

LETTER from *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort Saint George; dated Chepauk, 4th June 1863.

Sir,

1. Referring to Government Order dated 21st May 1863, No. 881, Revenue Department, paragraph 3, I am directed by the Board to point out that the new rules for the sale of waste, do not provide for the case of assessed waste lands sought for building sites, which, under the rules of 1859, were to be sold at public auction, the upset price being 20 years' purchase of the assessment.

2. As the rules of 1859 are declared by Government to be no longer in force, the Board recommend that the spirit of the new rules be made applicable to such assessed waste in the immediate vicinity of the towns, when sought for the special purpose of building thereon the lot being limited to an area not exceeding four acres, and the upset price being 25 years' purchase of the assessment, plus the cost of demarcation and survey.

3. As the Sudder Court have decided that abandonment of assessment and non-payment of the assessment place such land at the disposal of the revenue authorities, it will not be necessary to maintain to the full extent of their letter, the rules and laws relating to un-assessed waste land, and which involve considerable delay.

ORDER thereon, 15th June 1863, No. 1045.

THE proposals made by the Board of Revenue in paragraphs 1 and 2 of this letter are approved.

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

— No. 59. —

REVENUE LETTER from Madras, dated 17 July, No. 74 of 1863.

Right Hon. Sir,

In continuation of our Despatches 22d May, No. 46, paragraph 10, and 20th June 1863, No. 55, paragraph 1, we have the honour to forward the accompanying papers, and to report for your information, that we have fixed the following upset auction prices for unassessed waste land in the districts named below:—

Procs. of Govt. 4 July 1863, Nos. 68, 69.
Ditto - 4 July 1863, Nos. 90, 91.
Ditto - 8 July 1863, Nos. 173, 174.
Ditto - 13 July 1863, Nos. 240, 241.

	Forest Land.	Open Land.
Vizagapatam - - - -	5 Rupees an Acre	5 Rupees an Acre.
South Canary hill ranges -	10 " " - -	5 " "
Ditto - - plains - -	5 " " - -	2½ " "
Nellore - - - -	5 " " - -	2½ " "
South Arcot - - - -	5 " " - -	2½ " "

We have, &c.
(signed) *E. Maltby*,
T. Pycroft.

Enclosure 1, in No. 59.

PROCEEDINGS of the Madras Government, Revenue Department, 4th July 1863.

LETTER from *D. F. Carmichael*, Esq., Acting Collector of Vizagapatam, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Fort Saint George (No. 74); dated Vizagapatam, 11 March 1863.

Sir,

IN reply to the Board's proceedings, dated 26th February 1863, No. 1197, paragraph 1, I have the honour to state, for the information of Government, that the rate proposed by me for cleared land, is for unassessed land and not for "assessed waste."

Submitted to Government with reference to paragraph 6 of Government Order, dated 21st February 1863, No. 375, Revenue Department.

(signed) *W. Hudleston*, Secretary.

ORDER thereon, 4th July 1863, No. 1,184.

No. 69.

THE Government think that 5 rupees per acre, the ganjam rate for cleared land, being unassessed waste, may safely be adopted in Vizagapatam.

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

Enclosure 2, in No. 59.

PROCEEDINGS of the Madras Government, Revenue Department, 4 July 1863.

LETTER from *A. P. Hodgson*, Esq., Acting Collector of South Canara, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 40); dated Cundapoor, 23 March 1863.

Sir,

1. IN reply to the Board's Miscellaneous Circular, dated 26 September 1862, No. 6,507, I have the honour to furnish the information called for in paragraphs 3 and 4 of the Order of Government, dated 24th idem, No. 2,080. I beg to state that only two applications for waste lands, in view to their purchase, have been received, and these were made after the 9th of July last, the date of the despatch from the Secretary of State, one by a Mr. Grant, of Mercara, for forest land on the ghâs in the neighbourhood of Subramannya, in the Uppinangadi talook, which however has not been followed up; the other by Captain Taylor, Superintendent of Coorg, for a tract of land in the same talook, of about 300 acres; but under the prohibition contained in the notification of the Government of India, dated 16 January 1863, I doubt whether the latter gentleman may be permitted to hold land in this district. No arrangements were made for the redemption of land revenue under the resolution of the Government of India of October last.

2. The minimum upset prices, which it appears to me are suited to the circumstances of the various descriptions of lands that are at the disposal of Government in this District, are specified in the margin.

3. The first mentioned class comprises those lands for which a supply of water sufficient to bring two rice crops to maturity is obtainable. The second, those on which one crop of rice can be cultivated merely by means of the falling rain. The third, those which are to be found on the low hills that abound in this district, and which are generally useful for pasturage only, but on which also, where the surface is moderately level, dry grain crops can be raised.

4. There is a very large area of forest land in the district, principally on and at the foot of the slopes of the mountain range to the east, and the clusters of hills in the south, but extending in some localities far into the interior. The heavy forests, and those which contain valuable trees, should be reserved for the operations of the Forest Department, as timber is becoming scarce. The high lands will, there is every reason to believe, be in great request at no remote period of time, judging from the increasing demand for land in the Munjerabad and Coorg Divisions, and the great difficulty which is even now experienced in procuring such as is suitable for coffee cultivation. I therefore suggest, should the Government consider the sale of lands on the hills on freehold tenure may be allowed, that 8 rupees and 4 rupees per acre be fixed as the rates for forest and open land respectively.

5. There is no apparent disposition on the part of the people in this district to purchase unassessed waste land. Durkhasts for lands to be held on Puttah are as numerous as ever, and

1st Class land,
8 rupees per acre.
2d Class land,
5 rupees per acre.
3d Class land,
2½ rupees per acre.

and there is frequently great competition for them, even as many as four and five persons applying for one piece, and thereby making it difficult to decide to whom it shall be granted. When this is the case, I propose that the land applied for be put up to auction at the upset price of its class, and sold to the highest bidder, free of assessment.

6. I beg to append a tabular statement giving certain information in regard to cultivated land in this district, as also one showing the number of durkhasts for waste lands registered and disposed of during the three previous Faslis.

(Enclosure No. 1.)

STATEMENT showing the Rate of ASSESSMENT on cultivated lands in SOUTH CANARA.

Description of Land.	Whether on the Coast or Inland.	Assessment per Acre.		
		Rs.	a.	p.
Byle, first sort	Coast	6	—	—
	Inland	4	—	—
Majal, second sort	Coast	4	—	—
	Inland	3	—	—
Bettu, third sort	Coast	2	—	—
	Inland	1	—	—
Huckle	Both Coast and Inland	—	8	—
Grass land	ditto	—	4	—
Garden, first sort	ditto	12	—	—
Garden, second sort	ditto	8	—	—

Cundapoor, 23 March 1863.

(signed) *A. P. Hodgson,*
Acting Collector.

(Enclosure No. 2.)

ABSTRACT.—MEMORANDUM showing the number of Durkhasts for Waste Lands, filed and disposed of in South Canara District, during Faslis 1269, 1270, and 1271.

1. Ordered to be submitted for the decision of Government in continuation of the Board's Proceedings, dated 26 January and 13 March 1863, Nos. 512 and 1,514 in Government Proceedings, dated 21 February and 18 March 1863, Nos. 376 and 541, Revenue Department.

2. Mr. Hodgson proposes an upset price of 8 and 4 rupees per acre for forest and open land respectively, on the hills in his district. In other localities he proposes 8 rupees, 5 rupees, and 2½ rupees per acre, according to the quality and circumstances of the land in each case. All valuable forest is to be reserved for the operations of the Conservancy Department.

3. The Board approve the proposed rate for lands on the Gháts, but in the other localities they see no reason to adopt the higher upset price of 8 rupees for the best class of available waste.

4. If the land really possesses superior advantages, these will doubtless have their due effect in inducing competition at the sale.

5. The Board would adopt 5 rupees, and 2½ rupees here as elsewhere for the upset prices.

6. The Board approve the proposal in paragraph 5 on the understanding that it is intended to apply to lands not bearing a registered assessment.

7. The point regarding Captain Taylor's application will be left for the decision of Government.

(signed) *W. Hudleston,* Secretary.

Enclosure 3, in No. 59.

ORDER thereon, 4 July 1863, No. 1,195.

1. THE Government consider the rates fixed for hill lands in Madura and Tinnevely, viz., 10 rupees per acre for forest and 5 rupees per acre for open land, would be more appropriate for the South Canara hills than those proposed by the acting collector. The former are therefore sanctioned. Such lands will be sold free of assessment, but great care must be taken to reserve tracts of valuable timber, as ordered by the Home Government.

2. In the plains 5 rupees, and 2½ rupees for forest and open land, being unassessed waste, are sanctioned.

3. In the cases mentioned in paragraph 5, where several persons apply for the same plot of land, and none have any preferential right or claim to it, there can be no objection to the land being sold by auction subject to assessment, whether it be already assessed or not, if the parties desire it, but assessed land cannot be sold in freehold. There is no necessity to compel persons to buy unassessed land solely on freehold tenure, if they consider it more to their interests to hold it subject to assessment. The experience of the Inám Commission shows that the mass of the people do not yet appreciate freehold tenure, and it is impolitic to endeavour to force it on them.

4. As to Captain Taylor's application, the Government apprehend that the orders of the Home Government bar him from holding land in a Madras district, but the question is one which they think it safest to refer to the Supreme Government, and this will accordingly be done.

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

Enclosure 4, in No. 59.

From *J. W. B. Dykes*, Esq., Collector of Nellore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 126); dated 27 April 1863.

No. 1197, dated
26 February 1863.

1. I have the honour, with reference to the proceedings noted marginally, to state that 10 rupees may be fixed as the upset price in the coast taluks, 5 rupees in the inland.

2. I, at the same time, beg to record my opinion that no measure could be more injurious to the country than the sale of the right of Government to collect a moderate and fixed assessment.

Enclosure 5, in No. 59.

From the same Officer, dated 28 April 1863, No. 127.

WITH reference to the Board's Miscellaneous Circular, No. 6,507, of 1862, dated 20th September 1862, communicating proceedings of Government, dated 24th idem, Revenue Department, No. 2,080, and requesting information on certain points regarding the purchase of waste lands, I have the honour to state,—

1st. That no arrangements have been completed in this district, for the purchase of waste lands; and

2dly. That 10 rupees on the coast, and 5 rupees in the inland taluks, is the minimum price I would fix.

1. The Collector will please to report the nature of the lands to which he would apply the rates he proposes, and whether they would, in ordinary course, be included in the operations of the Director of Revenue Settlement.

2. The delay in replying to the Board's Circular Order has been excessive, and without any sufficient cause.

To *J. W. B. Dykes*, Esq., Collector of Nellore. (signed) *W. Hudleston,*
Secretary.

Enclosure 6, in No. 59.

LETTER from *J. W. B. Dykes*, Esq., Collector of Nellore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 123); dated 28 April 1863.

WITH reference to the Proceedings of the Board of Revenue, under date the 17th October 1862, No. 6,940, communicating an order of Government regarding the survey of waste lands in districts where a demand for waste lands is likely to arise, and requesting the collectors

lectors to report what they consider should be the standard area of allotments of waste lands, and what the cost per acre would be of such survey as the Government contemplate. I have the honour to state that the survey now in hand will meet our requirements in this respect, and it is not therefore necessary for me to make any estimate of cost.

1. The Board observe that the collector has taken six months to reply to a most simple question.
2. Such neglect is inexcusable.
3. Mr. Dykes will please to explain how the survey will meet the requirements of applicants for unassessed waste, especially in the event of such being received after the field work of the Revenue Survey in Nellore shall have been completed.

(signed) *W. Hudleston*, Secretary.

To J. W. B. Dykes, Esq., Collector of Nellore.

Enclosure 7, in No. 59.

PROCEEDINGS of the Madras Government, Revenue Department, 8 July 1863.

From *J. W. B. Dykes*, Esq., Collector of Nellore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras (No. 138); dated Nellore, 9 May 1863.

Sir,

1. I HAVE the honour to acknowledge the receipt of the Board's proceedings of the 6th instant, requesting me to report the nature of the lands to which I would apply the rates for waste in this district proposed by me, and state that the nature of the lands will vary, with reference to locality, and all will be included in the operations of the Director of Revenue settlement.

2. In the western talooks, the land will generally be under scrub jungle; in the eastern it will probably be open land.

3. In respect to the Revenue Settlement, it would perhaps be more correct to say, that the lands will come under the operation of the Survey Department, as they will be surveyed in blocks and recognised by the Settlement Department, but not assessed.

Enclosure 8, in No. 59.

From *J. W. B. Dykes*, Esq., Collector of Nellore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras (No. 139); dated Nellore, 9 May 1863.

Sir,

1. I HAVE the honour to acknowledge the receipt of the Board's proceedings of the 6th instant, remarking on the delay in replying to the Board's Circular of the 17th October 1862, No. 6940, and requesting to know how the survey will meet the requirements of applicants for unassessed waste, and in reply to state that the land will all be shown in the maps, and the unassessed waste in blocks ready for sale.

2. The subdivision of blocks to meet the requirements of purchasers, can be made by the local authorities, or else by special agency obtained for the purpose and paid for by the job. I do not think it would be of any use to entertain a special establishment, or if entertained, and there were applications that such special establishments would meet the requirements of the case in a district 160 miles long and 50 broad, there would be more travelling than measuring.

1. ORDERED that the above papers be submitted to Government, with reference to their orders, dated 24th and 25th September 1862, Nos. 2080 and 2087, relating to the system of sale of unassessed waste land, and also to their proceedings, dated 21st February 1863, No. 375, fixing the upset price for several districts.

2. Mr. Dykes proposes, in Nellore, 10 rupees per acre as the minimum price on the coast, and 5 rupees in the inland talooks. In the former case the land will generally be open, and in the latter will probably be scrub jungle.

3. The Board see no reason for fixing a higher price in Nellore than elsewhere. The rate will only apply to those lands which from the apparently extreme improbability of their being brought under cultivation, or occupied for grazing, &c., will be left unassessed by the Settlement Department, and for such cases it appears to the Board, that the general rate adopted elsewhere of 5 rupees per acre, for forest land, and 2½ rupees for other unassessed waste, will fully meet the Government requirements.

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4. The Government are, of course, aware that while the whole area of every village will be surveyed by the professional department, the detailed survey in fields will not be carried beyond the land, that there is reason to believe may be occupied within a period not too remote to exclude it from consideration for practical purposes. The remainder of the waste will be surveyed in large blocks, according as the contour of the ground, or its natural features may facilitate its subdivision, and these blocks will not be classified or assessed.

5. It is to these that the above proposal will apply.

6. There is no need at present of any special survey establishment in Nellore.

(signed) *W. Hudleston*, Secretary.

ORDER thereon, 8 July 1863, No. 1237.

THE Government concur with the Board, that 5 rupees for forest and 2½ for cleared land per acre, are appropriate rates for the Nellore district, the sales being limited to the lands mentioned in paragraph 4 of the Board's proceedings.

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

Enclosure 9, in No. 59.

PROCEEDINGS of the Madras Government, Revenue Department, 13 July 1863.

LETTER from *C. W. Reade*, Esq., Collector of South Arcot, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras (No. 146); dated Cuddalore, 8 June 1863.

Sir,

1. I HAVE the honour to acknowledge the proceedings of the Board, No. 2823 of the 12th ultimo, held on review of my letter to the Board, dated 22d April last, on the subject of unassessed waste lands in this district.

2. The Board request me to reconsider the subject, and they express the opinion that the facts stated by me do not warrant my assertion that, strictly speaking, there are no unassessed waste lands in South Arcot.

3. When originally giving my attention to the subject of the unassessed waste lands in the district, I necessarily consulted with the sheristadar and other officers of experience, and, for the reasons already recorded, I came to the conclusion with them that "strictly speaking there were no unassessed waste lands." The entire correspondence on the subject was laid before me, and the orders of the Revenue Board in their letter of the 4th June 1855, fixing the classification and assessment of all waste lands, appeared to me finally to dispose of the question, and to exclude those lands from the category of unassessed waste, and therefore from the operations of the newly promulgated rules.

4. The various dates of the correspondence and of the Board's proceedings are quoted in paragraph 1 of my former letter, and I have nothing to add in explanation of why I was ultimately led to adopt the opinion therein expressed.

5. Of course if I am mistaken in viewing the Board's instructions contained in their letter of the 4th June 1855, No. 1384, as bringing all waste lands of the district within the category of classified and assessed, such lands as are now available for appropriation under the new rules, and the particulars of the information called for under the orders of Government by the Board's Circular Nos. 6507 and 6940, dated 26th September and 17th October 1862, respectively, will at once be prepared and furnished.

6. Out of the original 7 lacs cawnies of Perumboke there yet remain, as stated in paragraph 3 of my former letter, 577,649 cawnies for disposal, minus such portions as are in actual occupancy by temples and tanks, or which are incorporated with rivers and streams, and thus unfit for cultivation. The reclaimed Perumboke, since the orders of the 4th June 1855, consists of scattered spots and tracts amounting to 95,351 cawnies with unreclaimed patches intervening, the latter varying in extent of from 2 to 20 cawnies. It is a question how such patches are to be dealt with, whether on the principle of the classification and assessment of the surrounding lands disposed of under the Board's orders as above, or whether at the option of the applicants under the new rules. I presume, under the view expressed by Government and the Board, that these patches must be included in the total of the unassessed waste lands declared available to the public, and for which the accounts will now at once be prepared.

1. ORDERED to be submitted to Government in continuation of the Board's proceedings dated 12 May 1863, No. 2823.

2. The

2. The Board's orders of 4 June 1855, to which Mr. Reade alludes, instructed the collector when assessing newly reclaimed Perumboke lands, to classify and assess them with reference to quality, &c., so as to place them on an equality with other lands of a similar description in the village, rather than to take the average of the village rates as had hitherto been the practice.

3. The Board see nothing in this order to preclude the application of the new rules for the grant of unassessed waste in freehold, if land should be sought on these terms. The rules expressly state that the grant of lands on ordinary Durkhast, subject to assessment, is not precluded by them, and in such cases the Board's order of 1855 would apply.

(signed) *W. Hudleston*, Secretary.

(No. 241.)

ORDER thereon, 13 July 1863, No. 1271.

THE Government concur with the Board that the rule referred to in paragraph 3 of their proceedings does not preclude the sale of land still unoccupied and unassessed under the new rules. These lands will accordingly be declared saleable, the prices being 5 and 2½ rupees per acre for forest and cleared land respectively.

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

— No. 60. —

COPY REVENUE DESPATCH to the Government of Madras (No. 60); dated India Office, 8 October 1863.

Sir,

1. I HAVE had under my consideration in Council, your letters dated the 20th June (No. 55), and 17th July last (No. 74), informing me of the upset prices which you have fixed for unassessed waste land in the Godavery and Kistna districts, and in those of Vizagapatam, South Canara, South Arcot, and Nellore.

2. The prices appear to have been well considered, and the rule which provides for a sale by auction in all cases, will doubtless insure your obtaining a proper value for the land.

3. I observe that care has been taken to reserve, for the use of the State, any tracts of valuable forest which are known to exist in these districts.

4. I approve of your having excepted from the operation of the new rules, those lands in the Delta talooks of the Godavery district, which are within the influence of the Annicut, as they will rise greatly in value when the means of irrigation shall have been extended to them.

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

—No. 61.—

REVENUE LETTER from Madras, dated 3 July, No. 65 of 1863.

Right Honourable Sir,

1. WITH reference to paragraph 2 of your Despatch, dated 16th August 1861, No. 55, we have the honour to report that Mr. Campbell has declined to take land in the Annamallays on the usual terms, and that he is not now inclined to invest capital there at all.

Procs. 8 February 1861, Nos. 96, 97.
" 24 June - " " 350, 351.
" 2 July - " " 1160.

2. Another individual, Mr. Lennon, is desirous of obtaining land in the same place, and any application he may make will be disposed of under the ordinary rules which have been lately published. We do not deem it advisable to make any exception in Mr. Lennon's favour. We shall shortly send you a report which we have just received from the Assistant Conservator of Forests on these hills, and which, we believe, will convince you that no special encouragement is necessary for their clearance for coffee planting. At present, of course, planters prefer the

Neilgherries and Wynad, which are better known, but we have little doubt that when the available land on them is occupied, attention will be turned to the Annamallays. The Carnatic Coffee Company have applied for 3,000 acres on the latter.

3. Under the new rules, land on the Annamallays will be sold freehold by auction at an upset price of 5 rupees for forest, and 2½ rupees for open land per acre, besides the cost of survey and demarcation. These rates respectively represent an annual assessment at 25 years' purchase of less than 4 and 2 annas per acre, which seems to us extremely light.

4. We have no reason to suppose that Mr. Lennon is a capitalist.

We have, &c.,
(signed) *E. Maltby.*
T. Pycroft.

Enclosure 1, in No. 61.

From Mr. *E. R. Lennon* to *E. B. Thomas*, Esq., Collector of Coimbatore.

Sir,

Annamalay, 4 December 1860.

BEING desirous to cultivate coffee in the Poonachy range, a mile, more or less, to the south-west of the Poonachy waterfall, I beg respectfully to tender this application for 50 acres of land for the present, and when the same has been cultivated, that I may be allowed to apply for a further quantity.

I beg to mention that the land now applied for, lies adjacent to that of Mr. Campbell.

I also request you will be good enough to inform me of your intentions as to the grant of this land as early as practicable, so as to enable me to commence operations at once in clearing the same, this being the best time of the year for such operations.

I also beg to inform you that Dr. Cleghan had no objections, in a personal conversation, to my applying for the lands now alluded to.

I am, &c.
(signed) *E. R. Lennon.*

Enclosure 2, in No. 61.

PROCEEDINGS of the Madras Government, Revenue Department, 8 February 1861.

LETTER from *E. B. Thomas*, Esq., Collector of Coimbatore, to *W. Hudleston*, Esq., Acting Secretary to the Board of Revenue, Fort Saint George (No. 238); dated Camp, Perindoray, 21 December 1860.

Sir,

* An overseer in the Forest Department.

1. I HAVE the honour to forward copy of a letter from Mr. *E. R. Lennon*,* dated 4th instant, applying for 50 acres of land for coffee cultivation, and to request the Board of Revenue will be good enough to obtain the sanction of Government to put up the same to public auction, in the same manner as coffee lands are sold on the Neilgherries, and now ordered for Mr. Campbell.

2. The land in question is adjacent to that applied for by Mr. Campbell, and as Dr. Cleghorn expressed no objection to Mr. Lennon applying for it, I beg to recommend that it be granted on the same terms as those recommended in the case of Mr. Campbell, viz., free of assessment for four years, and afterwards to pay one rupee per acre:—*vide* my letter to Board, dated 8th November 1860, No. 210, and their proceedings of the 7th instant, No. 5733.

ORDERED to be submitted to Government, with the Board's recommendation that the sale of the land on the terms proposed be authorised.

(signed) *W. Hudleston*, Acting Secretary.

ORDER thereon, 8 February 1861, No. 305.

1. THE Government authorise the sale of the land in question, on the Annamalai Hills, on the terms fixed by the rules approved in the Order of April 4th 1861, No. 517. This has

has been done* also in the case of Mr. Campbell's application for land in the same locality, to which the Board refer in their present proceedings. * 30th January 1861, No. 238.

2. The Government request the Board of Revenue to regard such rules when once deliberately established as indicating the course to be followed in all but very exceptional cases.

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

Enclosure 3, in No. 61.

PROCEEDINGS of the Madras Government, Revenue Department, 24 June 1862.

LETTER from *E. B. Thomas, Esq.,* Collector of Coimbatore, to *W. Hudleston, Esq.,* Secretary to the Board of Revenue, Chepauk (No. 227); dated Ootacamund, 2 November 1861.

Sir,

WITH reference to my letter of the 21st December 1860, No. 238, and Government Order thereon, dated 8th February 1861, No. 305, I beg to enclose a letter from Mr. Campbell, and to report that both Mr. Campbell and Mr. Lennon, decline to take land in the Anamalays on any terms less than those recommended in my letter, viz., five years free; indeed Mr. Campbell is not now inclined to invest capital there at all, from the difficulty of labour and the unhealthy nature of the locality, and without roads or ghaut. Mr. Lennon also withdraws unless with five years' cowle. As it is very advisable to open up these hills, and encourage pioneers in the attempt, I would once more recommend that a cowle be sanctioned to Mr. Lennon, or no attempt is likely to be made. It is clearly an exceptional case.

With Government Order, 28th September 1861, No. 1881, and Board's No. 5325.

1. ORDERED to be submitted to Government, with reference to their proceedings in the Revenue Department, Nos. 238, 305, and 1881, dated respectively, 30th January, 8th February, and 28th September 1861.

In Cons. 31st January, 9th February, and 30th September 1861, Nos. 636, 832, and 6206.

2. The Board presume that this land might now come under the new rules issued by the Governor General.

(signed) *W. Hudleston,* Secretary.

ORDER thereon, 24 June 1862, No. 1383.

THE land in question may be disposed of under the new rules, if the reference recently made by this Government to the Government of India on the subject does not lead to their being modified. The result of that reference must be awaited.

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

Enclosure 4, in No. 61.

To *E. B. Thomas, Esq.,* Collector, Coimbatore.

Sir

Ootacamund, 21 October 1861.

IN reply to the communication from the Government relating to my request for a grant of land, estimated at from 600 to 1,000 acres, situated on the Anamallai Hills, I beg to state that I am not willing to conclude any agreement based on the terms laid down by Government.

I have, &c.
(signed) *A. C. Campbell.*

Enclosure 5, in No. 61.

PROCEEDINGS of the Madras Government, Revenue Department, 2 July 1863.

LETTER from *P. Grant*, Esq., Collector of Coimbatore, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort St. George (No. 49); dated Coimbatore, 19 June 1863.

Sir,

1. IN reply to your Official Memorandum of 13th ultimo, No. 106, I beg to report that Mr. Lennon, the individual alluded to in Mr. Thomas's letter, No. 227, of 2d November, and recorded in the Board's proceedings of 2d December 1861, No. 6647, is still desirous of obtaining land on the Annamallays, as will appear from the accompanying copy of his letter. He is not the person who was lately promoted to the post of Sub-Assistant Conservator in Kurnool, but his brother.

2. Any application for land by Mr. Lennon will be dealt with under the rules lately issued for the sale of unassessed waste lands in this Presidency.

From Mr. *E. R. Lennon*, to *P. Grant*, Esq., Collector of Coimbatore; dated Coimbatore, 15 June 1863.

Sir,

1. IN reply to your Memorandum, No. 32, dated 12th June 1863, I beg to inform you that I am still desirous of obtaining the land alluded to, and am anxious to know on what terms I am to obtain it.

2. Mr. J. J. Lennon is a brother.

(signed) *P. Grant*, Collector.

ORDER thereon, 2 July 1863, No. 1160.

1. THE Government see no reason to make any exception in favour of Mr. Lennon.

2. This subject will be reported to the Secretary of State, with reference to paragraph 2 of his Despatch, dated 16th August 1861, No. 55.

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

— No. 62. —

COPY REVENUE DESPATCH to the Government of Madras (No. 57);
dated India Office, 30 September 1863.

Sir,

I HAVE had under my consideration in Council your letter of the 3d July last (No. 65), in which you inform me that, in your opinion, no special encouragement is necessary to induce intending settlers to apply for grants of land in the Annamally Hills for the purpose of coffee cultivation.

2. I agree with your Excellency in thinking that it is undesirable to permit any exceptions to the ordinary rules for the grant of lands, unless a clear case of expediency is established.

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

— No. 63. —

REVENUE LETTER from Madras, dated 9 September, No. 96 of 1863.

Right Honourable Sir,

WITH reference to paragraph 19 of our Despatch, 22d May 1863, No. 46, we have the honour to forward for your information the rules* sanctioned by us for the redemption of the Land Revenue, together with the correspondence† which has taken place on the subject with the Board of Revenue.

* In Proceedings of Government, 27th August 1863.

† Proceedings of Government 26th February 1863, Nos. 380, 381
" " 16th July 1863, Nos. 318, 319.
" " 27th August 1863, Nos. 285, 286.

We have, &c.
(signed) *E. Maltby.*
J. Pycroft.

Enclosure I, in No. 63.

PROCEEDINGS of the Madras Government, Revenue Department, 26 February 1863.

LETTER from *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department; dated Madras, 26 January 1863.

Sir,

1. WITH reference to paragraph 3 of the Government Order, dated 24th September 1862, No. 2050, Revenue Department, I am directed by the Board of Revenue to submit the accompanying draft rules for the redemption of the land revenue, as restricted by Her Majesty's Secretary of State in paragraphs 26, 63, and 75 of the Despatch, dated 9th July 1862.

2. The rules are taken from those originally proposed by Government and communicated to the Board with the proceedings of 27th February 1862, No. 433, Revenue Department, slightly modified to suit subsequent orders. The appended form of certificate is adopted from the forms proposed by the Government Pleader.

3. The Board have omitted the clause declaring that unregistered transfers of such enfranchised lands will not be recognised, as the Government Pleader has expressed his opinion that such a point must be made the subject of legislation. They therefore think it useless to make any provision on the subject by a mere rule which could not be maintained in the courts, and in the collector's offices would be almost destitute of force, inasmuch as the non-recognition by the collector of transfers of land not liable to any demand on account of Government would be a matter of indifference to the parties concerned.

4. The Board would suggest for the consideration of Government whether, in these cases in which the land tax is redeemed, a survey of the land is necessary; and should the Government resolve to maintain this provision, whether it would not be proper to add the same condition to Section 17 of the Rules appended to the Government Order dated 6th December 1862, No. 2553, Revenue Department, which section relates to former grants of unassessed waste.

5. With reference to paragraph 9 of the accompanying draft rules, which is taken *verbatim* from the former Government Draft, and from which it is to be inferred that the rules will apply to Inams, the Board would point out that the rate of redemption established in the rules for the Inam Commission is 20 years' purchase, while in the present rules it is 25 years. It would seem advisable to adopt one uniform rate for all cases alike.

See Rules 9 and 13
in Commissioner's
Report, dated 6th
July 1859.

ORDER thereon, 26 February 1863, No. 413.

1. In paragraphs 26 and 63 of his Despatch to the Government of India, dated 9th July 1862, Revenue, No. 14, the Secretary of State authorised the Local Governments, at their discretion, to permit the redemption of the land-tax on "lands required for dwelling-houses, factories, gardens, plantations, and other similar purposes." This privilege was also to be extended to "portions of land comprised within zemindaries, the jumma of which is not redeemed, a proportionate reduction being, of course, made in the jumma payable to Government." The rate of redemption was to be the current value of the four per cent. loan.

G. O. 24th September
1862, No. 2080.

2. The Board of Revenue now submit rules for giving effect to this resolution. The rules are nearly identical with those proposed by Government on the Resolution of the Supreme Government prior to the receipt of the despatch above quoted.

3. Under existing rules the owners of land occupied wholly or partially by buildings may redeem the land-tax at 20 years' purchase, so that the despatch merely extends this privilege, at a higher rate, to gardens, plantations, and the like. This is a very vague definition. It would include the so-called gardens of Malabar, very lightly assessed, betel gardens, plantain gardens, &c., which really differ in no respect from paddy or grain lands, except that they bear a different crop. Such lands do not require to be held rent free, but it is difficult to word the rule in any way that shall exclude them. It seems to the Government that the safest course will be to require that applications for redeeming the tax on gardens and plantations shall first be submitted for the sanction of the Board of Revenue, the collectors having power to deal with building sites of their own authority. As to the redemption of the assessment of coffee lands in Wynad, or of lands generally on the Neilgherry, Shervaroy, and Pulney Hills, it must be understood that the liberty already given in regard to the redemption of the land-tax on these lands is to continue in force.

4. In paragraph 4 of their present letter the Board inquire whether a survey of land redeemed is necessary. The Government think that before the land-tax is redeemed for ever they should make sure that the extent of the land is correctly stated, as once the tax is redeemed, the land is, of course, out of their reach. The provision should, therefore, be maintained, and it must be understood that the survey is to be made at the expense of the applicant, as is done in the case of waste lands.

5. The Board add that if Government adhere to the requirement of survey, a similar provision should be annexed to Section 17 of the Waste Land Rules appended to Government Order, 6th December 1862, No. 2553. This can be done by the Board with whom the rules now are.

6. The Board also point out that under the Inam Rules, inamdars can commute their quit-rent at 20 years' purchase, whereas in redemptions of ordinary land assessment 25 years is the rate, and they urge the advisability of adopting one uniform rate in all cases.

7. The Government are of opinion that inams should be left as they are. For special reasons Government determined on dealing with these tenures in a liberal manner, those reasons exist unchanged, and the settlement of the tenures is nearly completed. To alter the terms now would lead to dissatisfaction, and there is this great difference between the case of inams and assessed lands, viz., that the Government are pledged to the former, while with the latter they are free from all engagement made or even implied.

8. The rules will require some modifications.

(1.) Rule I. does not provide for extending to permanently settled estates, the jumma of which is not redeemed, the power of redeeming the assessment on lands coming within the scope of the rules, a proportionate reduction being made in the jumma, as required by the latter part of paragraph 26 of the Secretary of State's Despatch.

(2.) In Rule VII. the Government would leave out "jenmaker and mirassidar," and say simply "the registered proprietor," the registry being the only safe guide.

(3.) Rule IX. The first part of this rule needs modification, as permanently assessed estates are not to be redeemed. The rule should also provide for lands held in perpetuity on rates differing from the regular assessment, not being inams. Many building sites are held on one rupee per acre, where the regular assessment would be a few annas and *vice versa*. These rates, if perpetual, must be respected. A slight addition providing for the lands in question has been made to the rule.

(4.) Rule XII. In the case of unassessed waste granted for terms of years, the grantees may redeem by paying a sum "equal to the present value of all future stipulated annual payments calculated at four per cent. interest, provided the said amount is not less than the prescribed minimum for the locality or the description of land included in the grant." Assessed lands coming within the scope of these rules, but held on cowle or lease, should be similarly treated; and there must be some similar stipulation to guard against temporary peppercorn rents being redeemed in perpetuity.

9. The rules will be returned to the Board in view to their being modified in conformity with the views above expressed.

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

Enclosure 2, in No. 63.

PROCEEDINGS of the Madras Government, Revenue Department, 16 July 1863.

LETTER from *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort Saint George (No. 3666); dated Chepauk, 20 June 1863.

Sir,

1. THE rules for the sale of waste land in freehold having now been circulated, I am directed by the Board, with reference to Government order, dated 26th February 1863, No. 413, Revenue Department, to submit the revised rules for the redemption of assessment on lands already in occupation, and thereby converting them into freehold.

2. The rules have been re-arranged and modified to meet the views expressed by Government. The form of title-deed has been revised by the Government pleader.

3. The early publication of these rules will enable the Board to prohibit absolutely the further operation of the rules of 1859.

4. They however, direct me to submit, for the consideration of Government, whether the privilege of redeeming the assessment on lands under ordinary cultivation within the limits of the High Court's original jurisdiction round Madras, a privilege which is provided in the old rules, shall be reserved; and also whether the issue of permanent title deeds, reserving the usual annual tax or quit-rent (also provided for in the old rules), for lands of which the assessment is capable of being redeemed at option, shall be maintained.

5. The retention of the last provision appears desirable, but the Board doubt whether the forms will be practically of any use. They believe that in no single instance has advantage been taken of it in the four years that have elapsed since its original publication, though the right of redemption was only 20 times the annual assessment. Now also that the Madras and the Chingleput districts are amalgamated, there seems no reason for treating lands in the immediate vicinity of Madras, but under ordinary tillage, in a different manner from those in other parts of the district.

6. If converted into building sites or gardens, the general rules would become applicable to these lands; but until so converted, there appears no great cause for dealing with them specially, when the effect will no longer be that contemplated by the original rule, of freeing the collector from duties connected with ordinary Land Revenue.

DRAFT of REVISED RULES for the REDEMPTION of the LAND REVENUE.

I. Proprietors of lands occupied for dwelling houses or factories, of coffee lands in the Wynád, of lands on the Neilgherry, Pulney, or Shervaroy hills, and of lands occupied or intended for gardens or plantations, properly so called, such lands being subject to assessment, quit-rent, or other public land tax, if desirous of redeeming such assessments, &c., must apply by letter to the collector of the district in which the lands are situated. This rule is applicable to the kinds of land above designated, situated in zemindaries, as well as to lands in Government talooks; but does not necessarily include lands classed as baghayet or totacal. Applications relating to these last kinds of lands must be referred by the collector with full particulars, for the decision of the Board of Revenue.

II. In estates held under the regulations of 1802, the registered zemindar shall alone be held to have the right to redeem the Land Revenue under these rules, a corresponding reduction being made in the annual peshcush. In the case of ryotwary lands, the registered proprietor holding directly from Government shall alone have the right to redeem.

In other cases the person entitled to pay the assessment shall be held as a general rule to possess the right, but all doubtful cases shall be referred to the Board of Revenue for decision.

III. Inám lands will be dealt with under the special rules for their enfranchisement, and will not be affected by these rules. Grama Nattam land is also excluded from their operation.

IV. Grants of unassessed waste land already made for terms of years under previous rules, and in which no right of occupancy or proprietorship exists, except that of the grantees, or such as has been derived from them, may at the option of the grantees, or of their representatives, be brought within the operation of these rules, and the grantees or their representatives may redeem the future land tax on such grants, or on any compact part of them, by payment down of the aggregate amount of tax with which the land in

question is liable under the grant to be charged for the whole of the 25 years next ensuing after the date of application, provided the said amount is not less than the prescribed minimum upset price for the sale of unassessed waste land of a similar class in the locality.

If the aggregate tax assessable on the land for the 25 years next ensuing, shall be less than the said minimum upset price, the latter shall be the amount payable in redemption of future land tax.

V. The redemption of the assessment on lands held in shares, on Cowles, or on leases, and, generally of lands held on peculiar tenures shall not be allowed without the sanction of the Board of Revenue, and the above restriction, as to the minimum of redemption of money, will apply also to the cases of assessed lands occupied on Cowles.

VI. The rate of redemption in other cases shall be 25 times the existing annual assessment, except where the Government title on which the land may be already held shall contain an express provision for redemption at a lower rate.

VII. The assessment on which the redemption shall be calculated, shall in the case of lands settled under Regulation XXV. of 1802, be the permanent assessment. In the case of other lands it shall be the survey or recognized standard assessment. Where lands are held in perpetuity at specified rates, such rates shall form the basis of the calculation.

VIII. The redemption of the Land Revenue under these rules shall in no way affect sub-tenures, right of occupancy, or other subordinate rights whatever.

IX. Lands of which the assessment is redeemed under these rules shall continue liable to general, local, and municipal taxes, in common with other lands.

X. It is to be understood that the freedom of tenure conferred by redemption is absolute only as against Government. It will be given on *prima facie* evidence of the right of the applicant to be recognized as proprietor, and other persons contesting that right and claiming the land will be as free as before to sue the holder in the civil courts.

XI. The application must state the situation of the lands, their extent so far as known, their assessment, and the applicant's title to be recognized as their proprietor.

XII. Immediately on receipt of an application for permission to redeem the assessment, the collector, if he admits the application, shall cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed and a plan of it prepared as soon as possible.

The boundary pillars are to be erected and maintained at the expense of the applicant, who shall also bear the cost of the survey and plan of the land.

XIII. When the land concerned has been already scientifically surveyed, and the particulars are on record, its re-survey shall not be necessary. The applicant shall in such cases be charged only with the cost of putting up durable boundary marks, and of preparing a plan of the land.

XIV. In all cases where a collector refuses to permit an applicant to redeem his assessment, it shall be open to the applicant to appeal to the Board of Revenue.

XV. On payment of the redemption money in full, with all cost of survey and demarcation, the party permitted to redeem the assessment shall be furnished by the collector with a title deed in the following form.

It is to be understood that the current demand will continue up to the date on which the redemption money is proffered in full, together with the cost, actual or estimated, of demarcation and survey, or of demarcation only, as the case may be.

FORM OF TITLE for OCCUPIED LANDS converted into FREEHOLD.

This Indenture made the _____ day of _____ one thousand eight hundred and sixty _____ between the Right Honourable the Secretary of State for India in Council of the one part and _____ (A.B.) _____ of the village of _____ in the collectorate of _____ of the other part. Whereas the said (A.B.) registered proprietor of the land described in the schedule hereunder written and delineated in the map or plan hereunto annexed under the provisions contained in the rules for the redemption of Land Revenue passed by the Honourable the Governor of Fort Saint George in Council under date the _____ day of _____ 18 _____ No. _____ has paid into the Treasury at _____ the sum of _____ rupees (the receipt whereof is hereby acknowledged) in redemption of the annual assessment or quit-rent at present payable on the said land, Now this Indenture witnesseth that in consideration of the said sum of _____ rupees so paid as aforesaid (the receipt whereof is hereby acknowledged) the said Secretary of State in Council doth hereby declare that the said land is henceforward

ward free from all demand on the part of Her Majesty for or on account of quit-rent, assessment, land-tax, or other land revenue ; provided, however, that these presents in no way affect the liability of the said land to the payment of all general taxes and local rates now existing, or which at any time hereafter may be imposed by law and of the owners thereof to the observance of the several conditions in the said Rules contained ; nor do they in any way affect any rights or interests which other parties than the above said (A. B.) may have in the said land. And this Indenture further witnesseth that, for and in consideration of the declaration hereinbefore contained and in consideration of the premises, he, the said (A. B.), for himself, his heirs, personal representatives, and assigns doth hereby covenant with the said Secretary of State in Council, his successors and assigns, that he, the said (A. B.), his heirs, personal representatives and assigns will, at his and their own costs and charges forthwith erect and at all times hereafter maintain and keep in good repair permanent boundary marks round the said land and premises. In witness whereof the Honourable the Governor of Fort St. George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council and the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule above referred to.

District.	Talook.	Village.	Name, if any.	Boundaries.	Extent.

The Seal of the Honourable the Governor of Fort St. George in Council was hereunto affixed in the presence of

(L. s.)

Secretary to the Government.

Signed, sealed, and delivered by the above-named (A. B.) of in the East Indies in the presence of

(L. s.)

Signature of (A. B.)

Received from the above-named (A. B.) the sum of rupees, being the consideration money above-mentioned to be by him paid.

Rs. _____

Collector of

ORDER thereon, 16 July 1863, No. 1310.

1. WITH the above letter the Board submit a draft of revised rules for the redemption of assessment on lands occupied by buildings, &c.

2. The only modifications the Government consider necessary are the following :—

3. In Rule 3 they would include lands brought under the new rules subject to assessment as the deeds on which they are held provide for enfranchisement. The rule might run thus: " Inam lands and lands purchased under the rules, dated respectively 6th, 7th, and 9th March 1863, Nos. 478A, 482A, and 488A, for the sale of waste lands on the Neilgherries and Shervaroy's and in the Wynad Talook of Malabar, will be dealt with according to the deeds under which they are held, and will not be affected by these rules. Gramma Nattam land is also excluded from their operation."

4. On further consideration the Government consider that the rate of redemption under Rule IV. should be 25 times the full assessment. The favourable terms temporarily granted in Cowles, &c., are for a specific purpose, such as the experimental growth of a special

special product or the expense of clearing, and that they are sufficient for that purpose, is shown by their being accepted. There is no good reason, therefore, for their being taken into calculation in redeeming the assessment or placing the holders of such temporary advantages permanently in a better position than those who from the outset pay full assessment. As the rule stands, a person holding lands free of assessment for seven years, would be entitled to redeem the assessment at 18 years' purchase only.

5. The Board's proposal to continue the issue of permanent title-deeds reserving the usual annual tax or quit-rent (as provided in the old rules) for lands of which the assessment is capable of being redeemed at option, is approved.

6. The similar privilege in respect of cultivated lands in the town of Madras need not be continued, no advantage having been taken of it by the people.

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

Enclosure 3, in No. 63.

PROCEEDINGS of the Madras Government, Revenue Department, 27 August 1863.

LETTER from *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort St. George (No. 4731); dated Madras, 29 July 1863.

Sir,

1. WITH reference to the order of Government, dated 16th July 1863, No. 1310, I am directed by the Board of Revenue to submit for the sanction of Government, the finally revised rules for the redemption of the Land Assessment.

2. The modifications directed by Government in the above Order have been made, and the necessary provision has been added for the grant of permanent puttahs for land, of which the assessment is capable of being redeemed under the rules.

RULES for the REDEMPTION of the LAND REVENUE.

I. Proprietors of lands occupied for dwelling houses or factories, of coffee lands in the Wynad, of lands on the Neilgherries and the Pulny or Shevaroy Hills, and of lands occupied or intended for gardens or plantations properly so called, such lands being subject to assessment, quit-rent, or other public land tax, if desirous of redeeming such assessment, &c., must apply by letter to the collector of the district in which the lands are situated. This rule is applicable to the kinds of land above designated, situated in zemindaries, as well as to lands in Government talooks; but does not necessarily include lands classed as baghayet or totacal. Applications relating to these last kinds of land must be referred by the collector, with full particulars for the decision of the Board of Revenue.

II. In estates held under the Regulations of 1802, the registered zemindar shall alone be held to have the right to redeem the Land Revenue under these rules, a corresponding reduction being made in the annual peshkush. In the case of ryotwary lands, the registered proprietor holding directly from Government shall alone have the right to redeem.

In other cases the person entitled to pay the assessment shall be held, as a general rule, to possess the right, but all doubtful cases shall be referred to the Board of Revenue for decision.

III. Inám lands and lands purchased under the rules dated respectively 6th, 7th and 9th March 1863, Nos. 478A, 482A, and 488A, for the sale of waste lands on the Neilgherries, on the Shevaroy Hills, and in the Wynad Talook of Malabar, will be dealt with according to the deeds under which they are held, and will not be affected by these rules. Gramma Nattam land is also excluded from their operation.

IV. Grants of unassessed waste land already made for terms of years under previous rules, and in which no right of occupancy or proprietorship exists except that of the grantees, or such as has been derived from them, may, at the option of the grantees or of their representatives, be brought within the operation of these rules, and the grantees or their representatives may, at their option, redeem the future Land-tax on such grants, or on any compact part of them.

V. The redemption of the assessment on lands held in share, or Cowles or on leases, and generally, of lands held on peculiar tenures, shall not be allowed without the sanction of the Board of Revenue.

VI. The rate of redemption shall be twenty-five times the full annual assessment on the land in addition to the actual cost of survey and durable demarcation, except where
the

the Government title on which the land may be already held shall contain an express provision for redemption at a lower rate.

VII. The assessment on which the redemption shall be calculated, shall, in the case of lands settled under Regulation XXV. of 1802, be the permanent assessment. In the case of other lands, it shall be the survey or recognized standard assessment. Where lands are held in perpetuity at specified rates, such rates shall form the basis of the calculation.

VIII. The redemption of the Land Revenue under these rules shall in no way affect sub-tenures, right of occupancy, or other subordinate rights whatever.

IX. Lands of which the assessment is redeemed under these rules, shall continue liable to General, Local, and Municipal taxes, in common with other lands.

X. It is to be understood that the freedom of tenure conferred by redemption is absolute only as against Government. It will be given on *prima facie* evidence of the right of the applicant to be recognised as proprietor; and other persons contesting that right, and claiming the land will be as free as before to sue the holder in the Civil Courts.

XI. Applications to redeem the assessment under these rules must state the situation of the lands, their extent, so far as known, their assessment, and the applicant's title to be recognised as their proprietor.

XII. Immediately on receipt of an application for permission to redeem the assessment, the collector, if he admits the application, shall cause durable boundary pillars or marks to be erected, clearly defining the limits of the land, and shall have it surveyed, and a plan of it prepared as soon as possible.

The boundary pillars are to be erected and maintained at the expense of the applicant, who shall also bear the cost of the survey and plan of the land.

XIII. When the land concerned has been already scientifically surveyed, and the particulars are on record, its re-survey shall not be necessary. The applicant shall in such cases be charged only with the cost of putting up durable boundary marks, and of preparing a plan of the land.

XIV. In all cases where a collector refuses to permit an applicant to redeem his assessment, it shall be open to the applicant to appeal to the Board of Revenue.

XV. On payment of the redemption money in full, with all cost of survey and demarcation, the party permitted to redeem the assessment shall be furnished by the collector with a title deed in the form annexed, marked A.

It is to be understood that the current demand will continue up to the date on which the redemption money is proffered in full, together with the cost, actual or estimated, of demarcation and survey, or of demarcation only, as the case may be.

XVI. Proprietors of lands of which the assessment is capable of being redeemed under these rules, but who are unable or unwilling to redeem the tax, shall, on application and on payment of the cost of survey and of durable demarcation, be granted titles of permanent settlement under the seal of Government in the annexed form B. in lieu of the yearly puttahs hitherto granted; and tenures on such titles shall be convertible at will into freehold, on payment down of 25 times the full annual assessment as above provided.

XVII. The Rules of August and September 1859, will cease to operate from and after the publication of these rules, except in so far as concerns lands already dealt with under those rules.

(A.)

FORM of TITLE for Occupied Lands converted into Freehold.

THIS Indenture made the _____ day of _____ one thousand eight hundred and sixty _____ between the Right Honourable the Secretary of State for India in Council of the one part and _____ (A. B.) _____ of the village of _____ in the Collectorate of _____ of the other part; Whereas the said (A. B.), registered proprietor of the land described in the Schedule hereunder written and delineated in the map or plan hereunto annexed under the provisions contained in the rules for the redemption of Land Revenue, passed by the Honourable the Governor of Fort St. George, in Council under date the _____ day of _____ 18 _____ No. _____ has paid into the Treasury at _____ the sum of _____ rupees (the receipt whereof is hereby acknowledged) in redemption of the annual assessment or quit-rent at present payable on the said land, now this Indenture witnesseth that in consideration of the said sum of _____ rupees so paid as aforesaid the said Secretary of State in Council doth hereby declare that the said land is henceforward free from all demand on the part of Her Majesty for or on account of quit-rent, assessment, land tax, or other Land Revenue; provided, however, that these presents in no way affect the liability of the said land to the payment of all general taxes and local rates now existing or which at any time hereafter may be imposed by law and of the owners thereof to the observance of the several conditions in the said

said rules contained. Nor do they in any way affect any rights or interests which other parties than the above said (A. B.) may have in his said land. And this indenture further witnesseth that for and in consideration of the declaration hereinbefore contained and in consideration of the premises, he the said (A. B.) for himself, his heirs, personal representatives and Assigns doth hereby covenant with the said Secretary of State in Council, his successors and assigns, that he the said (A. B.) his heirs, personal representatives and assigns will at his and their own costs and charges forthwith erect, and at all times hereafter maintain and keep in good repair, permanent boundary marks round the said land and premises. In witness whereof the Honourable the Governor of Fort Saint George in Council on behalf of the said Secretary of State in Council hath hereunto affixed the seal of the said Governor in Council, and the said (A. B.) hath set his hand and seal the day and year first above written.

The Schedule above referred to.

District.	Talook.	Village.	Name, if any.	Boundaries,	Extent.

The Seal of the Honourable the Governor of Fort St. George in Council was hereunto affixed in the presence of

(L. s.)

Secretary to Government.

Signed, sealed, and delivered by the above-named (A. B.) of in the East Indies in the presence of

(L. s.)

Signature of (A. B.)

Received from the above-named (A. B.) the sum of rupees, being the consideration money above-mentioned to be by him paid.

Rs.

Collector of

(B.)

FORM of TITLE of Permanent Settlement for Land of which the assessment is capable of being redeemed under the above Rules.

WHEREAS (A. B.), holder on terminable lease of the land specified in the Schedule hereunder written, and delineated in the map or plan hereunto annexed, has made application that the said tenure may be changed into a permanent holding, and has paid the actual cost of the survey and durable demarcation of the land.

I collector of acting under the authority of the Governor in Council of Madras, do hereby confirm the said land to the said (A. B.) and his heirs in permanent property, subject to the regular yearly payment of the sum of rupees now payable thereon to Government.

Provided that this quit-rent shall be paid for each revenue year to the proper receiving officer on or before the 31st March in that year, failing which it will be recoverable by the ordinary process for recovering arrears of land revenue by the Madras Code.

Provided also that the said (A. B.) or other lawful owner of the said land shall be at liberty at any time to redeem the aforesaid annual payment, by paying to Government the sum of rupees being equal to twenty-five times the amount of the said yearly quit-rent;

quit-rent; and that on such payment, a certificate shall be given to him declaring the land to be thenceforward free from all payment of revenue or quit-rent.

Provided also that the said (A. B.) or other lawful owner of the said land shall at all times hereafter, at his own expense, repair and maintain in good order the boundary works erected round the said lands.

Provided also that this certificate in no way affects the liability of the above said land to payments for general municipal or other local purposes, nor does it in any way affect any rights or interests which other parties may have in the said land, or any of the other conditions on which it is now held.

Specification of the Land.

District.	Talook.	Village.	Name, if any.	Boundaries.	Extent.

By order of the Government of Madras.

(C. D.), Collector.

ORDER thereon, 27 August 1863, No. 1575.

1. THE rules are approved, and printed copies of them and of the deeds attached to them will be furnished to the Board of Revenue.

2. The Government have slightly amended form B.

(True Extract.)

To the Board of Revenue.

(signed) C. G. Master,
Deputy Secretary to Government.

— No. 64. —

COPY REVENUE DESPATCH to the Government of Madras (No. 78); dated 16 November 1863.

Sir,

India Office.

1. I HAVE had under my consideration in Council the letter from your Excellency's Government, dated the 9th September last (No. 96), with which you forward to me a copy of the rules which have been sanctioned by you for the redemption of the land revenue.

2. These rules appear to have been carefully framed, and to be restricted to the cases contemplated in my Despatch to the Government of India, dated the 9th July (No. 14), 1862, and they accordingly have my approval.

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

— No. 65. —

Revenue Department.—No. 105 of 1863.

To the Right Honourable the Secretary of State for India.

Right Honourable Sir,

1. WE have the honour to acknowledge the receipt of your Despatch, dated 8th August, 1863, No. 46, conveying your approval of the general rules sanctioned by us for the sale of unassessed waste lands within this Presidency, and also of the special rules applicable to lands in the Neilgherry and Shervaroy hills, and the Wynád Talook of Malabar.

2. In reference however to the portion of Rule XI. which declares that "if, after survey, at the request of an applicant, it should prove that the lands are not saleable under these rules, the applicant must still pay the expense of surveying them," you remark that it is "the duty of the collector to ascertain in the first instance whether the lands applied for are saleable under the rules, and if they are found not to be so, to avoid the needless expense of a survey; and that it would be unfair to charge the applicant with expenses which have been incurred, not from his default, but from that of the officers of Government."

3. We beg to explain that the object of the rule in question is to guard Government from loss in cases where claims to the land applied for are not apparent at first.

4. On receipt of an application the collector, under Rule VI. ascertains as well as he can from his records and such sources of information as may be immediately available, whether the land is probably saleable. He cannot then make a formal enquiry into the existence of claims to the land, because this enquiry would involve delay, of which the applicant would be sure to complain; and also because until the land is marked out and advertised, claimants would often be unaware of the exact land applied for.

5. If *prima facie* the collector believes the land available, he calls for a deposit for the survey expenses; the land is then marked out, notified for sale, and advertised for three months, purposely to allow claimants to come forward. It appears to us that if the land then be proved to belong to others, the applicant ought to pay the expense to which Government had been put in endeavouring to meet his wishes.

6. The rule, in fact, only compels an applicant to exercise reasonable caution, and not apply at hazard for land belonging to others.

7. We beg to be informed whether under this explanation you still wish the rule in question altered.

Fort St. George,
5 October 1863.

We have, &c.
(signed) *W. T. Denison.*
E. Maltby.

— No. 66. —

COPY REVENUE DESPATCH to the Government of Madras (No. 82); dated
9 December 1863.

Sir,

I HAVE had under my consideration in Council the letter from your Excellency in Council, dated the 5th October last, No. 105, in which you furnish a reply to my despatch of the 8th August last, No. 46, a statement of the reasons which led you to provide, by Rule XI. of the General Rules, for the sale of unassessed waste lands; that "if, after survey, at the request of an applicant, it should prove that the

the lands are not saleable under these rules, the applicant must still pay the expense of surveying them," and you inquire whether, under the explanation furnished, it is still my desire that the rule should be altered.

2. You observe that the object of the rule is to guard Government from loss in cases where claims to the land applied for are not apparent at first, and that a "formal inquiry into the existence of claims to the land," previously to the issue of the advertisement, would involve an amount of delay of which the applicant would be sure to complain. You add, that "the rule, in fact, only compels an applicant to exercise reasonable caution, and not apply at hazard for land belonging to others."

3. It appears to me, however, that at least as much reasonable caution should be exercised by the collector before he allows the expense of a survey to be incurred, and that that functionary has at his disposal more ample means than the applicant can possess, of ascertaining, through the district officers, whether it is likely that any claims will be put forward to the land, without going into the formal inquiry which would be requisite to determine whether these claims were tenable. It would doubtless be felt as a grievance by an applicant that he should be required to pay the expense of a survey, from which he had derived no benefit, in cases where he had no reason to suspect the existence of any claimant to the land. Where the collector shall, after a preliminary inquiry, see reason to believe that claims will be put forward, and shall have duly warned the applicant that the survey will be undertaken only on his request, and at his risk, there will, of course, be no want of equity in requiring him to defray the expense. I think, therefore, the rule should be so modified as to render it incumbent on the collector, when he receives an application, and has reason to think that the land may turn out not to be at the disposal of Government, to warn the applicant thereof. Should the applicant prefer that the survey should be proceeded with, the principle of the present rule should then apply, and the survey be at the applicant's expense. But if no such warning is given, then the survey should be at the expense of Government.

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

— No. 67. —

PROCEEDINGS of the Madras Government, Revenue Department, 25 February 1863.

ORDER,* 25 February 1863, No. 403.

1. IN this Resolution the Accountant-General is ordered by the Government of India to send to them "accounts of all receipts arising from the sale of waste lands, from the enfranchisement of imperfect tenures, or from the commutation of the claim of the Government to land Tax." It is expressly stated that "in the Madras Presidency the accounts shall include Inám Enfranchisement Commutations." The Resolution is based on paragraph 75 of the Despatch of the Secretary of State, dated 9th July 1862, enjoining that all sums paid in purchase of waste lands, or in redemption of land revenue, or in otherwise forestalling the land revenue, shall be invested as soon as possible, and, as a rule, in the 4 per cent. loan.

2. The Government observe that Her Majesty's Secretary of State had clearly in view only receipts from sales of land and redemptions of land revenue effected under the Resolution of the Supreme Government, dated 17th October 1861, No. 3264. The Government of India, however, in the Resolution just quoted, have given the order a much wider signification, and it seems to the Government
necessary

* Passed on Resolution of Governor General, dated 26 January 1863, No. 32 of this Return.

necessary to issue explicit instructions to the collectors regarding certain items which may otherwise be erroneously dealt with.

1. In this Presidency the Government have reserved certain tracts from the operation of the Resolution of the Supreme Government, dated 17th October 1851, No. 3264. In these tracts lands are sold, not in freehold, nor with any upset price, but subject to an annual assessment, in accordance with the principle laid down in 1859,* three years before the present rules were framed. The price (whatever it may be) realized at the auctions is available for investment in the Government loans, and should be entered in the returns ordered, but the annual assessments must be regarded as ordinary revenue, and should be excluded from the returns.

* Vide Orders of Government, dated 5th August 1859, No. 1053. 21st September 1859, No. 1271.

2. In Malabar the Government are and have for some time been selling the jenm or proprietary right in lands which have at various periods escheated to the State. In that district all land was originally private property, and by far the largest portion still continues so. The proprietary right is quite distinct from the right of the State to an assessment, which last holds good in whatever hands the former may be vested. The lands which belong to the State in proprietary right have all fallen in by escheat, and are comparatively so few that their retention is undesirable. In fact, the proprietary right or jenm is so highly valued in Malabar, that it not only fetches a high price, but adds materially to the value of the lands so held. The Government have therefore for years past disposed of this proprietary right, reserving however the right of the State to its annual assessment. This annual assessment should be excluded from the returns, as it is clearly ordinary Land Revenue, but the sums realised for the proprietary right should be included in them.

3. Inám Enfranchisements.—The Government possessed a reversionary right or interest, more or less valuable in Inám tenures. They resolved in 1859 to offer to the Inámdars generally the option of commuting this reversionary right for an annual payment, proportioned to the value of the rights surrendered, and the option also of entirely redeeming these annual payments. The quit-rents to which a large number of Ináms were previously, and still continue subject, and the additional quit-rents stipulated for future payment annually, are simply land revenue, and should be excluded from the returns ordered by the Supreme Government. By the last report of the Inám Commissioner, the former amount on the Ináms already dealt with by him to 5,14,000 rupees per annum, and the latter to 10,01,000 rupees per annum, while the money paid in redemption once for all of all future demands on account of Land Revenue, is 10,760 rupees. The last item and similar sums realized in the same manner hereafter should alone be included in the returns.

Among the Inám enfranchisements will ultimately be included a very large sum, being the proceeds of the enfranchisement of village service Ináms. These form the remuneration of these offices, their endowment in fact, and it is out of the annually accruing fund created by their enfranchisement that the village servants are hereafter to be paid in money for the services which they must continue to render, and which are indispensable. These cannot be invested in the public securities, or there will be no means of paying the village officers. They should therefore be excluded from the returns.

4. The proceeds of lands sold for arrears of revenue should be excluded, inasmuch as they are merely realizations of current dues, and the overplus, if any, is payable to the defaulting landholders.

3. The Government resolve to instruct the Board of Revenue to call upon the collectors for copies of the statements rendered by them to the Accountant-General, classified under proper heads. The Board will be desired to supply to the collectors forms for the returns settled in communication with the Accountant-General.

4. A copy of these proceedings will also be forwarded to the Government of India for their information, and for orders as to whether the expenses incurred in realizing

realizing the sums to be invested under the order of the Secretary of State, should not be first deducted, the net proceeds only being held available for investment.

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

From *J. D. Sim*, Esq., Secretary to the Government of Fort St. George, to the Secretary to the Government of India, Financial Department (No. 432); dated 28 February 1863.

Sir,

1. WITH reference to the Resolution of the Government of India, dated 26th January 1863, No. 124A, directing the Deputy Auditors and Accountants General to submit accounts of all receipts arising from the sale of waste lands, from the enfranchisement of imperfect tenures or from the commutation of the claim of Government to land tax, I am directed to forward herewith copy of the proceedings of this Government, dated 25th February 1863, No. 403, giving instructions to the collectors on certain points connected with the preparation of the required accounts:

2. I am directed to request the orders of the Government of India as to whether the expenses incurred in realising the sums to be invested, in accordance with the Despatch of Her Majesty's Secretary of State, dated 9th July 1862, should not be first deducted, the net proceeds only being held available for investment.

PROCEEDINGS of the Madras Government, Revenue Department,
24 August 1863.

READ the following proceedings of the Board of Revenue; dated 15 August 1863:—

1. With reference to the Order of Government, dated 25th February 1863, No. 403, communicating the Resolution of the Government of India in the Financial Department, dated 26th January 1863, the Board resolve to forward the accompanying statement, showing the sums realised in each district by the sale of waste lands and by the redemption of the quit-rent, &c., from 17th October 1861 to 31st December 1862. The statement has been compiled from the returns furnished by the collectors in Form No. 1, which accompanied the Board's Standing Circular, dated 2d July 1863, No. 4004, but the detailed registers which the collectors are required to keep, and for which also forms were prescribed in the above circular, not having been as yet prepared and communicated to the Board, the Board are without the means of testing the correctness of the amounts given by the collectors.

2. With his letter, dated 22d June 1863, the Acting Accountant-General having communicated a telegram from the Government of India "to expedite the statements," the Board thought proper, without waiting for the receipt of the returns from the collectors, to furnish what particulars were available in their records. It was, however, then intimated that the information was based on imperfect data, and that a more complete return would be submitted as soon as the detailed information called for from the collectors was received. Owing partly to imperfect data, but chiefly to the circumstance that the sums realised from the different items as then reported, related to the whole period from the date on which the several rules come into operation up to 30th April last, the

Board's letter to
Accountant General,
dated 29th June
1863, No. 3925.

receipts shown in the Board's first report will be found to differ from the receipts as entered in the present return.

3. In regard, however, to the item "Redemption of quit-rent on Ináms," which the Government of India specially observed ought to be included in the statement, the Board requested the Acting Inám Commissioner to furnish them with a memorandum of the sums realised in each district from this source, between the 16th October 1861 and 31st December 1862, with the view of comparing them with the receipts entered in the collector's returns. This intention has, however, been defeated, for it is observed by the Acting Inám Commissioner in his letter forwarding the memorandum, that sums collected and brought to credit in the collector's books are not entered in the registers of his department until the case has been reviewed and title deeds issued. This circumstance, while it necessarily caused a variation between the two accounts, tended to show that the collector's accounts of actual receipts were the more complete. In a few cases, however, the memorandum from the Inam Commissioner showed larger receipts than those in the collector's returns, and in these cases the former have been adopted as likely to be more correct, for it is evident that the amount ought to have been credited in the collector's books. The omission to include them in the collector's present returns has probably been the result of an oversight; explanation will be called for from the districts concerned.

4. In the monthly statements of demand, collection and balance forwarded to the Board, the collectors were required to enter these receipts up to the end of each month, but on comparison, the entries are found to differ from the receipts in the present returns without apparent reason. The Board consider it unnecessary to wait for explanation of these differences; but it will be called for in due course, and measures will be adopted to prevent their recurrence.

5. With these remarks the Board resolve to forward the statement to the Acting Accountant-General and Government. The total receipts from all the items during the period in question is 56,963 rupees, as shown below. It will be observed that the item "sale of proprietary right in the Escheats of Malabar" is the largest. The item was not entered in the letter to the Acting Accountant-General, dated 29th June, 1863, No. 3925.

	<i>Rs.</i>
Amount by sale of lands in freehold for building purposes at an upset price equal to 25 times the land tax - - - -	10,980
Do. do. of lands in Neilgherries, &c., subject to an annual quit-rent - - - - -	97
Do. do. of proprietary right in the Escheats of Malabar - -	31,338
Do. by redemption of tax on Government lands, subject to quit-rent, but converted to freehold tenure - - - - -	2,616
Do. do. of quit-rent on Inám lands other than village service Ináms - - - - -	1,581
Do. by sale of unassessed waste lands in freehold - - - -	6,602
Do. do. of houses or other real property which did or might yield revenue - - - - -	3,749
Total - - - -	<u>56,963</u>

No. 68.

PROCEEDINGS of the Madras Government, Revenue Department,
25 February 1863.

From *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department; dated Madras, 28 November 1862.

Sir,

1. As a question respecting the disposal of waste lands is now under the consideration of Government, the Board direct me to submit the accompanying statement showing the quantity of land applied for since the publication of the Governor General's Resolution and to the dates named, which has been prepared from the replies of the several collectors to the Board's Circular on the subject.

2. No applications for the purchase of waste lands had been received in the districts named in the margin.*

* Nellore.
Bellary.
Madras.
North Arcot.
Tanjore.
Tinnevelly.
Trichinopoly.

STATEMENT showing the Quantity of Land applied for under the Governor General's Resolution in the several Districts of the Madras Presidency.

DISTRICTS.		Quantity of Land applied for under Governor General's Resolution.
Ganjam	16 August - 1862	About 14,945 acres.
Vizagapatam	7 October "	428 acres.
Godavery	23 August "	48 acres, 97 cents.
Kistna	18 " "	84 acres.
Nellore	25 September "	No land applied for to date.
Cuddapah	19 " "	About 342 acres.
Bellary	13 " "	No land applied for to date.
Kurnool	17 " "	4,100 acres.
Madras	10 October "	No land applied for to date.
North Arcot	6 September "	- ditto - ditto.
South Arcot	16 " "	661 acres.
Tanjore	11 August "	No land applied for to date.
Trichinopoly	8 " "	- ditto - ditto.
Madura	20 " "	About 165 acres.
Tinnevelly	18 " "	No land applied for to date.
Coimbatore	13 " "	18,788 acres.
Salem	12 " "	21,890 "
South Canara	15 October "	5,172 "
Malabar	4 September "	25,000 "

(signed) *W. Hudleston*, Secretary.

From *W. Hudleston*, Esq., Secretary to the Board of Revenue, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department; dated Madras, 20 December 1862.

Sir,

1. WITH reference to the Order of Government, dated 2d July 1862, No. 1439, Revenue Department, I am directed by the Board of Revenue to submit herewith the scale of establishments which, in the opinion of the Superintendent of Revenue Survey, it will be necessary to entertain in the districts named in the margin† for the survey of waste lands applied for under the Governor General's Resolution. The collectors of the other districts state that they do not require any special establishment for the purpose.

† Ganjam.
Kistna.
Cuddapah.
Kurnool.
Salem.
South Canara.
Malabar.

2. Major Priestley considers that the establishments proposed for Ganjam, Kurnool, and South Canara, would suffice for all future purposes of detailed field surveys in continuation of the Revenue Survey of any district as performed by his department.

3. The files containing the replies of the collectors to the Board's Circulars on the subject, together with an abstract of them, are herewith forwarded.

PROCEEDINGS of the Board of Revenue, dated 8 January 1863.

READ Proceedings of the Madras Government, dated 24 December 1862, No. 2687.

With reference to paragraph 3 of the above Government Order, the Board observe that the estimate for the Ganjam Survey Establishment was submitted to Government by the Board under date 20th December 1862, No. 8320.

(signed) *W. Hudleston*, Secretary.

OFFICIAL MEMORANDUM from *R. E. Masters*, Esq., Officiating Director of Revenue Settlement, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort Saint George; dated Madras, 20 January 1863, No. 66/9.

In reply to the Deputy Secretary's Official Memorandum, dated 14th instant, No. 12, the Officiating Director of Revenue Settlement has the honour to state that he learns from the Superintendent of Survey that no portion of the survey department was retained in Wynaad after the termination of the working season in 1862, but that at the close of the last monsoon, a small party, as per margin* was detached from the Coimbatore party, and sent to the Wynaad to complete unfinished surveys, and to correct errors in the former ones. It is Major Priestley's intention to recal this party as soon as it has completed the work on which it is engaged; but it has been suggested to him that the better course will be to retain it in Wynaad as long as the season will permit, and employ it in measuring the Government lands now in course of demarcation, in accordance with Government Order, dated 28 November 1862, No. 2501.

*2 Head Surveyors.
3 Detail. ditto.
1 Ameen.
2 Head Peons.
25 Peons.

ORDER thereon, 25 February 1863, No. 407.

1. THE foregoing papers relate to the waste lands applied for in the several districts of this Presidency under the Resolution of the Governor General, and to the establishments necessary for their survey.

2. From the following statement it appears that applications for waste land to any considerable extent have been received in six* only of the 19 districts; in six others,† a few applications have come in; and in the remaining seven,‡ none whatever. The total number of acres applied for is about 87,000, and an additional 150,000 have been estimated for on account of the possible requirements of the next 12 months.

DISTRICTS.	Extent of Waste Land	
	Already applied for.	Expected to be applied for.
	Acres.	Acres.
* Ganjam - - - -	14,945	Not stated.
† Vizagapatam - - - -	428	1,000
† Godavery - - - -	48	Cannot estimate.
† Kistna - - - -	84	5,000
† Nellore - - - -	none	None.
‡ Cuddapah - - - -	342	Not stated.
‡ Bellary - - - -	none	- ditto.
* Kurnool - - - -	4,100	- ditto.
† Madras - - - -	none	- ditto.
† North Arcot - - - -	none	None.
† South Arcot - - - -	661	Not stated.
† Tanjore - - - -	none	Unable to say.
‡ Trichinopoly - - - -	none	Not stated.
† Madura - - - -	165	Unable to say.
‡ Tinnevelly - - - -	none	Not stated.
* Coimbatore - - - -	18,788	45,000
* Salem - - - -	21,890	80,000
* South Canara - - - -	5,172	3,950
* Malabar - - - -	25,000	15,000
TOTAL - - - -	86,623	1,49,950

3. From

3. From the Board's letter of 20th December last, No. 8320, it appears that special survey establishments are considered desirable in seven* districts. Major Priestley has furnished a scale of necessary requirements in each case.

4. Ganjam.—The establishment proposed for this district is calculated to survey monthly about 1,500 acres in blocks larger than 100 acres, and about 1,000 acres in fields less than 100 acres.

5. Kistna.—The course advocated in this district is to continue the present survey class, but with augmented rates of pay and some change in nomenclature. The following table shows the effect of the changes suggested :—

*Ganjam.	Salem.	
Kistna.	South Canara.	
Cuddapah.	Malabar.	
Kurnool.		
1 Surveyor	-	Rs. 50
1 Draughtsman	-	25
1 Gumashta	-	12
1 Computer	-	20
9 Peons or Measures	-	51
Saderwarid	-	6
TOTAL		163

Sanctioned Establishment.		Now in Employ.		Proposed Establishment.	
	Rs.		Rs.		Rs.
1 Ameen	25	1 Ameen	25	1 Topographical Surveyor	25
1 Deputy Ameen	12	1 Deputy Ameen	12	1 Ameen	15
8 Gumashtas at 6 rupees	48	4 Gumashtas at 6 rupees each	24	8 Gumashtas at 12 rupees each	96
10 Peons at 3 rupees	30	6 Peons at 3 rupees	18	10 Peons at 5 rupees each	50
				Saderwarid	4
	115		79		190

6. Cuddapah.—One surveyor on 30 rupees is considered sufficient for this district, the Superintendent Revenue Survey seems doubtful, however, whether a competent man can be obtained for the money.

7. Kurnool.—The collector proposed an establishment to cost 108 rupees monthly. Major Priestley, having in view the probability of further applications for land, recommends the entertainment of that marginally exhibited, at a cost of 163 rupees.

8. Salem.—In lieu of an establishment costing 225 rupees per mensem as proposed by the collector, Major Priestly considers that the following arrangement should be sanctioned with special reference, it would appear, to the Shervaroy Hills :—

1 Surveyor	-	Rs. 50
1 Draughtsman	-	25
1 Gumashta	-	12
1 Computer	-	20
9 Peons or Measures	-	51
Saderwarid	-	5
TOTAL		163

Designation.	Pay.	Batta.	Total.	REMARKS.
2 Surveyors	70	26	192	Batta to be drawn for each working day only and not during sickness, absence, and holidays. When employed in the low country, batta to be struck off.
1 Detail Surveyor	35	13	48	
1 Gumashta	12	6½	18½	
2 Draughtsmen	25	13	76	
2 Writers and Computers	20	6½	53	
12 Lascars	5	2	84	
Saderwarid	-	-	10	
			481½	

9. South Canara.—Major Priestley is of opinion that an establishment, as per margin, which would be capable of undertaking any description of survey, would be preferable to that suggested by the collector, who proposed a surveyor and two peons to each of four talooks in his district, the fifth being allowed double that number, at a total monthly cost of 267 rupees.

1 Surveyor	-	Rs. 50
1 Draughtsman	-	25
1 Gumashta	-	12
1 Computer	-	20
9 Peons or Measurers	-	51
Saderwarid	-	5
TOTAL		163

10. Malabar.—For this district the collector proposes an establishment of a temporary nature to cost 970 rupees monthly, which, after having accomplished the work ready for it, might, in eight months or a year, be reduced to a permanent standard estimated to cost Rs. 294. 2 a. 8 p. per mensem. This latter would suffice to deal with lands hereafter applied for, as well as for annual measurements for purposes of assessment of cultivated or planted lands.

11. The establishments which Major Priestley would prefer differ in a few respects from those proposed by the collector. They are exhibited in the following statement :—

No.	Designation.	Rates of Pay per Month.			REMARKS.	
		Pay.	Batta.	Total.		
Temporary Establishment :		<i>Rs. a. p.</i>	<i>Rs. a. p.</i>	<i>Rs. a. p.</i>		
4	Surveyors - - - -	70 - -	26 - -	384 - -	Batta to be drawn for each working day only, and when employed in the low country batta to be struck off.	
1	Detail Surveyor - - -	35 - -	13 - -	48 - -		
1	Gumashta - - - -	12 - -	6 8 -	18 8 -		
3	Draughtsmen - - - -	25 - -	13 - -	114 - -		
2	Writers and Computers -	20 - -	6 8 -	53 - -		
40	Peons - - - -	5 - -	2 - -	280 - -		
	Saderwarid - - - -	- -	- -	10 - -		
	TOTAL - - - Rs.	- -	- -	907 8 -		
Permanent Establishment :						
1	Surveyor - - - -	70 - -	26 - -	96 - -		
1	Detail Surveyor - - -	35 - -	13 - -	48 - -		
1	Gumashta - - - -	12 - -	6 8 -	18 8 -		
1	Draughtsman - - - -	25 - -	13 - -	38 - -		
1	Writer and Computer - -	20 - -	6 8 -	26 8 -		
12	Peons - - - -	5 - -	2 - -	84 - -		
	Saderwarid - - - -	- -	- -	5 - -		
	TOTAL - - - Rs.	- -	- -	316 - -		

12. In their Order of 21 October 1861, No. 2015, the Government directed certain modifications to be made in the survey of Wynaad whereby the establishment up to that time entertained would be considerably reduced. The Director of Revenue Settlement subsequently reported that Major Priestley had recommended a revised establishment costing *Rs. 1,498. 10 a. 8 p.* per mensem for the annual measurement of cultivation for the purposes of taxation, and for the survey of estates at the planters' cost. He promised to submit this to Government at some future date, with any modifications which further experience might suggest. The Government at the time merely remarked* that they were not prepared permanently to retain so large a party as that suggested, and here the matter dropped.

13. His Excellency in Council now learns from the acting director's memorandum (the fourth paper recorded above) that no portion of the Survey Department was retained in Wynaad after the termination of the working season in 1862. Major Priestley, it is stated, has recently detached a small party from Coimbatore to complete unfinished surveys in Wynaad, and the acting director has suggested to him the advisability of leaving it there as long as the season will permit, for the purpose of measuring the paddy lands, forests, &c., the demarcation of which was ordered in Government Order, 28 November 1862, No. 2501.

14. The Government will now proceed to pass orders in regard to the establishments required for the various districts enumerated above.

15. That proposed for Ganjam (paragraph 4) seems suitable, and should at once be entertained. Considering the very small extent of land applied for as yet in the Kistna district (paragraph 5) there seems to be no reason for making any addition to the survey class already at work there. It is observed from the tabular statement entered in paragraph 5 that this establishment actually in employ is less than that sanctioned, so that a margin exists in case any extension or remodelling of the class may prove necessary. In Cuddapah (paragraph 6) no special agency is yet needed. As long as the regular survey is in progress in Kurnool and Salem, any waste lands applied for can be measured under the orders of the Deputy Superintendent in charge, and the establishment now proposed (paragraph 7) need not at present be sanctioned. Those recommended for South Canara (paragraph 9) and Malabar (paragraph 11) are approved. In the last-named

* G. O. 12th
February 1862, No.
289.

lastnamed district the permanent establishment will be eventually formed when the bulk of the work has been got through by the temporary establishment, and final orders will then be passed regarding it. It will be left to Major Priestley's discretion to withdraw the small party referred to in paragraph 13 as soon as the special work for which it was sent to Wynaad has been accomplished. The establishment now sanctioned will hereafter be available for all purposes.

16. The Board of Revenue will submit the usual tabular statement, for submission to the Government of India, specifying, in each case where the establishments have not been alluded to as permanent, how long their services will be required. No delay, however, should occur in setting the different parties to work.

17. On receipt of the tabular statement a letter will be addressed to the Government of India, in continuation of that dated 9th December last, No. 2570.

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

PROCEEDINGS of the Board of Revenue, dated 30 April 1863.

Letter from the Acting Collector of South Canara (No. 43); d. 26 March 1863.

„ from the Collector of Ganjam (No. 53); dated 28 March 1863.

„ from the Collector of Malabar (No. 65); dated 10 April 1863.

1. ORDERED that the above letters from the Collectors of Ganjam and Malabar, together with a tabular statement of the survey establishments required for those districts and for South Canara, be submitted to Government, with reference to paragraphs 15, 16, and 17 of their Proceedings, dated 25th February 1863, No. 407.

2. The Collector of Ganjam applies for a permanent establishment, at a cost of 163 rupees per mensem, for surveying unassessed waste to be sold under the Governor General's Rules,* in view to its being made available, on the completion of that work, for detailed field-surveys in continuation of the Revenue Survey. The establishment is that proposed by the Superintendent of Revenue Survey himself.

* Dated 17 Oct. 1861, published in "Fort St. George Gazette" of 24 January 1862.

3. The Collector of Malabar applies for a temporary establishment, at a cost of Rs. 907. 8. per mensem for one year, to be afterwards reduced to a permanent establishment of 316 rupees per mensem. † The scale of establishment is that approved by the Superintendent of Revenue Survey.

† Vide paragraphs 10 and 11 of G. O., 25 February 1863, No. 407.

4. The case of South Canara has been already reported to Government in Board's Proceedings, 17th April 1863, No. 2,205. The tabular statement now submitted includes a survey establishment of 163 rupees a month, as proposed by the Superintendent of Revenue Survey, in lieu of one of 267 rupees a month applied for by the Collector—the former, capable of undertaking any description of survey, being considered by Major Priestley to be the preferable of the two.

(signed) *W. Hulleston,* Secretary.

ORDER thereon, 19 June 1863 (No. 1,077).

1. WITH these proceedings the Board of Revenue submit a tabular statement of establishments required in Ganjam, Malabar, and South Canara, for surveying waste lands to be sold under the new rules approved of in the Order of Government, dated 25th February 1863, No. 407. But in the case of South Canara it has since been discovered that the large extent of land referred to in paragraph 2 of the Order alluded to, and with reference to which the scale was approved, was not applied for under the recent rules, as understood by the Board and the Government, but to be held on puttah, bearing assessment. The Board, however, in their Proceedings, dated 17th April last, supported the Collector's request that the establishment should nevertheless be allowed, as it is under any circum-

stances urgently required in the district; and the Government, in their Order dated 8th May 1863, No. 796, called for further information. The application for the South Canara establishment will, therefore, be separately disposed of.

2. The statement includes the permanent establishment which will be required eventually in Malabar, when the bulk of the work has been got through by the temporary establishment; though Government, in paragraph 15 of their Order of 25th of February last, stated that final orders regarding that establishment will be passed at the time it is required. It will therefore be excluded from the application to be submitted to the Government of India; and sanction will be solicited only for the permanent establishment at a monthly cost of 163 rupees for Ganjam, and for the temporary establishment for one year at the monthly cost of Rs. 907. 8. for Malabar.

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

From *J. D. Sim, Esq.,* Secretary to the Government of Fort Saint George, to the Secretary to the Government of India, Home Department (No. 1078); dated 19 June 1863.

Sir,

1. WITH reference to the concluding sentence of paragraph 4 of my letter, dated 9th December 1862, No. 2570, I have the honour, under the orders of his Excellency the Governor in Council, to submit an application, in the prescribed form, for establishments required in the districts of Ganjam and Malabar for surveying waste lands to be sold under the new rules.

2. The establishment proposed for Ganjam will cost 163 rupees per mensem; the extent of land applied for under the new rules in Ganjam up to August 1862 was 14,945 acres.

3. The Collector of Malabar proposed an establishment of a temporary nature, to cost monthly 970 rupees, which, after having accomplished the work ready for it, might in eight months or a year be reduced to a permanent standard estimate of Rs. 294. 2. 8. per mensem; but the Superintendent of Revenue Survey reduced the former sum to Rs. 907. 8., and raised the latter to 316 rupees. The Government approved Major Priestley's scale for the temporary establishment, deferring for the present final orders on the permanent establishment, which will not be required for several months. The extent of land applied for in Malabar, up to August 1862, is 25,000 acres. The applications for land in this district are numerous, and it is of great consequence that they should be rapidly dealt with; hence the greater strength of the survey establishment proposed.

4. With this explanation I am to request the sanction of the Government of India for the proposed establishments, at a cost of Rs. 1,070. 8. per mensem, as noted in the margin,* retrospectively from 25th February last, as their immediate employment was absolutely necessary for the disposal of the numerous applications received for waste lands. Sufficient provision was made for this expenditure in the Budget for 1863-64, under "Extra and Temporary Establishment," and any deficiency which may occur in one district will be covered by the saving in another. I am to add that the expenditure in question will ultimately be recovered from the purchasers of the land surveyed. A copy of the Proceedings of this Government, dated 25th February 1863, No. 407, in which the necessity or otherwise of the survey establishment for each district was considered, accompanies this letter.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
Temporarily	-	-	163
Temporarily for one year	907	8	-
TOTAL	-	-	1,070 8 -

Financial Department, Fort William, 4 August 1863.

RESOLUTION.

The Honourable the President in Council is pleased to sanction the establishments.

— No. 69. —

SUBSIDIARY INSTRUCTIONS to COLLECTORS relating to the Sale of Unassessed Waste Lands in the Madras Presidency, under the Rules (No. 2553); dated 6 December 1862.

1. Collectors shall open, and carefully and punctually maintain, registers of tracts reserved from the operation of these Rules as being required for forest purposes, for grazing or firewood preserves, for building sites, or for any other public object: copies of the entries in the registers shall be regularly forwarded to the Board of Revenue. These registers shall be available for reference, by intending purchasers of waste land, on application at the offices of the Collector or the Board of Revenue. The Conservator of Forests will be consulted by Collectors in regard to forest tracts which it may be desirable to reserve, and the orders of the Supreme Government on this point (Board's Circular Order, dated 17th December 1862, No. 8,207) will be kept carefully in view.

2. Immediately on the receipt of an application for unassessed waste land, the Collector shall ascertain whether there is any objection to the sale, or whether any special limitation is necessary by reason of the land being required for public purposes.

3. Where no such objections are known to exist, the Collector shall have the land demarcated and surveyed without delay, and then issue the prescribed advertisement, carefully observing Rules 8 and 9.

4. In fixing the upset price, collectors will bear in mind that the cost of survey and demarcation is to be included in it, and subsequently adjusted, as explained in Rule 13.

5. The upset price shall also be calculated on the whole area of the lot, without any deduction on any account whatever. At the auction the advertisement, with the conditions of sale attached to it, should be read out by the auctioneer before the bidding commences, and copies of the rules should be kept available for reference.

6. A separate register of all sales under the Rules shall be kept in the Collector's Office, in English, in the following form:—

Number of Lot.	Name of Purchasers (in full).	Talook and Village in which Landis situated.	Name and Boundaries of Lot.	Area of Lot.	Price of Lot.	Date and No. of Deed of Sale.	Special reservations, if any.	Subsequent registered Transfers or Succession.

The original maps or plans and survey records of all such lands shall be kept in a series corresponding with the number in this register.

7. The deeds are to be executed in duplicate and, after being properly filled up and signed, submitted through the Board for the seal of Government. When returned one copy is to be delivered to the purchaser, and the other carefully preserved by the Collector.

8. The receipts at the foot of the several deeds are to be signed by the Collector.

9. The instructions in the margin of the forms of deeds attached to the Rules must be carefully observed. Blank forms (without these directions) will be forwarded for use.

10. The lots must be consecutively numbered in the order of sale, without reference to locality, and the deeds must bear corresponding numbers.

11. The plans to accompany the deeds must be signed by Collectors and securely attached to the deeds.

12. Copies of the rules should be supplied to tahsildars and others for sale to the public, at two annas per copy.

13. All sales of waste land made under the rules in each district shall be reported immediately to the Board of Revenue.

14. Every six months a report shall be furnished by Collectors to Government, through the Board of Revenue, of all sums that may have been realised within the previous six months as purchase-money and interest.

INSTRUCTIONS TO COLLECTORS.

1. COLLECTORS shall open, and carefully and punctually maintain, Registers of tracts reserved from the operation of these Rules as being required for forest purposes, for grazing or firewood preserves, for building sites, or for any other public object: copies of the entries in the Registers shall be regularly forwarded to the Board of Revenue. These Registers shall be available for reference, by intending purchasers of waste land, on application at the offices of the Collector or the Board of Revenue. The Conservator of Forests will be consulted by Collectors in regard to forest tracts which it may be desirable to reserve, and the orders of the Supreme Government on this point (Board's Circular Order, dated 17th December 1862, No. 8,207) will be kept carefully in view.

2. Immediately on the receipt of an application for unassessed waste land, the Collector shall ascertain whether there is any objection to the sale, or whether any special limitation is necessary by reason of the land being required for public purposes.

3. Where no such objections are known to exist, the Collector shall have the land demarcated and surveyed without delay, and then issue the prescribed advertisement, carefully observing Rules 8 and 9.

4. A separate register of all sales under the Rules shall be kept in the Collector's Office, in English, in the following form:—

Number of Lot.	Name of Purchasers (in full).	Talook and Village in which Land is situated.	Name and Boundaries of Lot.	Area of Lot.	Price of Lot.	Annual Assessment.	Date and Number of Deed of Sale.	Special reservations, if any.	Subsequent registered Transfers or Succession.

The original maps or plans and survey records of all such lands shall be kept in a series corresponding with the number in this register.

5. The deeds are to be executed in duplicate and, after being properly filled up and signed, submitted through the Board for the seal of Government. When returned one copy is to be delivered to the purchaser, and the other carefully preserved by the Collector.

6. The receipts at the foot of the several deeds are to be signed by the Collector.

7. The instructions in the margin of the forms of deeds attached to the Rules must be carefully observed. Blank forms (without these directions) will be forwarded for use.

8. The lots must be consecutively numbered in the order of sale, without reference to locality, and the deeds must bear corresponding numbers.

9. The plans to accompany the deeds must be signed by Collectors and securely attached to the deeds.

10. Copies of the Rules should be supplied to tahsildars and others for sale to the public, at 2 annas per copy.

11. All

11. All sales of waste land made under the Rules shall be reported immediately to the Board of Revenue.

12. Every six months a report shall be furnished by the Collector to Government, through the Board of Revenue, of all sums that may have been realized within the previous six months as purchase money and interest.

Letter from *W. Hudleston, Esq.*, Secretary to the Board of Revenue, to the Collectors of Salem, Coimbatore, and Malabar (No. 3,211); dated Madras, 29 May 1863.

Sir,

IN continuation of their proceedings, dated 15th May 1863, No. 2,893, I am directed by the Board of Revenue to forward for your guidance the accompanying subsidiary instructions relating to the sale of assessed waste on the Shervaroys, Neilgherries, and in the Wynaad, under the Rules dated 6th March 1863, and numbered 478A.

SUBSIDIARY INSTRUCTIONS to COLLECTORS, relating to the Sale of Assessed Waste on the Neilgherries, Shervaroys, and in the Wynaad.

1. Collectors shall open, and carefully and punctually maintain, Registers of tracts reserved from the operation of these Rules as being required for forest purposes, for grazing or firewood preserves, for building sites, or for any other public object: copies of the entries in the registers shall be regularly forwarded to the Board of Revenue. These registers shall be available for reference, by intending purchasers of waste land, on application at the offices of the Collector or the Board of Revenue. The Conservator of Forests will be consulted by Collectors in regard to forest tracts which it may be desirable to reserve, and the orders of the Supreme Government on this point (Board's Circular Order, dated 17th December 1862, No. 8,207) will be kept carefully in view.

2. Immediately on the receipt of an application for assessed waste land, the Collector shall ascertain whether there is any objection to the sale, or whether any special limitation is necessary by reason of the land being required for public purposes.

3. Where no such objections are known to exist, the Collector shall have the land demarcated and surveyed without delay, and then issue the prescribed advertisement, carefully observing Rules 8 and 9.

4. A separate register of all sales under the Rules shall be kept in the Collector's Office, in English, in the following form:—

Number of Lot.	Name of Purchasers (in full.)	Talook and Village in which Land is situated.	Name and Boundaries of Lot.	Area of Lot.	Price of Lot.	Annual Assessment.	Date and Number of Deed of Sale.	Special reservations, if any.	Subsequent registered Transfers or Succession.

The original maps or plans and survey records of all such lands shall be kept in a series corresponding with the number in this register.

5. The deeds are to be executed in duplicate, and, after being properly filled up and signed, will be submitted through the Board for the seal of Government. When returned one copy is to be delivered to the purchaser, and the other carefully preserved by the Collector.

6. The receipts at the foot of the several deeds are to be signed by the Collector.

7. The instructions in the margin of the forms of deeds attached to the rules

rules must be carefully observed. Blank forms (without these directions) will be forwarded for use.

8. The lots must be consecutively numbered in the order of sale, without reference to locality, and the deeds must bear corresponding numbers.

9. The plans to accompany the deeds must be signed by Collectors and securely attached to the deeds.

10. Copies of the Rules should be supplied to tahsildars and others for sale to the public, at 4 annas per copy.

11. All sales of waste land made under the Rules shall be reported immediately to the Board of Revenue.

12. Every six months a report shall be furnished by the Collector to Government, through the Board of Revenue, of all sums that may have been realised within the previous six months as purchase money and interest.

— No. 70. —

LETTER from *P. Grant*, Esq., Collector of Coimbatore, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 12); dated 21 January 1863.

Sir,

Board's Miscellaneous Circular, dated
26 September 1862, No. 6,507.
Ditto, Standing ditto, dated 13
September 1862, No. 8,115.

1. I HAVE received the Board's orders marginally noted, calling for a report on the upset price proposed to be fixed on unassessed waste lands to be sold outright, by auction, free of all future assessment.

2. The lands on the Neilgherries it has been determined are to be sold, liable to an assessment, but without any upset price, to the highest bidder, so that they do not come within the category of the lands now to be considered; but I am doubtful whether the lands below the crest of the plateau are to be sold on the same terms as those above it. My own opinion is opposed to this view, and I strongly recommend that they be sold at an upset price of the same amount as other unassessed waste lands, and for the same reasons. On this point definite orders are solicited.

3. The determination of the upset price is a subject of considerable importance, for if it is too high it will deter parties from purchasing, and if too low the interests of Government will be sacrificed. Several gentlemen, of considerable local knowledge and experience, with whom I have conversed on the subject of the upset price, have given it as their opinions that sums varying from 5 to 10 rupees per acre should be adopted. At first I thought that 10 rupees per acre, the price of jungle land in Ceylon I believe, would be fair; but having lately, and especially in former years, seen much of the forest land likely to be purchased, I have modified my views the more I have thought over the subject; and I am now decidedly of opinion that an upset price of 2½ rupees per acre for all unassessed waste forest land, with the exception of certain lands to be referred to hereafter, is sufficiently high. The circumstances which have influenced me in coming to this conclusion are the following:—

The forest lands to be sold are most unhealthy; none of them consist of table-land, as in the Wynaad and on the Neilgherries; the greater portion form the slopes and belts of jungle at the base of the higher hills, and no one at all acquainted with the jungles in this part of India requires to be told how very unhealthy they are. So deadly are they that, with the exception of half-a-dozen coffee-plantations and the cultivation, if it can be called such, of the jungle tribes (all of whom suffer more or less from fever), these jungles are still in their normal condition; the few coffee-plantations that have been formed in them have proved the grave of many Natives and, I suspect, some few Europeans.

To encourage people to take up such unhealthy jungles for cultivation, the inducements must be strong; and, so far as Government is concerned, the greatest immediate inducement is a low upset price: in fact, to insure their speedy cultivation, it would be worth the while of Government to give the lands away for nothing. The indirect advantages would be great; unhealthy localities would be improved, and the diffusion of capital employed in this work could not but tend

to

to the enrichment of the community, who would in their turn, by the increased consumption of the necessaries and luxuries of life, stimulate the general productive resources of the country.

4. The portions of the country which I would advise should be sold at an enhanced upset price, say five rupees per acre, are the higher ranges of the Anamalays, and the Balavamputti or Vellingherry Hills, about 20 miles due west of the Coimbatore Railway-station, if these latter prove to be within the limits of this district. These high hills are beyond fever range, and would be resorted to by parties opening out plantations on the slopes and lower belts of jungle; they will, in fact, give a value to them which they would not otherwise possess; for Europeans, after labouring on their plantations during the day, must have a bracing climate to resort to, otherwise the wear-and-tear will be too great for their constitutions. The unassessed waste lands which will come under the new rules are the following :—

1. The Anamalay Hills, the higher ranges of which are free from fever.
2. The Balavamputti or Vellingherry Hills, with ranges free from fever, a portion of which it is believed lies beyond the limits of this province.
3. The Neilgherry Hills, the higher and lower ranges, with the miles of jungle on their slopes and around their base.
4. The Hassanoor Ranges, in Satimungalem Talook.
5. The Burghur Hills, in Bowny Talook.
6. The extensive hills in Collegal Talook, in the north-east part of the district.

With the exception of the high ranges in 1, 2, and 3, all the other jungles are, in their present state, most unhealthy. A liberal policy on the part of Government, combined with the prospect of large returns on the investment of capital, will alone tend to their future improvement.

The propositions now made are,—

1. That the plateau on the Anamalay and Vellingherry Hills be sold outright, at an upset price of five rupees per acre.
 2. That the waste lands under the crest of the Neilgherry plateau, as well as all other unassessed waste lands, be sold at an upset price of 2½ rupees per acre.
- An early decision on these points is requested.

1. ORDERED to be submitted to Government, in continuation of the Board's Proceedings, dated 26th January 1863, No. 512, proposing the upset price for unassessed waste land generally.

2. The Board consider it very undesirable to establish an unnecessary number of rates, and they see nothing in the circumstances of the waste lands in Coimbatore to render special rates necessary. In their Proceedings above referred to, the Board have proposed five rupees per acre as the upset price for forest land, and 2½ rupees for open lands, and they recommend that these rates be adopted for Coimbatore.

3. It will be necessary to exercise much care in reserving the forest near the sources and along the lines of the hill-streams in many of the tracts referred to by the Collector, but the Board doubt not that Mr. Grant is fully alive to the vast importance of this part of the subject.

(signed) *W. Hudleston*, Secretary.

ORDER thereon, 23 February 1863 (No. 383).

1. IN the letter submitted with these Proceedings the Collector of Coimbatore, Mr. Grant, suggests the rates which he considers suitable for unassessed waste sold under the new rules. There are five hill tracts in that district (besides the Neilgherries, which, as already ordered,* are to be specially treated), viz. :—

- (1.) The Annamalay Hills.
- (2.) The Balavamputti or Vellingherry Hills.
- (3.) The Hassanoor Ranges.
- (4.) The Burghur Hills.
- (5.) The Collegal Ranges.

* G. O. 6 December 1862, No. 2,554.

Mr. Grant proposes that the higher portions of the first two should be sold at the minimum upset price of five rupees, and the remainder at that of $2\frac{1}{2}$ rupees per acre. The latter rate is proposed also for all other unassessed waste in the district.

2. The Board of Revenue consider it very undesirable to establish an unnecessary number of rates, and see nothing in the circumstances of the Coimbatore District rendering special rates necessary. They adhere, therefore, to the proposal contained in their Proceedings, dated 26th January last*—viz., that all forest land should be rated at five rupees, and open land at $2\frac{1}{2}$ rupees per acre.

3. The Government think the Board's plan is the best, and it is accordingly sanctioned for adoption; five rupees is equivalent to an annual assessment of only four annas (or *6d.*) per acre, and this rate is sufficiently low for forest land, as a general rule, especially as a purchaser is allowed three years for payment.

4. There are, however, tracts in which the clearance of jungle is, for many reasons, desirable, and in such cases special encouragement may with propriety be offered. The Government allude, among others, to the tract of unhealthy bamboo jungle at the foot of the Coonoor Ghaut beyond Metapolliem, and that at the foot of the Segoor Ghaut; but the general rate for the district cannot be lowered to meet such exceptional cases. The proper course is for the Collector to make a definite proposal, according to circumstances, and the Government can pass such orders as may appear expedient. They will only observe, that to encourage the clearing of the country between the Bowany at Metapolliem, and the foot of the Coonoor Ghaut, it would be worth while to grant the land at a very low rate, or on favourable cowles. For Segoor it is of less consequence, for when the Bangalore Branch of the South-Western Railway is finished few passengers will use that ghaut. Besides, it will not be of much use to clear the jungle there unless the worst part of it, that about Tippecaudoo, which lies in the Mysore country, is cleared by that Government.

5. Mr. Grant, it is observed, proposes to sell lands "under the crest of the Neilgherry plateau," on freehold tenure, at $2\frac{1}{2}$ rupees per acre. This, however, is a vague and unsafe definition, and there would be much diversity of opinion as to where the plateau or the crest ended. The safe course will be to consider all the slopes of the Neilgherries, as far as coffee will grow, to be excepted from the Waste Lands' Rules, and only saleable subject to assessment, as directed in Government Order, dated 6th December 1862, No. 2,554.

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

Letter from *J. Silver*, Esq., Collector of Tinnevelly, to *W. Hudleston*, Esq., Secretary to the Board of Revenue (No. 96); dated Tinnevelly, 7 March 1863.

Sir,

WITH reference to paragraph 15 of the order of Government, dated 21st February 1863, No. 375, forwarded with the Board's proceedings of the 26th idem, I have the honour to recommend that the upset price of unassessed waste lands at the disposal of Government in the plains in this district be fixed at $2\frac{1}{2}$ rupees an acre. Such lands are generally of poor quality, and the above-named price will be fair.

ORDER thereon, 18 March 1863 (No. 541).

Approved.

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

* In G. O. 21
February 1863, No.
375.

— No. 71. —

Letter from *G. S. Forbes*, Esq., Collector of Ganjam, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated Chetterpore, 7 March 1863 (No. 37).

Sir,

WITH reference to Rule 3 for the sale of unassessed waste lands, annexed to the Order of Government, dated the 6th December last, No. 2553, communicated with the Board's standing Circular, No. 8115 of the 13th idem, I have the honour to solicit the instructions of the Board as to what should be considered the minimum extent of land to be sold under these rules. It does not seem desirable to fix a low minimum lest we should invite a class of almost pauper proprietors. I would suggest 50 acres.

ORDERED to be submitted for the decision of Government.

(signed) *W. Hudleston*, Secretary.

ORDER thereon, 1 April 1863, No. 607.

The Government do not see the necessity at present of any minimum.

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

— No. 72. —

Letter from *C. W. Reade*, Esq., Collector of South Arcot, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Fort St. George; dated Cuddalore, 5 March 1863 (No. 64).

Sir,

1. IN acknowledgment of the Board's Proceedings, No. 1197 of the 26th ultimo, forwarding proceedings of Government of the 21st idem, on the subject of the upset price to be fixed on unassessed waste lands in the districts of the Madras Presidency, I have the honour to state that, strictly speaking, there are no unassessed waste lands in this district. The entire area of the district, including jungles, hills, &c., has been nominally surveyed, and the survey accounts are in existence; consequently, unless these same lands which are immemorial waste, are to be brought within the operation of the orders in question, those orders have no applicability in this district, there being no waste lands in South Arcot which have not been surveyed, and on which an assessment has not been fixed.

2. On receiving the Board's instructions to that effect, I shall be prepared at once with my opinion as to the upset price, maximum and minimum, proper in my judgment to be fixed on immemorial waste lands.

1. ORDERED to be submitted for the consideration of Government.

2. It appears to the Board that under the circumstances stated by the Collector the rules for the sale of unassessed waste will not apply to the South Arcot District, unless specially extended to the immemorial waste by order of Government.

(signed) *W. Hudleston*, Secretary.

ORDER thereon, 7 April 1863, No. 616.

THE Governor in Council requests that the Board of Revenue will obtain more precise information on this subject. The Government are aware that much waste land in South Arcot, which appeared likely to be brought into cultivation, was measured at the time of the Paimash, and that accounts were prepared for its assessment. But they also understood that large forest tracts in Trinomalle and elsewhere were not assessed but entered in the Paimash accounts under the head of Pôrumpoke. Thus, according to a statement in paragraph 13 of the report of

the Collector, dated 17th December 1853, the Paimash Porumpoke in the ten Huloos Talooks is given at seven lacs of cawnies, of which a trifling portion only had up to that time been cultivated, and explanation is necessary why the remainder should not come under the Waste Land rules.

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

Letter from *C. W. Reade*, Esq., Collector of South Arcot, to *W. Hudleston*, Esq., Secretary to the Board of Revenue, Madras; dated Cuddalore, 22 April 1863 (No. 109).

Sir,

1. WITH reference to the proceedings of the Board of Revenue, dated 10th instant, No. 2055, communicating the orders of Government requesting more precise information from me relative to the unassessed waste lands in this district, I have the honour to state that, since the submission by the late Collector, Mr. Maltby, of the statement appended to paragraph 13 of his letter to the Board, dated 17th December 1853, which exhibited seven lacs of Pymaish Porumboke lands in the ten Hulus Talooks as lying waste, Mr. Hall in paragraph 12 of his letter to the Board dated 19th May 1855, No. 99, solicited permission to assess the newly-reclaimed Porumboke lands in the ten Hulus Talooks at the modified village rate; and the Board, in reply, under date the 4th June 1855, No. 1384, authorised the classification and assessment of those lands at the modified teerwah, placing them on an equal footing with other lands of the same description in the villages in preference to the suggestion of Mr. Hall to adopt the average of the village rates.

2. The general rules laid down in revising the tax on the Porumboke lands have been fully explained by that officer in paragraph 6 of his letter to the Board under date the 9th May 1857, No. 91, and also in paragraphs 52 and 53 of his Jummabundy report dated 25th September 1857.

3. I beg further to state that the total ayacut of Porumboke lands in the ten Hulus talooks, after deducting that appertaining to the villages transferred from this to North Arcot, amounts to 6,73,000 cawnies, a portion of which was reclaimed, as stated by Mr. Hall in his letter of 19th May 1855, amounting to 61,620 cawnies up to Fasli 1262. Another portion was reclaimed and brought under cultivation from Fasli 1263 to Fasli 1271, amounting to 33,731 cawnies, the aggregate being 95,351 cawnies, leaving a balance of 5,77,649 cawnies, in which are included lands covered with dense and unhealthy jungles, hills, rocks, tanks, Hindu temples, and rivers and streams, &c., all of which may be assumed as permanently unfit for cultivation. It is true that, here and there, there may be spots of Porumboke land available for cultivation in future years, and, should offers be made for such spots, they may be treated, I presume, in accordance with the spirit of the proceedings of the Board first quoted (4th June 1855).

4. Under the foregoing explanation, the Government will, I trust, be satisfied that there is no unassessed waste land properly so called in this district for which it is likely applications will be made under the new rules.

1. ORDERED to be submitted for the information of Government, with reference to their Order dated 7th April 1863, No. 616. The Board, however, consider that the facts stated do not warrant Mr. Reade's statement, that, "strictly speaking, there are no unassessed waste lands in South Arcot."

2. The rules laid down for the assessment of reclaimed Porumboke in no respect affected the position of the unreclaimed and unassessed waste, and there can be little doubt that the 5½ lacs of cawnies of such unreclaimed waste include much that is capable of being brought under cultivation.

3. Lands "covered with dense and unhealthy jungles" are probably composed of rich soil; and might with advantage in many places be brought under cultivation without violating the precautionary rules regarding the sale of forest land.

4. The Collector will be requested to reconsider the subject, and to report further on it without delay.

12 May 1863.

(signed) *W. Hudleston*,
Secretary.

ORDER thereon, 28 May 1863, No. 918.

THE Government concur in the remarks made by the Board of Revenue. They will await the further report called for from Mr. Reade.

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

— No. 73. —

LETTER from *J. L. Lushington, Esq.*, Acting Accountant General, to *J. D. Sim, Esq.*, Secretary to Government, Revenue Department; dated Fort Saint George, 15 April 1863 (No. 463).

Sir,

1. WITH reference to paragraph 7 of the Order of Government, No. 591, dated 27th ultimo, Revenue Department, calling for my opinion on the suggestion of the Board of Revenue to exclude from the annual estimate the establishment entertained for surveying Waste Lands, and to pay the necessary charges as an advance to be recovered eventually from the party who may apply for the land, I have the honour to state that the great objection as to the suggestion of the Board, is the great delay which must necessarily take place in the adjustment of these advances, inasmuch as the waste lands on account of which they are to be made, may not be sold for a number of years to come; in such cases, the advances must, as a matter of course, remain adjusted.

2. To keep any advance unadjusted for an indefinite period, is opposed to the instructions of the Auditor General of India, which require advances in no case to be allowed to remain unadjusted for more than three months, without special report and inquiry.

3. I would, therefore, suggest that the charges on account of waste lands be, in the first instance, borne by the State, in the same manner as those incurred on account of the Salt and Abkarry Departments are, and that the proceeds from the sale of these lands, including the charges previously incurred thereon, be credited to Government *per contra*, as is the case with the revenues from the above two sources.

4. To meet the above charges for surveying waste lands, provision to the extent of 28,500 rupees has been made in the Budget for 1863-64; and in their Proceedings, No. 331, dated 13th February 1863, Revenue Department, Government have properly remarked that "this expense will ultimately be recovered from the purchasers, and the item is therefore a recoverable advance, not a Land Revenue charge," although it must, in the first instance, for the reasons above assigned, be borne by Government as a revenue charge.

ORDER thereon, 28 April 1863, No. 732.

THE suggestion made by the Acting Accountant General in paragraph 3 of this letter, is approved.

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

— No. 74. —

LETTER from *W. Hudleston, Esq.*, Secretary to the Board of Revenue, to *J. D. Sim, Esq.*, Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 4 May 1863.

Sir,

1. IN a letter urging the immediate publication of the Rules for the sale of Waste Land in the Wynad, the Collector states that the same rules should be

made applicable to other Government land in Malabar, of a similar character as that on the western slopes of the Neilgherries and Koondas in Walaghat, Ernad Talook, &c.

2. I am directed by the Board to submit the suggestion for the consideration of Government.

ORDER thereon, 7 May 1863, No. 784.

THE Board are requested to submit a more explicit statement of the lands to which they refer.

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

LETTER from the Collector of Malabar; dated Calicut, 14 September 1863 (No. 204).

1. ADVERTING to Board's Proceedings, dated 12th ultimo, No. 5061, I beg to observe that the lands alluded to in my letter, reviewed in those proceedings are termed "unassessed," as over the greater portion of them the soil has never been turned, and consequently, by Malabar custom, has never borne assessment.

2. As stated in paragraph 2 of my letter, the lands are generally fitted only for Ponom or Hill paddy. For this a few acres here and there have occasionally been taken up for a season's cultivation, paid on the cultivated area the rates prevailing in the neighbourhood, and then relapsed into waste.

3. Most of the lands are immemorial waste.

1. ORDERED that the above papers be submitted to Government for consideration and orders.

2. It appears to the Board that the sale by auction in freehold of the lands in question, is the most likely mode of turning them to good use, and the rates named by the Collector, though somewhat higher than have been generally adopted, for upset prices are, it is presumed, reasonable for the locality. It is evident, from the description of the land, that the low lands are relatively more valuable than the hilly portions covered with scrub jungle. These last are not similar in character to the heavy forest lands on the west coast, but have generally been more or less denuded of good soil, the heavy periodical rains having washed it down to the lower level.

3. Five rupees per acre for the scrub jungle corresponds with the rates fixed for similar tracts in Canara. The rate proposed for the open lands, viz., 10 rupees, represents, it is presumed, an actual superiority in the quality of the land.

29 September 1863.

(signed) *W. Hudleston.*

ORDER thereon, 14 October 1863, No. 1876.

THE upset prices proposed by the Collector of Malabar, and recommended by the Board of Revenue in these proceedings, viz., 5 rupees per acre for Ponom lands, and 10 rupees for the more open and level lands are sanctioned.

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

— No. 75. —

Letter from *G. S. Forbes, Esq.*, Collector of Ganjam, to *W. Hudleston, Esq.*, Secretary to the Board of Revenue; dated Chetterpore, 9 December 1862 (No. 303).

Sir,

1. I HAVE the honour to state that a petition has been addressed to me by the
sheristadar

sheristadar of the District regarding the purchase of waste lands by public servants at competitive sales under the recent orders of the Secretary of State.

2. The sheristadar conceives that Section 11 of the Rules lately promulgated by the Board is not applicable to purchases of land under these orders, seeing that the objections which render it inexpedient that public officers should purchase lands sold in satisfaction of revenue default, and the like, cannot be urged against the purchase of waste lands which are brought to competitive sale simply because they are waste and not in satisfaction of any public or private interest. Under these circumstances the sheristadar is anxious to know whether his application to purchase and reclaim 1,200 acres of swamp land must be withdrawn in consequence of the orders lately circulated by the Board.

Section 20, Regulation XXVI. of 1802, and VI. of 1832.

3. As I do not consider the rules based on Section 20, Regulation XXVI. of 1802, and Regulation VI. of 1832, were intended to refer to the case in point, I beg to have the Board's instructions on the subject; it would, I submit, be carrying precautionary rules to a needless stretch of severity to give them such an effect, and public servants will feel keenly the implied distrust which denies to them a highly valued privilege on no other or higher grounds.

4. As the Supreme Government have some time since approved the rules put in force by the Government of Bengal for the sale of waste lands, I take this opportunity to request the permission of the Board and Government to proceed to the sale of such lands as I may be able to have surveyed.

1. ORDERED to be submitted for the decision of Government.

2. The rules for the sale of unassessed waste land to some extent replace the previously existing system of obtaining such land on puttah, subject to an annual assessment which it was always hitherto competent to any Native Government servant to do, and the objections against the purchase by Government servants of lands sold in realization of public dues do not appear to the Board to apply to the purchase of unassessed waste under the new rules.

3. The wording of Regulation VI. of 1832 is, however, so general that it seems desirable that Government should decide in the matter.

Dated 14 March 1863.

(signed) *W. Hudleston,*
Secretary.

LETTER from *G. S. Forbes, Esq.,* Collector of Ganjam, to *W. Hudleston, Esq.,* Secretary to the Board of Revenue, Madras; dated Chetterpore, 7 March 1863 (No. 36).

Sir,

SEVERAL applications having been presented by public servants for grants of lands under the rules for the sale of unassessed waste lands, I have the honour to request an early reply to my letter of the 9th December last, No. 303, requesting the Board's instructions as to whether the uncovenanted servants in the Revenue and Magisterial Departments are to be allowed the benefit of these rules.

Submitted to Government in continuation of Board's Proceedings, dated 14th March 1863, No. 1527.

(signed) *W. Hudleston,*
Secretary.

ORDER thereon, 2 July 1863, No. 1168.

1. THE Sheristadar of the Collector of Ganjam wishes to purchase 1,200 acres of waste land under the new rules, and the question submitted to Government is whether he is barred from doing so by Regulation VI. of 1832, and Regulation XXVI. of 1802.

2. The latter Regulation prohibits "Native officers of the Cutcherries of Collectors" from purchasing "lands sold at public sale in districts in which they may be employed." It was doubted whether this prohibition applied to lands

not held on zemindary tenure, and Regulation VI. of 1832 was enacted to remove this doubt. It declares that the prohibition is "applicable to lands of every description sold at public sale by or under the orders of a Collector."

3. General and comprehensive as these terms are, it is quite clear that both Regulations apply exclusively to lands belonging to private individuals, sold by Collectors for arrears or in satisfaction of Court Decrees, and not to Government land sold as unassessed waste is under the new Rules. There is nothing in the Regulations, therefore, to prevent a native public servant from purchasing land at sales held under these rules.

4. But it does not follow that such purchases as the Sheristadar of Ganjam contemplates should be permitted.

5. A deputy Collector cannot acquire land in any part of his district for agricultural purposes. A tahsildar and a sub-magistrate cannot hold land in his talook, and although a sheristadar is only a ministerial officer, and the same reasons do not altogether apply in his case as in the case of officers vested with large judicial powers, it certainly is not desirable that a sheristadar should enter so largely into agricultural pursuits as a purchase of 1,200 acres of land implies.

6. Government do not object to their native servants holding family lands, and investing their savings in moderate purchases of land. But to check abuse of this permission, and to prevent their acquiring an undue extent of land, attention to which would interfere with their public duties, they are required to give lists of the lands which they hold in order that Government may judge whether their continued employment in the same district is expedient. The Government have no hesitation in deciding that such an agricultural speculation as that contemplated by the Sheristadar of Ganjam cannot be permitted, and that he would have to be removed if he purchased land of this extent in Ganjam.

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

LETTER from *G. S. Forbes*, Esq., Collector of Ganjam, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated Chetterpore, 18 July 1863 (No. 134).

Sir,

WITH reference to Government Order dated the 2nd instant, No. 1168, I have the honour to request that the Board will be pleased to ascertain the maximum extent of land that an uncovenanted servant on the Collector's establishment may be permitted to hold under the Rules for the sale of unassessed waste lands, and whether the purchase of a smaller extent of land, say one-third or one-quarter of the extent originally applied for by the sheristadar, is allowable.

Submitted for the orders of Government.

ORDER thereon, 22 August 1863, No. 1540.

THE Government can lay down no fixed rule on the question raised by Mr. Forbes. The Board will, however, ascertain and report what extent of land the sheristadar already possesses in the district.

(signed) *G. C. Master,*
Deputy Secretary to Government.

— No. 76. —

LETTER from the Honourable *R. S. Ellis*, c. B., Collector of Madras, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated Suttiwadoo, 9 July 1863 (No. 248).

Sir,

WITH reference to the Board's Standing Circular No. LXXIV., dated the 25th June last, I have the honour to request the Board will be pleased to favour me with their opinion as to whether this district, having been exempted from the operation of the new Rules for the sale of waste lands, I may be guided by this order as regards lands situated within the limits of the High Court, and whether the decision of the late Sudder Court, referred to in the Circular, may be held to have a retrospective effect. I ask this with reference to certain lands which at the time of the late Madras survey were declared Government lands; they were so declared on the ground that the owners of the lands had for years ceased to cultivate them and pay assessment, and that these owners had not appeared and claimed the lands at the time of the survey, though a notice was published calling upon all persons who had any property in the lands to present themselves, and to pay up the arrears outstanding against them. I also request the Board will be pleased to furnish me with a copy of the decision referred to in the Circular.

Vide Board's Proceedings 9 April 1863, No. 2040, paragraphs 18 and 19 of Mr. Cunliffe's letter.

1. ORDERED to be submitted to Government, with the request that early orders may be passed on the subject. The Board see no objection to the measure.

2. The decisions referred to by the Board in their letter dated 4th June 1863, in Government Order dated 15th June 1863, No. 1045, Revenue Department, are dated 31st August and 9th October 1861, A. S. No. 482 of 1860, and No. 10 of 1861, and must be on the Collector's records.

ORDER thereon, 15 August 1863, No. 1503.

REFERRED to the Advocate General, through the Government Solicitor, for his opinion as to whether the lands in question can be sold by Government by public auction. The Board of Revenue will furnish Mr. Boyson with any further information or papers he may require on the subject.

(signed) *C. G. Master*,
Deputy Secretary to Government.

LETTER from *J. R. Boyson*, Esq., Government Solicitor, Madras, to *J. D. Sim*, Esq., Secretary to Government, Revenue Department, Fort St. George; dated Madras, 3 September 1863 (No. 656).

Sir,

1. I HAVE the honour to acknowledge the proceedings of Government noted in the margin.

2. Having obtained from the Board of Revenue such further information as I considered it necessary to submit to the Advocate General, I laid the papers before him for his consideration, and

3. I now forward a copy of his opinion.

Dated 15 August 1863, No. 1503, Revenue Department.

COPY OPINION.

1. I HAVE perused the papers submitted with the Order of Government in the Revenue Department, No. 1503, dated 15th August 1863.

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2. The

2. The letter of Mr. Ellis to the Revenue Board, dated 9th July 1863, No. 248, does not state whether the lands in question are merassee or not.

3. If they are not merassee lands, I am of opinion that Government may deal with them in any way it pleases. In addition to the Sudder cases alluded to by the Board, there is a recent decision of the High Court on its appellate side to this precise effect. Special Appeal No. 839 of 1861, which will be found in Mr. Stokes' Reports, p. 12. The fact of abandonment for a series of years appears to be sufficiently established.

4. If the lands, however, are merassee lands, "uncultivated waste," I need scarcely say that the question of the meerasidar's rights is almost certain to be mooted if any attempt be made to sell them as proposed by the Collector.

(signed) *J. B. Norton,*
Advocate General.

31st August 1863.

ORDER thereon, 10th September 1863, No. 1677.

1. COMMUNICATED to the Board of Revenue.

2. In regard to lands of the description mentioned in paragraph 3 of the Acting Advocate General's opinion, the Board will instruct the Collector for the present to limit himself to the levy of assessment.

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

— No. 77. —

LETTER from *G. S. Forbes*, Esq., Collector of Ganjam, to *W. Hudleston*, Esq., Secretary to the Board of Revenue; dated Chetterpore, 17 October 1863 (No. 213).

Sir,

* NOTE.—As per Advertisement in the District Gazettes of the 20 June 1863, 11 July 1863, and 10 October 1863.

1. I HAVE the honour to report, for the information of the Board, the sale on the 15th instant of 610 acres of unassessed waste land, in nine lots, for 14,270 rupees.

2. The amount in allotment, 14,270 rupees, the prescribed deposits were duly made, and documents in forms C. or D., as required by the rules of the 5th March last, No. 476, executed by the purchasers, and a copy of the notice of sale attached to each document signed by myself and the respective purchasers.

3. The Board will, from the accompanying memorandum, learn the particulars of the sales.

4. The competition for the smaller lots was exceedingly keen.

5. The sale of other lots has been retarded by delay in the erection of boundary pillars; several lots have also been struck off the list because the lands were required for public purposes or sought to be held under Cist. One applicant for 1,000 acres has died since.

6. Mr. Burgess, who withdrew his application to purchase 7,000, has since taken up 2,000 and odd acres on cowle.

(Enclosure.)

MEMORANDUM.

District.	Talook.	Village.	No.	Extent.				Sale Prices.	Rate per Acre.		
				A.	C.	S.y.	S.ft.	Rs.	Rs.	a.	p.
Ganjam.	Berhampore.	Haledeyabadra	1	22	21	72	1/2	780	34	9	8
		Ditto	2	28	33	72	3 3/4	2,000	69	5	7
		Ditto	3	9	14	42	8	305	32	9	5
		Amboguda	4	43	13	100	-	2,130	49	2	3
		Haradokandy	5	16	39	90	3/4	600	35	4	11
		Burbudeya	6	68	25	97	4 3/4	1,925	28	0	8
		Sekharapuram	7	28	1	68	7 1/4	1,205	42	15	7
		Nursingapuram	8	262	33	36	5 1/4	3,000	11	6	8
		Bulliyagada	9	129	31	57	5 1/2	2,325	17	14	9
TOTAL			- - -	610	15	32	8 1/2	14,270	23	6	1

(signed) G. S. Forbes, Collector.

1. ORDERED to be submitted for the information of Government.
2. The average price obtained per acre is Rs. 23. 6. 1.

Dated 3 November 1863.

ORDER thereon, 20 November 1863, No. 2091.

RESOLVED, That the Collector of Ganjam be called upon, through the Board of Revenue, to report the particulars of the Cowle granted to Mr. Burgess.

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

— No. 78. —

No. 3119 of 1862.—Revenue Department.

From the Revenue Commissioner, S. D., Bombay, to the Acting Chief Secretary to Government, Bombay.

Sir,

WITH reference to the Government Resolution, No. 3571, dated 25th September 1862, I have the honour to state that I am of opinion that the Draft Bill, a copy of which accompanied it, is, with a few exceptions, well adapted for the purpose for which it is intended, as explained in its preamble. This opinion, I beg to observe, is independent of the question as to whether or not such land as the Bill contemplates, is to be found in this Presidency.

2. The matters with respect to which the Bill appears to me to require correction, are as follows:—

1. The minimum period of the advertisement provided in section 1 is, I think, much too short. In a country where intelligence is conveyed so slowly as here, and where so many obstacles exist to the prompt submission of a claim or appeal, even after the person who has to make it has become alive to its necessity, the authority of carrying out a sale of waste land one month after the intention of selling it is first advertised, would be practically, in most cases, an authority to sell it without notice. I am respectfully of opinion that the minimum period to be allowed previous to sale should be three months, instead of one.

2. Sections 2 and 4 of the Bill provide for the Collector stopping the intended sale, if satisfied that a claim is established, but contemplates the possibility of future interference by Government, resulting in the setting aside his opinion, while, at the same time, it does not explain according to what procedure the interference of Government is to be invoked in such case, or how they are to take cognizance of the matter. Section 4 also seems to me to unduly favour Government in the matter, as it gives them a whole year in which to prepare for litigating a claim of

which they are aware, and which is *prima facie* one that ought not to be disputed; a laxity in strong contrast to the strictness of section 1 as it affects claimants whose first intelligence of the intended sale of the land to be claimed by them may be as little as a month from the date of an advertisement which may not be brought to their notice till long after its issue. I would make the maximum period provided by section 4 the same as the minimum period provided by section 1, fixing each as three months.

3. The same maximum period should also, I think, be provided for the procedure pointed out by section 3 in the case of claims rejected by the Collector. As the Draft stands, there is no limit to the time during which a claimant may be harassed by having a Government suit hanging over him.

4. In section 7, it is provided that the special courts shall be held where it "shall be considered most convenient." I would suggest that either the Court or Government should be specified as the authority by which this question of convenience should be settled. The former would seem preferable.

5. In section 9 it is provided that, in suits instituted by Government, no stamp duties shall be chargeable on any writing or instrument described in Schedule B of Act X. of 1862. I do not see the use of this exception in the case of the waste lands courts more than in any other in which Government may have to appear as plaintiffs, and I fear the exception in this case may cause inconvenience. At any rate, I would exclude copies from coming within the scope of section 9. Section 30 of Act X. of 1862 prohibits all public officers from furnishing writings of any of the kinds specified in Schedule B. of the Stamp Act as requiring stamps, and it will create occasions of trouble and inconvenience if not of fraud, to let the obligation of the last-quoted section depend on the use for which any applicant for a copy may assert that he requires it.

6. Considering that the Bill, providing for what I admit to be a special necessity, makes (by its 15th and 17th sections) a sale according to its rules final so far as regards the land and its purchaser, I am respectfully of opinion that the stringent limitation to the period of one year of a claim for compensation is not equitable. The Government of India, for special reasons, propose to set aside the general law that a claim for land is not barred by less than 12 years of adverse possession, in order to meet the political necessity of giving a clear unassailable title to purchasers under the intended Act. But this necessity affords no sufficient grounds for limiting also the injured person's claim on Government for compensation. A proprietor of land sold in his absence by Government for a certain purpose of policy, and whose right to recover it, as in ordinary cases, is barred by the same policy, has just grounds of complaint if his claim for compensation for this hardship, is also barred, though no public policy requires that it should be so. As a proprietor under such circumstances must lose his property, I think that it would be more becoming in Government to extend the period during which he could demand compensation from them, beyond the limit of suits for land, than to contract it to less than the period limiting the enforcement of an ordinary shop debt. Under this view, section 14 will, to prevent it from being unjustifiably oppressive, require considerable relaxation.

7. Section 16 of the Bill appears to me to be mere verbiage. Of course Government are not debarred from doing justice, but what is wanted in the Act is the recognition and guarantee of the right of the injured proprietor to demand and enforce such compensation as he has justly a right to, not merely a permission to Government to render tardy justice, as they could do without this 16th section.

8. As the Bill has reference only to the sale of waste lands, and not to the redemption of land revenue, I do not see the necessity of the words "and other," in line 16 of section 19, or the words, "and by the redemption of land revenue," at the end of the same section.

I have, &c.

(signed) *W. Hart,*

Revenue Commissioner, S. D.

Solapoor Districts, Camp "Hippurjee,"
19 December 1862.

No. 287 of 1863.—Revenue Department.

From *A. D. Robertson*, Esq., Secretary to the Government of Bombay, to
E. C. Bayley, Esq., Secretary to the Government of India.

Sir,

In continuation of my letter, No. 4187, dated the 17th November last, I am directed to forward, for submission to the Governor-General in Council, copy of a communication from the Revenue Commissioner, S. D., No. 3119, dated the 19th ultimo, relative to the Bill "to provide for the adjudication of claims to waste lands, and for the investment of the proceeds arising from the sale of such lands and of other Government lands, and from the redemption of Land Revenue."

I have, &c.

(signed) *A. D. Robertson*,
Secretary to Government.

Bombay Castle, 29 January 1863.

— No. 79. —

(No. 2562.)

RESOLUTION.

PARAGRAPH 26 of the Despatch from the Secretary of State to Government of India, No. 14, dated 9th July 1862, gives Government a discretionary power to allow redemption of the land tax on "lands required for dwelling-houses, factories, gardens, plantations, and other similar purposes."

2. This power of redemption will meet the reasonable wishes of the proprietors of houses at Panchgunny and elsewhere who are anxious to secure themselves against future enhancement of the assessment on land, where they have expended large sums in building and other improvements.

3. The Revenue Commissioners and the Commissioner in Sind should therefore be authorised to receive and submit to Government for sanction, applications from the proprietors of lands of the nature above indicated for leave to commute the land revenue assessed on such lands for a single payment, in return for which the proprietor will receive a deed exempting such land from land tax for ever.

4. The rules for calculating the price to be paid, and for the investment of the proceeds, are laid down in paragraph 75 of the Secretary of State's Despatch.*

5. The Secretary of State's Despatch prescribes (paragraphs 25 and 75, &c.), that redemption shall only be allowed where the revenue is found to be fairly assessed, so that the permission given will not apply where there is any reason to believe the land tax is otherwise than fairly assessed at its full amount.

Dated 3 August 1863.

* "75. With regard to the investment of the amount which may be received by the Government from the sale of waste lands, or in commutation of land revenue, I observe that it is declared in paragraph 56 of the Resolution, that, 'with a view to secure the Government and the public creditor against any loss of existing sources of Government income, provision will be made by law that all sums paid in purchase of waste lands, or in redemption of land revenue, or in otherwise forestalling the land revenue, shall be paid to commissioners, and periodically invested in such manner as the law may direct;' and that the reports of the commissioners shall be regularly published. In reference to this arrangement I have to desire that all monies received on these accounts shall be invested, not periodically, but as soon as practicable, and, as a rule, in the four per cent loan. The price of redemption should be variable, according to the actual value at the time of that stock, so that the amount paid, when so invested, may produce a dividend equivalent to the annual revenue, which will thereon cease to be received."

Resolution of Government of India, dated 17 October 1861.

LETTER from the Revenue Commissioner, (N.D. No. 2721); dated 17 September 1863.

GOVERNMENT SECURITIES.		Rs.
Four Per Cent. Sicca Rs. Transferred Loan	}	104
" " Sicca Rs. Loan, 1832-33		
" " Co's Rs. Loan, 1835-36		
" " " " " 1842-43		
" " " " " 1854-55	}	99½
Five Per Cent. Co.'s Rs. Loan - - -		
Five-and-a-Half per Cent. - - -		109½
		118½

REQUESTING instructions with reference to the Government Resolution, No. 2562, dated 3d August 1863, on a question put to him by the Acting Collector of Tanna as to upon which of the four loans, marginally noted, the calculation of redemption is to be made, and suggesting that the above Resolution may be published in the Government Gazette, if orders have not been already issued to this effect.

RESOLUTION.—The Revenue Commissioner should be informed that the price of the 4 per cent. Company's rupee loans should be adopted as the basis of calculation.

No. 3722 of 1863.—Revenue Department.

From the Revenue Commissioner, S. D., to the Officiating Chief Secretary to Government, Bombay.

Sir,

UNDER the authority contained in paragraph 3 of the Government Resolution, No. 2562, dated 3d August 1863, I have the honour to solicit the permission of Government to allow of the redemption of the land revenue leviable from a portion measuring five acres of the field survey, No. 55, in the village of Bheegwan, in the Indapoor Talooka of the Collectorate of Poona, held by Munajee bin Ramjee Pokhlay.

2. This person has given up six acres and one goonta of the above number, or field, as a site for a public Dhurrumsalla, and has also promised that a fine well, which he has just dug, shall be made use of by travellers resting in the Dhurrumsalla, the compensation awarded to him (for which sanction was solicited in my letter No. 3617,* dated 27th October 1863) being Rs. 152. 12. He is, however, anxious that, instead of keeping this money, he may be allowed to give it to Government in redemption of the land revenue of so much of the remainder of his field as he can convert into a garden to be watered by his well; and to this option he seems to have a right under the Secretary of State's Order, quoted in the above-mentioned Government Resolution. The present assessment of the five acres to which this request extends is in all Rs. 2. 3.; and supposing this assessment to be a full and fair one, the price of redemption, according to Sir Charles Wood's rule, at the present price† of the 4 per cent. loan would be Rs. 54. 11. I regard the present assessment as a low one, looking at the present value of money, but the acceptance of Munajee's offer, which is equivalent to nearly 70 years' purchase of the present land revenue, cannot possibly be disadvantageous to Government.

3. I would recommend that the Collector of Poona may be authorised to execute in favour of Munajee bin Ramjee Pokhlay a deed according to the form 1, printed at page 7 of the third appendix to the Calcutta Gazette, of Wednesday, 8th July 1863, with such verbal alterations as may be necessary to suit the circumstances of the case.

I have, &c.

(signed) W. Hart,
Revenue Commissioner, S. D.

Poona, 4 November 1863.

No. 4301.—Revenue Department.

Bombay Castle, 2 December 1863.

RESOLUTION.—The sum offered in redemption of the revenue of five acres is the value awarded for the occupancy of six acres and one goonta. The offer, therefore, is undoubtedly an advantageous one for Government, and may be accepted. The collector should execute the deed as proposed by the Revenue Commissioner.

(signed) A. D. Robertson,
Officiating Chief Secretary to Government.

* Vide entry No. 2024 in the Revenue abstract of Proceedings for November 1863.

† 96 per cent.

— No. 80. —

No. 760 of 1863.—Revenue Department.

From Lieutenant-Colonel *Turnly Barr*, Acting Political Agent, Rewa Kanta, to the Honourable *A. D. Robertson*, Secretary to Government, Bombay.

Sir,

I HAVE the honour to submit for the information and orders of Government, the copy of a proposal I have received from a Parsee firm desirous of bringing waste land in the Punch Mahals under cultivation.

2. The firm is, I am told, a highly respectable one, and as I found Nowrojee Pestonjee, the member of it, who has been here for some months in frequent personal communication with me, to be very intelligent and enterprising, I gave him every encouragement. Before the setting in of the monsoon I allowed him, by way of experiment, to cultivate a little land in the neighbourhood of Champaneer. The result has been so satisfactory that he tells me he and his partners are prepared to carry on operations on a large scale.

3. With two exceptions the conditions stipulated for in the proposal now submitted have already been anticipated in the notice to intending emigrants published by Major Buckle, in accordance with the instructions conveyed by your letter No. 1758, dated 2 May 1862.

4. The exceptional conditions will be found in paragraphs 9 and 10 of the proposal, and I hope I shall be authorised to grant them. The "Government houses" asked for in the 9th paragraph are in the ruinous city of Champaneer, and their continued occupancy can cause no loss or inconvenience; and, as the levy of transit duties in the Punch Mahals is not to be permanent, the assurance requested in the 10th paragraph, that they will not be raised may, I think, will be given.

5. The firm will furnish the security of the Bank of Bombay for any advances made for agricultural purposes, and care will be taken that sites chosen for huts or hamlets to be erected, will be such as not to interfere with the rights or immunities of any existing villages.

I have, &c.

(signed) *J. T. Barr*, Lieutenant-Colonel,
Acting Political Agent.

Rewa Kanta Agency, Baroda, 15 October 1863.

To Colonel *J. T. Barr*, Political Agent, Punch Mahal and Rewa Kanta, Baroda.

Respected Sir,

REFERRING to the printed notification issued in Guzerathee by Major Buckle, in conformity with the Order of Government, No. 1758, dated 2 May 1862, we beg respectfully to inform you that we have been allowed under that notification to cultivate 100 acres of waste land in Punch Mahal. We are happy to say that the experience made by us (of cultivating that portion) presents every hope of success, and we believe that if Government will give due encouragement to capitalists and cultivators the country will flourish ere long.

2. We now intend to cultivate the soil in Champaneer, and the village of Vesunia, under the Hallele district, on a large scale. We beg, therefore, you will be pleased to provide us with an order to that effect, duly sanctioned by the Bombay Government.

3. In requesting the indulgence referred to in the last preceding paragraph we beg most respectfully to be understood to be willing to undertake the task of cultivating under the following conditions, some of which will be observed to be in conformity even with the letter of the notification above-mentioned, the rest being quite consistent with its spirit, as suited, in our humble opinion, to carry out with effect the object of the Bombay Government.

4. That the spot of ground chosen by us for the site of huts or villages will be allowed us, and such huts will not be liable to be removed or subjected to land tax in future.

5. That we shall cultivate the soil this year, and continue to do so as long as our circumstances, as well as the climate of the country, which is, you are aware, very unhealthy, will

will permit, and shall be glad to pay the assessment on lands cultivated by us year after year according to the scale laid down in the notification referred to in paragraph 1, for such number of years only as we may cultivate—that is to say, gratis for two years, one-fourth of the existing rate for the third and fourth years, one-half the rate for the fifth and sixth years, three-fourths of the rate for the seventh and eighth years, and the whole for the ninth and tenth and following years.

6. That, in pursuance of section 4 of the said notification, we shall be constituted patells of the villages established by us, and a gratuity of 5 per cent. of lands cultivated by us, or by people brought there through our exertions, allowed, as therein stated.

7. That no transit duty will be charged for timber brought from Punch Mahal jungles for the purpose of building huts for the cultivators.

8. That 5,000 to 10,000 rupees will be advanced to us for agricultural purposes on our furnishing Government with good and solvent securities for its repayment, as required by the notification in such a case.

9. That we shall be permitted freely to occupy such Government houses as are now made over to us, and keep them in repair, and we shall not be liable to be evicted from such houses as long as we may require them.

10. That we shall be furnished with a list showing the rates at which transit duties are presently charged on goods in Punch Mahal, and that no more duty than that specified in such list shall be charged to us in future, and that, should Government hereafter abolish the tax, we would also be exempted from paying the import.

11. That persons or cattle employed on our works will not, under any circumstances, be forced for Government or other purposes.

12. That after 350 beegas of land are cultivated, and more than 20 huts erected as a separate hamlet, Government will be pleased to sink a well for the settlers, should no well previously exist.

13. Should Government kindly allow us to cultivate the soil in Punch Mahal on conditions herein above detailed, we beg most respectfully to suggest that we may be informed of the sanction being obtained from Government before the 20th of November next, that we may lose no time in buying cattle at the fast-approaching fair in Guzerat, and commencing work, else it is apprehended the season would be lost.

14. With a sincere hope that our request will be granted,

We beg to remain, &c.

(signed)

*Nowrojee Pestonjee, and
Framjee Pestonjee & Co.,*

Merchants.

Baroda, 14 October 1863.

No. 3680 of 1863.—Revenue Department.

Bombay Castle, 22 October 1863.

THE Political Agent is requested to forward copy or translation of the notice published by Major Buckle which is referred to in paragraph 3 of this letter.

2. The individuals whose application Colonel Barr forwards submit, it would appear, a very different proposal to the measure sanctioned by Government, the object of which was to attract population to the Punch Mahals rather than bring fresh land under cultivation. With this object the concessions were to be in favour of the individual settlers or immigrants, in respect to each of whom a maximum and minimum quantity of land was to be laid down, those settling with families of children getting an increased quantity of land according to the number of children they had.

I have, &c.

(signed)

A. D. Robertson,
Officiating Chief Secretary to Government.

No. 799 of 1863.

THE Acting Political Agent has the pleasure to forward a copy and translation of the notice quoted in the 3d paragraph of his letter, No. 760, of the 15th instant. He understands now the difference between the proposal submitted and the measures originally sanctioned by Government, which he had before in some degree overlooked, but he thinks that in the present condition of the
Punch

Punch Mahals it would be well to grant considerable tracts of waste land to capitalists, such as the individuals whose application is discussed, who are ready to undertake cultivation by hired labour; for individual settlers of the agricultural class appear to regard the Punch Mahals with fear and distrust, and none of them come forward to accept the terms offered. They would come, no doubt, if fear and distrust were removed by practical proof of fertility of soil, and of safety to life and property in the districts to be peopled. The Acting Political Agent therefore suggests that a maximum of waste land sufficient to tempt the outlay of capital, say 2,000 or 3,000 beegas, be offered to persons wishing to cultivate by hired labour on their engaging to occupy for 10 years, and not to sublet any of the land during that period. For such period of occupancy no reward in land or in right of patellship to be given, but both to be given afterwards, as promised in the notice already published, if separate cultivators are substituted for the hired labourers. For example, a man gets 2,000 beegas of waste land on the conditions laid down in the first paragraph of Major Buckle's notification; he cultivates it by hired labor for 10 years; at the end of that period, if he bring in independent cultivators to be registered for their various holdings by Government, he becomes entitled to the benefits offered in the 4th paragraph, which he otherwise forfeits. The Acting Political Agent believes that a few examples of profitable cultivation by hired labour will do much to attract permanent settlers.

Baroda, 29 October 1863.

(signed) *J. T. Barr,*
Acting Political Agent.

NOTIFICATION.

It is hereby notified to the public that Pawaghur Punch Mahal, consisting of the districts of Hallele, Kallole, Godra, Dohud and Ihallode, have become Government territory. Owing to scarcity of population, there are very large tracts of waste land in the country. The following conditions are therefore offered to immigrants from other districts, in accordance with the Orders of the Government of Bombay, No. 1758, dated 2 May 1862:—

1. On settlers building substantial houses, and binding themselves not to leave the land for 10 years, they will be allowed to enjoy it rent-free for two years. In the third and fourth years one-fourth of the usual assessment of the district will be levied; in the fifth and sixth, one-half; in the seventh and eighth, three-fourths; and in the ninth and subsequent years the full assessment.

2. Every settler will on appearing (before the authorities) be allowed the land he requires, after reference to his means.

3. No charge will be made on timber felled in Punch Mahal limits for house-building.

4. The establisher of a new village will be made Patell thereof if he pleases, and be allowed to enjoy, rent-free, one beega of land for every 20 brought under cultivation during the first 10 years of the establishment of the village.

5. It is the duty of the Patells of the villages now existing, to encourage the extension of cultivation in their villages by bringing in new settlers. They must, therefore, do so, and increase the revenue, and a suitable reward will be bestowed on them for their exertions.

6. Tuccavee advances will be made to immigrants on their furnishing good security for the same being laid out for agricultural purposes, and for the refund of the money.

7. The land in the Punch Mahal is very fruitful. It has, besides, remained waste for many years, and will consequently yield good crops. It will, therefore, be to the great benefit of those who, taking advantage of this notification, immigrate into the districts. They will have to pay no assessment for the first two years, and only three years' assessment within the next six years, *i. e.*, within the whole eight years they will enjoy rent-free for five years. It is believed that any person in indigent circumstances, who immigrates on these terms will, no doubt, prosper soon. Intending settlers should apply to the Mamlutdar of the district in which they wish to settle, or to the Political Agent Rewa Kants, and arrangements, as detailed above, will be made for them.

Dated 7 May 1862.

(signed) *C. Buckle,*
Political Agent.

No. 4648 of 1863.—Revenue Department.

To the Revenue Commissioner, N. D.

Sir,

Bombay Castle, 30 December 1863.

I AM directed to forward the accompanying papers, noted in the margin, and to request that you will favour Government with your opinion thereon, as to whether, in the present condition of the Punch Mahals, it is desirable that capital, if possible, should be attracted to them, and whether you consider that the terms sanctioned in Government Letter No. 1758, dated 2 May 1862, which were intended to encourage individual cultivators to emigrate from more populous districts and settle in the Punch Mahals, should be made applicable to the case of capitalists desirous of taking up land for cultivation in those districts. Such individuals would not probably import labour into the Mahals, but would endeavour to employ the indigenous labour of the districts, and in their case the grant of land on the principles on which the rules for the sale of waste lands were framed, appear to be more suitable.

1. Letter from the Acting Political Agent, Rewa Kanta, No. 760, dated 15 October 1863, with accompaniment.

2. Government Endorsement, No. 3680, dated 22 October 1863.

3. Memorandum from the Acting Political Agent, Rewa Kanta, No. 799, dated 29 October 1863, with accompaniment, on the subject of an application from a Parsee firm, named Nowrojee Pestonjee and Framjee Pestonjee and Co., to be allowed to cultivate waste lands in the Punch Mahals, on certain conditions.

2. Most of the lands in the Punch Mahals are understood to be very fertile, and to be covered with timber, which, owing to the demand for railway sleepers, is valuable, and is in great request, care should therefore be taken to guard against grants which may be applied for only on account of the timber by effecting the sales of the land, if determined upon, irrespective of the timber upon it, and requiring payment of the forest fees on all trees that may be felled and removed on which such fees are levied.

3. As Government have no information with regard to the value of the waste lands in the Punch Mahals, it will be necessary, in the event of sales being determined on, to make some inquiries on this point with the view of fixing the upset price per acre at which the lands should be sold. You are requested to state your opinion whether it would not be advisable that the Superintendent of the Revenue Survey in Guzerat, Captain Prescott, should be called upon to make this inquiry, reporting the result to Government; and whether he should also be required to select and mark off a few lots, not exceeding 3,000 acres each, to be sold as an experiment during the ensuing year.

I have, &c.

(signed) *A. D. Robertson,*
Officiating Chief Secretary to Government.