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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd April 1872 :—

Bill No. 9 of 1872.

A Bill to consolidate and amend the law relating to Land Revenue in the North-Western Provinces.

WHEREAS it is expedient to consolidate and amend the law relating to land-revenue in the North-Western Provinces of the Presidency of Fort William in Bengal; It is hereby enacted as follows :—

Preliminary.

1. This Act may be called "The Land-revenue Act, North-Western Provinces, 1872."

It extends to the territories for the time being under the Government of the Lieutenant-Governor of the said Provinces;

and it shall come into force on the passing thereof.

2. The Regulations and Acts mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.

3. In this Act—

"Collector." "Collector" includes a Deputy Commissioner.

"Deputy Collector and Assistant Collector" include an Assistant Commissioner or Extra Assistant Commissioner.

"Estate" means any local area for the payment of the revenue assessed upon which a separate engagement has been entered into by any person with the Local Government.

CHAPTER I.

REVENUE OFFICERS.

4. The Chief Controlling Authority in all matters connected with the land-revenue of the said territories is vested in the Board of Revenue, which is to be ordinarily stationed at Allahabad.

The Board of Revenue shall consist of such number of members as the Local Government may, with the sanction of the Governor General in Council, appoint.

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5. The Local Government may authorize a single member of the said Board, whether on deputations or otherwise, to exercise, either generally or in any particular locality, all the duties and powers vested in the Board collectively, or may assign to each of the members of the Board such part of the said duties and powers to be performed or exercised by them separately as to the said Government may seem fit:

Provided that no single member shall have power to reverse or alter a decree or order passed by any other member; and that, except under the special authority of the Local Government, no decree or order passed by a Commissioner or a Collector in any case in which the decree or order passed by him has been referred direct to the Board without the intervention of the Commissioner shall be reversed or altered, and no final orders regarding the appointment, removal, or punishment of officers subordinate to the Board shall be passed, without the concurrent judgment of members of the said Board.

6. When the members of the Board cannot agree as to the order to be passed in any matter which has come under their consideration either jointly or separately, the question in regard to which there is a difference of opinion shall be referred to the Local Government, whose order thereon shall be final.

7. The Local Government shall appoint in each division a Commissioner of Revenue and Circuit, and in each district a Collector or other head revenue officer, who shall respectively exercise the powers and discharge the duties conferred upon or assigned to a Commissioner or a Collector by this Act, or any other Act for the time being in force within the local limits of such division or district.

The local limits of each division and district shall be fixed, and may from time to time be varied, by the said Government.

8. The Local Government may appoint such number of Deputy Assistant Collectors to assist the Collector of any district in the discharge of his duties as to it may seem fit. And the officers so appointed shall exercise such of the powers of a Collector, and within such local limits, as may be ordered by the said Government.

9. The Ministerial officers of the offices of the Board of Revenue, the Commissioner of Revenue and Circuit, and the Collector, shall be appointed, and may be removed or suspended, or fined in the amount of one month's salary, by the heads of such offices respectively.

10. All such appointments and orders of removal, suspension, or fine of removal when final and when to be confirmed, shall be final except in respect to Ministerial officers of the Commissioner's establishment whose monthly salary is not less than fifty rupees, and the Treasurer and other Ministerial officers of the Collector's office whose monthly salary is not less than twenty rupees, in which cases such appointments and orders of removal or suspension from office shall be held to require confirmation by the Board of Revenue and the Commissioner respectively.

11. Where any Deputy Collector, Assistant Collector, or other revenue officer subordinate to the Collector is provided with a separate office establishment, the Ministerial officers thereof may be nominated and suspended, or fined in the amount of one month's salary, by such Deputy or Assistant Collector or other revenue officer, but shall not be appointed or removed without the sanction of the Collector.

Every appointment or order made by the Collector under this section shall be subject to the same rule in regard to revision by the Commissioner as such appointments and orders made by him under section ten.

12. The Local Government shall appoint such number of Tahsildárs in each district as to it may seem fit, and shall from time to time prescribe the duties to be performed by such officers. The Tahsildárs so appointed shall not be removed or suspended without the sanction of the said Government.

13. The Collector shall appoint such number of Kánungos and Patwáris in each district as the Board of Revenue shall direct, and shall, subject to the control of the Commissioner, prescribe the duties to be performed by such officers. The Patwáris shall be nominated by the landholders or farmers who have engaged for the payment of the public revenue of the village in which the appointment is to be made; or where two or more persons are under joint engagement for the payment of the public revenue the nomination shall be made by such persons jointly, in accordance with the prevailing local custom in respect to the succession to the office of Patwáris. The Collector may, on sufficient cause being shown, sanction such deviation from the local custom in the nomination of a Patwáris as to him may seem fit.

14. If the landholder or farmer nominates any person who in the opinion of the Collector is unfit for the due discharge of the duties of the office, the Collector may, subject to the control of the

Commissioner, require such landholder or farmer to make a fresh nomination.

15. Any landholder or farmer who may refuse or omit to nominate a Patwáris to fill any vacancy on the requisition of the Collector, shall be liable to a daily fine not exceeding fifty rupees in amount from the date of the receipt of such requisition and failure to act thereon, or, in the case of such refusal or omission, the Collector may appoint a Patwáris.

16. If the persons responsible for the payment of the remuneration for his services which any Patwáris is entitled to receive refuse or neglect to pay the same, the Collector may enforce the payment by any of the processes allowed by law for the recovery of an arrear of land-revenue; but no suit by a Patwáris against any landholder or other person in respect of salary alleged to be due to him shall be cognizable by a Civil Court.

17. Any Kánungo or Patwáris may be removed by the order, or with the approval, of the Collector, and not otherwise, but the Collector's order shall be subject to revision by the Commissioner.

18. Every Patwáris, and any person performing the duties ordinarily discharged by a Patwáris in any village to which no Patwáris has been appointed, shall be deemed to be a public servant within the meaning of the Indian Penal Code.

CHAPTER II.

SETTLEMENT OF THE LAND REVENUE.

19. When the amount of land-revenue chargeable in respect of any district or other local area is about to be assessed or re-assessed, such district or area is said to be under settlement.

20. When any such district or area is to be put under settlement, the Local Government shall issue a notification defining the area under settlement, and mentioning the officers, or such of them as to the said Government shall seem fit, by whom the settlement is to be conducted.

21. The Local Government may from time to time amend the notification, and may remove any of the settlement officers therein mentioned, and appoint others to succeed them.

22. The Local Government shall, with the previous sanction of the Governor General in Council, transmit through the Chief Controlling Revenue Authority, written instructions to any officer charged with the duty of making a settlement under the notification mentioned in section twenty, stating the principle on which the revenue demand in such settlement is to be assessed.

23. A district or other local area of which the land-revenue is being assessed or re-assessed shall be deemed to be under settlement until the settlement has been sanctioned by the Local Government.

WITH WHOM SETTLEMENT IS TO BE MADE.

24. When several persons possess separate heritable and transferable interests in any land under settlement, the Local Government shall determine which of such persons shall be permitted to engage for the payment of the revenue demand assessed on such land, due provision being made for securing the rights of the persons not admitted to settlement.

25. When two or more persons possess a joint property consisting of interests of the same kind in any land under settlement, or when such land is separately possessed by persons subject according to prescriptive usage to common obligations, the settlement officer may make a joint settlement with the persons holding such interests, or a majority of them, or may select one or more of them to engage for the payment of the revenue in behalf of the persons interested in such land generally, due advertence being had to the wishes of all the coparceners and to local custom.

26. When it is proposed to make a joint settlement with the persons possessing a joint interest in the land, the settlement officer shall issue a notification declaring his intention to make such settlement, and summoning all the interested persons to appear either personally or through their representatives within a reasonable period at a fixed time and place, and to signify their agreement or non-agreement to the proposed assessment.

27. If any person refuses or omits to attend on such summons, he shall be bound by the decision of the majority of those who do attend. If any person attends but objects to the proposed assessment, then, in the event of a settlement being made with the other coparceners present, the objecting person shall have the same rights and interests as would have been reserved to him if the land had been farmed or held khás; and the assenting coparceners shall be deemed to be in the position of farmers of the government revenue in relation of that portion of the land to which the interest of the recusant coparcener attaches.

28. When it is proposed to make a settlement of any land with one or more coparceners selected to engage in behalf of the general body of the proprietors, the interests of the non-engaging coparceners shall not be held responsible for the default of the persons with whom the settlement is made. The non-engaging coparceners shall hold their lands as subordinate proprietors subject to the payment of rent to the persons with whom the settlement is made.

29. When persons possessing a proprietary interest in any land under settlement decline, or are for any cause excluded from, engagement for the payment of the Government revenue, the land may be let in farm or held khás for any term not exceeding twelve years, and such persons shall receive a málikána allowance of not less than five and not more than ten per cent. of the nett amount realized by the Government from such land; provided that if in any case the non-engaging proprietor was called upon to state the amount of revenue for which he was willing to engage and did state such amount, and the amount was higher than that subsequently realized by the Government, the málikána allowance payable to the said proprietor shall be calculated on such higher amount.

30. When any estate or portion of an estate held by several cultivating proprietors in pattidári or bhyachára tenure or the like is let in farm or held khás, the rent demandable from the proprietors of such estate on account of the land occupied and cultivated by themselves shall be adjusted in accordance with the rates paid by tenants or other resident cultivators, not having an heritable and transferable property in the land, for land of a similar description in the same or adjacent villages, subject to a deduction of five per cent. on account of málikána allowance, or such other rate, not being less than five per cent., as the Local Government may determine.

31. If within the period of six months previous to the expiration of any term of settlement the Collector or Settlement Officer shall issue a notice to the person with whom such settlement was concluded, requiring him to declare whether he is willing to continue his engagement for the year next ensuing after the expiration of the term of such previous settlement, and such person shall not forthwith notify his refusal to such continuation, he shall be deemed to have agreed to the extension of his engagement, and the said engagement shall continue to be in force from year to year, unless and until the Local Government shall otherwise direct.

POWERS OF SETTLEMENT OFFICERS.

32. When existing engagements for the payment of Government revenue are continued in the manner provided by the last preceding section, the Collector or Settlement Officer may, with the sanction of the Chief Controlling Revenue Authority, conduct the necessary inquiries for the revision of the settlement; and for this purpose they and any persons employed under their orders may exercise any of the powers specified in section four of the Land Acquisition Act (X. of 1870).

If in such revision of settlement it appears that any portion of the area under settlement was not taken into account in the previous assessment, the Settlement Officer may

proceed to assess such portion in the same manner as land not previously brought under settlement.

33. When the settlement of any land is being made under this Act, the Collector or Settlement Officer may fix the boundaries of the fields or estates included in such

Fixing, erection, and maintenance of boundaries of fields and estates on land under settlement.

settlement, and require the owners or occupants to erect and maintain boundary pillars or marks in such manner as he may direct. If such owners or occupants omit after due notice to comply with the requisition, the pillars or other boundary-marks shall be erected or maintained by the officers of Government, and the cost of such erection or maintenance may be recovered from the said owners or occupants in the same manner as an arrear of revenue.

34. When the waste land included in, or adjacent to, any area under settlement is such as to exceed the requirements for

Settlement of waste land in excess.

pasturage and other useful purposes of the persons with whom such area is being settled, the Collector or Settlement Officer may, with the sanction of the Chief Controlling Revenue Authority, make a separate settlement of such waste lands with any person who desires to engage for the same: Provided that, where the settlement of such land shall be made with others than the persons having a preferential right to engage for the same, the latter shall receive a málikána allowance of not less than five and not more than ten per cent. of the amount realized by Government from such separate settlement.

35. In admitting persons to engage for the

Power reserved to Government to protect rights of under-tenants.

payment of the revenue assessed on any local area, the Government expressly reserves to itself the power of interference between such persons and the persons holding under them for the purpose of protecting the rights and interests of such last-mentioned persons, and no claim to any remission or abatement of revenue shall be admitted on the ground of loss sustained by the settlement holder through any decision or order passed in the exercise of such power; but where such decision shall operate to reduce materially the profits derived by the person with whom the settlement has been made, such person may relinquish his engagement, and a new settlement shall be made.

RECORD OF RIGHTS.

36. Every settlement of land-revenue shall include a careful investigation and record of the

Settlement to include record of rights, &c.

rights and privileges of the various classes of the agricultural community holding any interest in the land under settlement. The Settlement Officer shall frame an accurate record of all local usages connected with the various tenures of the land under settlement, and a specification of all persons enjoying the possession of, and property in the land, or vested with any heritable or transferable property therein, care being taken to distinguish the different kinds of possession and property, and the real nature and extent of the interests held, especially where the interests relate to the same subject-matter but are of different kinds or degrees.

37. In the case of pattidári or bhynchára vil-

In certain cases record of rights to include register of coparceners.

lages, or similar holdings, this record shall include an accurate register of all the coparceners, embracing every person who occupies any portion of the land under settlement, or disposes of its produce, or receives the rent thereof either as proprietor or agent for one or more proprietors, together with a detailed statement of the arrangements adopted by the coparceners for the distribution of the profits derived from sources common to the coparcenery where any such exist, and for determining the share of the Government revenue and of the village expenses which each parcener is to contribute, or the manner in which the engaging parceners or intermediate holders collect from the cultivators.

38. The record shall further contain a specification of the rates per bía of each description of land, or kind of produce demandable from the resident cultivators not claiming any transferable property in the land, and the respective shares of the persons engaging for the payment of the Government revenue and the cultivation in land cultivated under engagements for a division of the produce thereof, together with a distinct specification of all cesses or extra collections made by the person paying the revenue to Government.

39. The names of the Patwáris and village watchmen shall also be recorded, together with a statement of the amount and nature of the allowance assigned to them for their services.

Names of Patwáris and village watchmen and their allowances.

40. All entries in the above record shall be founded on the basis of actual possession, and the record shall contain a specification of the precise nature of the authority for each entry in the register. Such entries shall be admissible in all Courts of Justice as evidence of the matter stated, and shall be presumed to be true unless and until they are shown to be false.

41. The Settlement Officer may investigate cases of disputed possession, or alleged wrongful disposesion, if the person complaining appears to have been in possession of the land within one year from the date of the alleged disposesion, and the Settlement Officer may proceed in either case to make an award on the question of possession, leaving the other party to his remedy by a regular suit on the question of title.

42. The Collector or other Settlement Officer shall have the same power for compelling the attendance of any person whom he believes to be able to give him information as to the matter into which he is empowered to inquire under this Part as the Judge of a Civil Court has to procure the attendance of witnesses under the Code of Civil Procedure, and all persons who appear before the Collector or Settlement Officer are bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

Investigations into cases of disputed possession.

42. The Collector or other Settlement Officer shall have the same power for compelling the attendance of any person whom he believes to be able to give him information as to the matter into which he is empowered to inquire under this Part as the Judge of a Civil Court has to procure the attendance of witnesses under the Code of Civil Procedure, and all persons who appear before the Collector or Settlement Officer are bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

PROCEDURE.

Power to compel attendance of witnesses.

42. The Collector or other Settlement Officer shall have the same power for compelling the attendance of any person whom he believes to be able to give him information as to the matter into which he is empowered to inquire under this Part as the Judge of a Civil Court has to procure the attendance of witnesses under the Code of Civil Procedure, and all persons who appear before the Collector or Settlement Officer are bound to state the truth upon all such matters, and to produce such documents and other things as may be required of them.

43. The Collector or Settlement Officer may issue a Commission to take evidence or for local investigation according to the provisions of the Code of Civil Procedure, and may, when empowered by the Chief Controlling Revenue Authority, refer any matter in dispute to arbitrators, whether with or without the consent of parties. The arbitrators shall exercise such powers and adopt such procedure as may be prescribed for them by the Board of Revenue in this behalf.

44. The Settlement Officer may, previously to making or revising any settlement, depute any Tahsildár or other subordinate officer to inquire into any of the matters which the Settlement Officer is empowered or required to investigate for the purpose of making a settlement in the manner provided by this Act. Any officer so deputed shall be deemed to be invested with the power of summoning and examining Patwáris, Gomashtras, or other village officers by whom the accounts relating to the land under settlement are kept, and the Settlement Officer shall have the same powers for compelling the attendance of, and the production of papers by, such persons before the officer so deputed as he has for compelling the attendance and giving evidence before himself of any person whom he may desire to examine under the former provisions of this Act.

45. All judicial proceedings of the Collector or Settlement Officer shall, as regards the attendance of the parties to such proceedings and their representation by agents, and all other matters not hereinbefore provided for, be governed by the rules of the Code of Civil Procedure; and the said proceedings may be held in any part of the local jurisdiction of such Collector or Settlement Officer, provided they are held in a place which is open to the public, and in the presence of the interested parties, if in attendance, or their representatives. An appeal shall lie from all decisions of the Collector or Settlement Officer under this Part to the Commissioner, and from the order of the Commissioner, on appeal or otherwise, to the Chief Board of Revenue.

46. The Collector or Settlement Officer may refer any judicial question pending before him under the provisions of this chapter to arbitration. The arbitrators shall be appointed, and the arbitration shall be conducted, in conformity with such rules as may be prescribed from time to time in that behalf by the Board of Revenue.

The arbitrators may be invested with the powers of a Civil Court in the procuring attendance and in the examination of witness, and their award shall have the effect of a decree of such Court.

There shall be no appeal against the decision of the arbitrators; but the Commissioner, subject to the control of the Board of Revenue, may direct that any case shall be transferred from the one set of arbitrators to another.

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47. The Civil Court may take cognizance of suits brought to set aside any award of the revenue authorities under this Part, if such suit be brought within the period allowed under the law for the time being in force relative to the limitation of suits; but the institution of any such suit shall not operate to stay the execution of the final decree of the revenue authorities, and the Court shall have no power to pass any order affecting the assessment of the revenue payable to Government or the adjustment of the liability to pay the amount assessed amongst coparceners made by competent authority, or in regard to the amount of the málkána allowance to be paid to a non-engaging proprietor, or in respect to the quantity and description of land assigned in partition to the holder of any specific share of a joint estate, except on the ground that such partition was made contrary to local usage.

48. No suit shall lie to any Civil Court for the purpose of setting aside the award of arbitrators, or against arbitrators jointly or severally in respect of any matter submitted to their arbitration.

LA'KHÍ'RA'J TENURES.

49. When the Collector or Settlement Officer is about to assess or revise the assessment of the Government revenue payable in respect of any local area under settlement, he shall issue a notice, to be posted up in some conspicuous place, calling upon persons holding or claiming to hold any land free from such assessment to appear before him within a reasonable period to be fixed in the notice, and produce the documents and evidence upon which they rest their claim to be exempted from liability to pay revenue to Government in respect of such land, and the Collector or Settlement Officer shall, on the expiration of the period fixed in the notice, proceed to the investigation of such claims, and report the result of his inquiry, and his opinion on the merits of the case, for the orders of the Commissioner.

50. The Commissioner shall, after such further inquiry as may be deemed necessary, on a day to be fixed by public notice posted up in his office, and which shall not be less than six weeks from the date on which the Collector or Settlement Officer furnished the party interested with a copy of his report, pass his decision, the record of which shall contain a statement of the subject-matter of the claim and the grounds upon which the decision rests, together with the names of the witnesses and the title and description of every document examined.

51. If the Commissioner decides that the land in question should not be assessed, the decision shall be considered final, except on proof to be established in a Civil Court of the occurrence of fraud or collusion in the previous inquiry. If the Commissioner declares the land liable to assessment, the Collector or Settlement Officer shall communicate the decision to the person holding the land, and shall proceed to make the necessary assessment.

52. If the person to whom such communication is made within two weeks from the receipt of such communication announces his intention of contesting the decision by a civil suit, and tenders security for the payment of the Government revenue which it is proposed to assess on the land held by him, the assessment shall be stayed pending the result of the suit. If the said person fails to furnish adequate security or to sue within one month from the date of giving such security, the Collector may assess the land.

53. Settlement Officers when engaged in making or revising the settlement of any pargana or other local division may, on the application of persons claiming a right of property in lands held free of assessment or at a rate fixed in perpetuity situated within or adjacent to such local division, receive and determine such claim. And the said officers, if satisfied that the claimants possess an hereditary and transferable property in the land or the rent or produce thereof, may, with the sanction of the Local Government previously obtained, make a settlement with them on behalf of the *lákhirájdár* or *mukararídar* for such period as the Local Government shall direct, and shall grant to the claimants leases defining the conditions on which they are to hold their lands subordinate to the *lákhirájdár* or *mukararídar*.

REGISTRATION.

54. The Collector shall keep registers of 'estates,' which shall be prepared and maintained in such form and according to such rules as may from time to time be prescribed by the Chief Controlling Revenue Authority under the orders of the Local Government.

The Collector shall in like manner keep registers of land exempted from the payment of Government revenue.

55. The registers mentioned in the foregoing section shall be maintained so as to contain full information as to all intermediate mutations by transfer of proprietary rights, and for this purpose every Civil Court is hereby required to transmit to the Collector copies of decrees passed by such Court by which the right in or possession of any land is affected, within twenty days from the passing of such decree.

56. All persons succeeding to the property of any revenue-paying estate or land exempted from the payment of revenue, whether by inheritance, purchase, gift, or other form of transfer, are required to notify the same immediately after it has taken place to the Collector of the District in which the estate or tenure is situated. The Collector on receiving such notification shall make such inquiry as may appear necessary to ascertain the truth of the alleged succession to or transfer of the property; and if the succession or transfer appears to have taken place, he shall make the requisite entry thereof in the proper register: Provided that no such entry

shall be held to affect the rights of any other person who may claim and establish any interest in the land to which the entry has reference.

57. Such fees shall be payable in respect of registrations made under the preceding sections as may be fixed by the Local Government from time to time in this behalf; but no fee for a single registration shall exceed one hundred rupees. Any rules framed by the Local Government on this subject shall also prescribe by whom the payment of the fees is to be made.

CHAPTER III.

COLLECTION OF REVENUE.

58. If the whole or a portion of the instalment of Government revenue payable in any month of the era according to which the settlement of any local division has been regulated be unpaid on the first day of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

No interest or other penalty shall be leviable in respect of any arrear of revenue under this Act.

59. An arrear of revenue may be recovered by Process for recovery any of the following processes:—

- (1). By arrest of the person of the defaulter.
- (2). By attachment of the land in respect of which the arrear has accrued.
- (3). By distraint of the moveable property of the defaulter.
- (4). By sale of the land in respect of which the arrear has accrued, or any other land belonging to the defaulter.

PROCESS OTHER THAN SALE.

60. When it shall be determined to put in force against any defaulter the first of the above processes, the *Tahsildár* where the revenue is payable at the *Tahsil*, and the Collector or other duly empowered officer, where the revenue is payable at the Treasury of the district, shall issue his warrant requiring the defaulter to pay the arrear within a time therein stated. If the arrear is not paid within such period, the defaulter shall be arrested and brought before the Collector, who may keep him under personal restraint for ten days, and shall thereafter, if the default continues, commit the defaulter to imprisonment in the civil jail.

61. The Collector may attach the land in respect of which any arrear has accrued and place it under the management of an agent, who shall in regard to such land occupy the position of the person on account of whose default it was attached, and shall be bound by the engagements or other relations which subsisted between such person and any subordinate proprietors or tenants with rights of occupancy. The said agent shall be entitled to manage the land attached and to receive all rents and profits accruing on such land to the exclusion of the person on account of whose default the land was attached, until the arrears of land-revenue due therefrom have been satisfied, or until the defaulter has been restored to the possession of the land.

62. When the attachment of any land for an arrear of revenue accruing therein has been publicly notified, tenants and occupiers of such land shall cease to pay rent to the defaulter, and no payment made by any tenant to the defaulter subsequent to such notification shall be credited to the person making such payment or relieve him from the liability to payment to the agent who has been placed in possession of the land from the date of the attachment, unless it can be shown that, when such payment was made, the person making it was not aware of the notification.

63. When an estate is attached or sold for the recovery of an arrear of revenue, no payment made by any under-tenant in anticipation of the usual period for the payment of rents to the defaulting proprietor shall, whether such payment has been made collusively or otherwise, be credited to the person making the same in account with the person who has succeeded to the possession or management of the estate under the sale or attachment thereof.

64. If an arrear has accrued in respect of the share of any member of a village community, and such community or any member thereof tenders payment of the amount due, the Collector may make over the share of the defaulting member to such community or member thereof on such conditions as he think fit; provided that no such transfer shall be absolute unless the defaulting member fails to re-pay the amount of the arrear within twelve years from the date of his default.

65. When the attachment of any land in respect of which an arrear has accrued is deemed inexpedient, the Collector may, in lieu of such attachment, proceed to recover such arrear by distraint of the moveable property of the defaulter. Such distraint shall be conducted in the same manner as distraints under the law for the time being in force relating to the recovery of the rent of land.

66. If any person against whom either of the processes of arrest or distraint has been taken denies the accrual of the arrear in respect of which such process has issued, and pays the amount claimed under protest, the process shall be immediately withdrawn and the person against whom it issued may sue the Government in any Civil Court for the amount so paid.

67. A Civil Court may order the discharge of a person confined for the non-payment of an alleged arrear of revenue, provided such person tenders sufficient security for the payment of such arrear and of all costs arising out of the proceedings in the said Court; but the Court shall have no power to interfere with the distraint or sale of moveable property for the recovery of an arrear of revenue.

68. When an arrear of revenue has accrued in respect of an estate which is let in farm or held khás, the Collector may adopt any of the remedies specified in clauses (1), (2), and (3) of section fifty-nine for the recovery of such arrear against the defaulting farmer or cultivating tenants who may have come under direct engagements with the Government for the payment of the revenue assessed on such estate.

SALE.

69. No sale shall take place in respect of any arrears of land-revenue without the special sanction of the Board of Revenue previously obtained in each case. Provided that the said authority at the time of sanctioning such sale shall fix the latest day on which such arrears or demands shall be received.

70. When an estate is to be sold for any of the following arrears, that is to say,

First.—Arrears due from estates in the Province of Benares.

Secondly.—Arrears due from estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of estates other than that to be sold.

Fifthly.—Arrears of estates under attachment by order of any Judicial Authority.

Sixthly.—Arrears due on account of *takkávi*, *pulbandí*, or other demands not being land revenue, but recoverable by the same process as arrears of land-revenue.

The following procedure shall be observed:—

A notification in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, must be affixed for a period of not less than fifteen clear days preceding the date fixed for payment in the office of the Collector or other officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Subordinate Judges and in the *Munsif's* Court and *Police Thána* of the Division in which the estate to which the notification relates, or a part of it, is situated, also at the *káchákí* of the *málguzár* of the estate, or at some conspicuous place upon the estate.

Every officer at whose office such Notification is affixed shall give to the person from whom he receives it a certificate that it is so affixed, and every person who affixes or delivers any such notice shall certify the fact that he has so affixed or delivered it to the person under whose orders he did so.

71. The Collector or other officer duly authorized to hold sales under this Act shall, as soon as possible after the latest day of payment, issue notifications in the language of the district, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the official Gazettes, specifying the estate or estates which will be sold as afore-

said, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector or other officer as aforesaid. And except as hereinafter provided, all estates so specified shall, on the day notified for sale, or on the day or days following, be put up to public auction by and in the presence of the Collector or other officer as aforesaid, and shall be sold to the highest bidder. And no payment or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

72. Whenever an estate is notified for sale, the Collector or other officer as aforesaid shall affix a proclamation in the language of the district, in his own office, and as soon thereafter as may be in the Munsif's Courts and Police Thánas within which the estate, or any part of it, is situated, and also at the kácháhrí of the proprietor of the estate, or at some conspicuous place upon the estate, forbidding the ryots and under-tenants to pay rent to the defaulter from the date of the day after that fixed for the last day of payment on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

73. No claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

74. The Collector shall, at any time before sunset of the latest day of payment, receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate.

If the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, is a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, the Judge of the District in which such estate is situated may order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants.

If the party depositing whose money is credited as aforesaid proves before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered or damaged by the sale of the estate,

he shall be entitled to recover the amount of the deposit, with interest, from the proprietors of the said estate.

75. No estate shall be liable to sale for the recovery of arrears which Certain estates not have accrued during the period of its being under the management of the Court of Wards, and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years.

No estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for an arrear accruing whilst it was so held under attachment.

No estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of an arrear of revenue accruing during the period of such attachment, until after the end of the year in which such arrear accrued.

76. The Collector may at any time before the sale of an estate commence exempt such estate from sale; and in like manner the Commissioner of Revenue, at any time before the sale of an estate shall have commenced, may exempt such estate from sale, by a special order to the Collector to that effect in each case; and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate: Provided the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

77. Sales shall ordinarily be made by the Collector or other officer duly authorized by Government in that behalf in the land-revenue kácháhrí at the Sadr station of the district; provided it shall be competent to the Board of Revenue to prescribe a place for holding sales other than such kácháhrí, whenever they shall consider it beneficial to the parties concerned.

78. In case the Collector or other officer as aforesaid is unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he is unable, from any cause, to complete it, he may adjourn it to the next day following, not being Sunday or other close holiday.

If he does so he shall record his reasons for such adjournment, and forward a copy of such record to the Commissioner of Revenue, and announce the adjournment by a written proclamation stuck up in his kácháhrí, from day to day, until he shall be able to commence or to complete the sale; except in the case of adjournments so made, recorded,

and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

79. The purchaser of an estate at any such public sale as aforesaid, shall be required to deposit twenty-five per cent. on the amount of his bid, immediately, or as soon after the conclusion of the sale of the estate as the Collector may think necessary, either in cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed.

In default of such deposit, the estate shall forthwith be put up again and sold.

The remainder of the purchase money must be paid by the purchaser before sunset of the thirtieth day from that on which the sale of the estate took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth.

In default of such payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited to Government, the estate shall be resold, and the defaulting purchaser shall forfeit all claim to the estate, or to any part of the sum for which it may subsequently be sold.

If the proceeds of the sale which may be eventually completed are being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold.

If default of payment of purchase money occurs more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids.

Every re-sale on account of any such default shall be made after notification and in the forms prescribed by section seventy-one, and such notifications shall not be issued until the expiration of three clear days after the day on which the default shall have occurred.

Payment or tender of payment by or on behalf of the proprietor of the arrear for which the estate was first sold and of the arrear which may have subsequently become due, made before sunset of the day preceding the day of the notification of re-sale, and after the defaulting purchaser has made the deposit required by section seventy-nine, shall bar such re-sale.

80. The Commissioner of Revenue may receive an appeal against sale, made under this Act if preferred to him on or before the fifteenth day from the date of sale, or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise.

The Commissioner may in every case of appeal so preferred, annul any sale of an estate made under this Act, which appears to him not to have been conducted according to the provisions of this Act.

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If the sale was in his opinion occasioned by the neglect of the proprietor, the Commissioner may award at the same time to the purchaser a payment from the proprietor of compensation for his loss, not exceeding in amount interest at the current rate of Government Securities on the amount of deposit or balances of purchase money during the period of its being retained in the Collector's office. The order of the Commissioner shall, in such cases, be final.

81. The Commissioner of Revenue may suspend the passing of final orders in any case of appeal from a sale on the ground of hardship or injustice, and represent the case to the Board of Revenue, who may recommend the Local Government to annul the sale. The Local Government in any such case may annul the sale and cause the estate to be restored to the proprietor on such conditions as appear equitable and proper.

82. All sales of which the purchase money has been paid up as prescribed in section seventy-nine and against which no appeal has been preferred shall become final at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

83. Upon a sale becoming final, the Collector or other officer as aforesaid shall give to the purchaser a certificate of title in the following form:

I certify that A. B. has purchased at public auction under Act No. Mahál C, and that his purchase has taken effect on and since the — day of — (*being the date of the day after that fixed for the last day of payment*).

(Signed) D. E., Collector.

The said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons, named from the date specified. The Collector shall also notify such transfer by written proclamation in his own Kácháhrí, in the Court of the Múnsif and within whose jurisdiction, and at the Police station within the local limits of which, any part of the estate sold is situated, and also at the Kácháhrí of the proprietor of the estate, or on some conspicuous place on the estate.

The Collector shall apply the purchase money first to the liquidation of arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the estate in the public accounts of the district, holding the residue, if any, in deposit on account of the late recorded pro-

proprietor or proprietors of the estate sold, to be paid to their receipt on demand in shares proportioned to their recorded interest in the estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of proprietors upon their joint receipt.

If before the payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, such surplus is claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. If the balance of purchase money has in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

84. Any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

85. The annulment of a sale by a Commissioner shall be publicly notified by the Collector or other officer as aforesaid in the same manner as the finality of sales is required to be notified by section eighty-three, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current Public Securities, from the dates on which they were respectively paid in to the date on which the refund is actually made.

86. The party certified as the proprietor of an estate by purchase at public sale for the recovery of arrears of revenue shall be answerable for all instalments of the revenue of Government which may fall due subsequently to the latest day of payment as aforesaid. He must also appear before the Collector, either personally or by his duly authorized agent, and execute the usual engagement for the payment of the revenue assessed upon the land purchased by him.

87. No sale for arrears of revenue or other demands recoverable in the same manner, shall be set aside by a Court of Justice except upon the ground that it was contrary to the provisions of this Act:

And except the contravention thereto the matter in which the sale was contrary to the provisions of this Act must have been declared and specified in an appeal made to the Commissioner under section eighty, and the action in the Civil Court must be instituted within one year from the date of the sale becoming final, as provided in section eighty-two.

No person shall be entitled to contest the legality of a sale after having received any portion of the purchase money.

88. Nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged. When a sale is reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

89. The purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled districts of Benares, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given to enhance at discretion the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:—

First.—Tenures which were held as *istemrarí* or *mukararí* at a fixed rent more than twelve years before the permanent settlement.

Secondly.—Tenures existing at the time of the decennial settlement, which have not been, or may not be, proved to be liable to increase of assessment on the grounds stated in Section LI., Regulation VIII. of 1793.

Thirdly.—Lands held by *Khoud Khast* or *Kudeemee Ryots* having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly.—Lands held under *boná fide* leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly.—Farms granted in good faith at fair rents and for specified areas by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date: Provided that a written notice, specifying full particulars of the position, rent, and area of the lands, the terms of the lease and the names of the parties, shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the public revenue will be materially affected thereby. The exception declared in this clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties: Provided

also, that a purchaser of an estate at a sale for arrears of revenue shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

90. The purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in districts other than those mentioned in section eighty-nine, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and may avoid and annul,

all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager,

all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the last settlement,

all tenures which the first engager might, under the conditions of his settlement, have set aside, altered, or renewed, except *bonâ fide* leases of ground for the erection of dwelling-houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force,

nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former proprietor, except in cases in which such persons may have held their lands under engagements stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by former proprietors from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that, according to the custom of the parganas, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

91. The Local Government may, at any time before a sale for arrears actually made, direct it to be made subject to the leases, assignments, or other encumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burthened his assessed estate, or to such of them as shall appear proper.

In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct.

If the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or if there appears ground to apprehend that by rea-

son of the restriction the future realization of the revenue will be endangered, the Local Government may, at any time before such restricted sale shall have become final in the manner laid down in section eighty-two, direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in clauses 1 to 5 of section eighty-nine.

If after the sale has become final, occasion to sale for arrears an estate purchased with a restriction of the above description, the Local Government may direct that the estate shall be sold without any other restriction than those contained in the exceptions specified in clauses 1 to 5 of section eighty-nine.

In such case should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, the Local Government may direct a portion or the whole of the excess to be paid to persons whose interests, having been reserved at the first, became void at the second sale.

92. Copartners of estates under partition, who may have saved their shares from sale, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner, or who by re-purchase or otherwise may recover possession of the said estate after it has been sold for arrears under this Act; and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale, and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

PART IV.

MISCELLANEOUS.

Court of Wards.

93. The Commissioners shall, within the local limits of their respective divisions, be Courts of Wards for the superintendence of the persons and property of owners of entire estates paying revenue immediately to Government who are either females not deemed by the Local Government competent to the management of their estates; or minors, *i. e.*, persons who have not completed their eighteenth year; idiots; lunatics or others incapable of managing their property; but the superintendence of the Court shall not extend to the persons or property of the proprietors of land not paying revenue direct to Government, nor to joint proprietors of land paying revenue direct to Government both or all of whom may be incapacitated for the management of their affairs.

94. The Court of Wards may in its discretion refrain from assuming the superintendence of the person or property of any proprietor who, under the conditions of the last preceding section, would be subject to its jurisdiction, where, with reference either to the nature and extent of the property or the circumstances of the proprietors such superintendence may be deemed inexpedient.

95. The Collector shall report every case in which it appears desirable that the Court of Wards should assume the superintendence of the person and property of a disqualified landowner, stating, after he has made a sufficient inquiry into the circumstances of the case, the grounds of such disqualification.

96. If the right of the Court of Wards to assume the superintendence of the person and property of a disqualified proprietor is disputed by such proprietor or on his behalf, the case shall be referred to the principal Civil Court of the district in which such proprietor resides, and the said Court shall after investigation determine whether the grounds of disqualification have been established. The order of the Civil Court shall be subject to an appeal to the High Court.

97. The Court of Wards shall, subject to such rules as may from time to time be issued for its guidance by the Local Government, appoint guardians and managers, and adopt such measures as may be necessary for the care of the person, and in the case of a minor for the education of the disqualified proprietor and the proper management of his property; provided that it shall not be competent to the Court of Wards to farm the said property or make any alienation of any interest therein for a term exceeding the minority or other period of disqualification of the proprietor.

98. The Court of Wards shall exercise its functions under this Act subject to the general control of the Board of Revenue.

LEASES.

99. Every proprietor of land may grant leases to, and receive engagements from, his subordinate proprietors, farmers, and tenants in such forms as may be mutually convenient; but no such leases shall extend beyond the term of the proprietor's engagement with the Government, or convey any interest in excess of that which he possesses in the land which forms the subject of such leases.

100. Every lease shall contain a specification of the entire amount of rent to be paid to the proprietor, and the latter shall not be entitled to levy any cesses or payment in excess of such amount. When under any local usage the rent of the land varies according to the produce thereof, the lease

shall specify the quantity of the land and the different descriptions of produce and the rates of rent applicable thereto.

101. When the rate only and not the entire amount of rent payable in respect of any land can be specified, by reason of such amount being ascertainable only after measurement of the cultivated lands or survey of the crops produced thereon, the lease shall contain a statement of the rate and conditions of payment. Where the rent is made payable in kind, the lease shall state the proportion of the crop to be delivered.

COLLECTOR'S POWERS.

102. The Collector or other officer appointed by Government in that behalf shall be vested with a general control over the embankments which are repaired at the expense of the proprietors and farmers of land, and those which are maintained by the Government.

He may call upon the proprietors or farmers to make the necessary repairs of embankments situated within their lands, and if they fail to comply with such requisition, may cause such repairs to be made by the officers of Government, and may recover the cost thereof from the proprietor or farmer in the same manner as an arrear of revenue.

The Collector may require any landholder, farmer, or other person in the possession or management of land, to provide supplies, boats, and other means of conveyance or transport for the use of troops on march through the land in possession or under the management of such landholder, farmer, or manager. Any landholder, farmer, or manager who without due cause neglects or omits to comply with such requisition to the best of his power, shall be liable to a fine not exceeding one thousand rupees, and such fine may be recovered in the same manner as an arrear of revenue.

An appeal shall lie to the Commissioner against any order under this section if made within six weeks from the date of such order.

When a Civil Court under the law for the Management of land under time being in force in regard to the attachment to Collector by Civil Court. of immoveable property makes over any land to the care of the Collector, he shall appoint a manager for the due care and management of such land. If any person holding an interest in such land is dissatisfied either with the appointment made by the Collector, or the conduct of the manager, he may make a representation to the Commissioner, who shall pass such orders thereon as to him may seem fit.

Any land attached by order of a Civil Court, and placed under the care of the Collector, shall remain under such care until the Court withdraws the attachment.

SCHEDULE.

ENACTMENTS REPEALED.

I.—Regulations.

Number and year.	TITLE.	Extent of repeal.
V. of 1795	A Regulation prescribing Rules for the Conduct of the Collector of the Public Revenue in the Province of Benares.	So much as is not repealed.
VI. of 1795	A Regulation prescribing the Process by which the Collector and the Tehseeldars are to realize the Public Revenue payable from the lands in the Province of Benares.	Ditto.
XIX. of 1795	A Regulation for forming a quinquennial Register of the landed Estates in Benares, subject to the payment of Revenue to Government, and of the amount of the fixed annual Revenue payable to Government from each Estate.	Ditto.
LI. of 1795	A Regulation respecting Ryotty Pottahs in the Province of Benares.	Ditto.
LVIII. of 1795	A Regulation for granting to the Collectors a Commission on the Jumma of lands which may be subjected to the payment of Revenue under Section XXVI., Regulation XIX., and Section XXI., Regulation XXXVII., 1793, and Section XXVI., Regulation XLI., and Section XXI., Regulation XLII., 1795; and for determining on what amount such Commission, and the Commission granted to Collectors in case of lands being adjudged liable to the payment of Revenue in consequence of Prosecutions, shall be calculated; and for requiring the Zillah and City Courts in the four provinces to transmit to the Collectors and the Board of Revenue copies of certain decrees in suits between individuals respecting the right to land exempted from the payment of Revenue; and for defining of what decrees regarding malguzarry land the Zillah and City Courts are to furnish the Collectors and the Board of Revenue with copies under Section IX., Regulation IV., 1793, and Section IV., Regulation VIII., 1795.	Ditto.
XV. of 1797	A Regulation for levying certain fees to defray the expense of the Offices for keeping the Records in the Native Languages which relate to the Public Revenue, established under Regulations XXI., 1793, and XXX., 1795.	So far as it relates to the North-Western Provinces.
V. of 1800	A Regulation for extending to the Province of Benares the Rules contained in Regulation VII., 1799, for enabling Proprietors and Farmers of Land to realize their Rents with greater punctuality; as well as such other parts of the above Regulation as are applicable to the Province of Benares.	Ditto.
VIII. of 1800	A Regulation for preparing a general Pergunnah Register of Lands; and for certain alterations in the prescribed Registers of Estates paying Revenue, and Lands held exempt from the payment of Revenue.	Ditto.
I. of 1801	A Regulation to explain and amend part of the Rules for collecting the Public Revenue contained in Regulations VII., 1799, and V., 1800; to expedite the sale of Lands for Arrears of Revenue; to limit the division of Property by such sales; to explain and amend the Rules contained in Regulation XXV., 1793, (extended to Benares by Regulation XXVI., 1795,) for the division of joint Estates, and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII., 1793, as authorizes the separation of certain Talooks from the Zemindaries to which they were attached at the time of the Decennial Settlement.	Ditto.

SCHEDULE—*continued*.

Number and year.	TITLE.	Extent of repeal.
XXV. of 1803	A Regulation prescribing Rules for the conduct of the Board of Revenue and the Collectors; and for declaring the proprietary right in the Lands in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to be vested in the Zemindars and other Landholders, under the terms and conditions of the Settlement of the Land Revenue formed by the Honourable the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	Sections 1 to 28 inclusive.
XXVII. of 1803	A Regulation prescribing the process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the lands in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as is not repealed.
XXX. of 1803	A Regulation prescribing Rules for the the Grant of Pottahs by the Landholders, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to their Under-farmers, Tenants, and Ryots.	Ditto.
XLII. of 1803	A Regulation for forming a periodical Register of the Zemindaries and other landed Estates, paying revenue to Government in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Ditto.
LII. of 1803	A Regulation for establishing a Court of Wards in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Ditto.
VIII. of 1805	A Regulation for extending to the conquered Provinces situated within the Doab and on the right bank of the river Jumna, and to the Territory ceded to the Honourable the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations.	So much as has not been repealed.
VI. of 1806	A Regulation for the more effectual repair of Embankments.	So much as is not repealed.
XI. of 1806	A Regulation for facilitating the progress of Detachments of Troops through the Company's Territories; for affording any requisite assistance to Persons travelling through those Territories; and for extending the Rules contained in Sections LXVIII. and LXXII., Regulation XXII., 1795, in Clauses fifth and sixth, Section XIV., Regulation VIII. 1805, and in Section XXXI. of that Regulation, to the whole of the Company's Provinces subject to the immediate government of the Presidency of Fort William; for the guidance of the Civil Officers in applying for Guards from the regular Battalions; and for modifying the Rule contained in Clause first, Section XII., Regulation I., 1804.	Sections 3 and 4; so far as they relate to the North-Western Provinces.
VII. of 1807	A Regulation for making certain alterations in the provisions which have hitherto been in force in the Province of Benares, respecting persons paying or wishing to pay their Revenue directly to the Treasury of the Collector, instead of paying it through the medium of a Tehseeldar.	So much as is not repealed.
V. of 1812	A Regulation for amending some of the Rules at present in force for the collection of the Land Revenue.	So far as it relates to the North-Western Provinces.
XVIII. of 1812	A Regulation for explaining Section II. Regulation V. 1812, and rescinding Sections III. and IV. Regulation XLIV. 1793, and Sections III. and IV. Regulation L. 1795, and enacting other Rules in lieu thereof.	Ditto.

SCHEDULE—continued.

Number and year.	TITLE.	Extent of repeal.
XII. of 1817	A Regulation for securing the better administration of the Office of Putwarry in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspoore, and its Dependencies.	So far as it relates to the North-Western Provinces.
I. of 1819	A Regulation for replacing the Districts of Dinagepore and Rungpore under the management of the Board of Revenue; for extending the Authority of the Board of Commissioners in Behar and Benares to the District of Goruckpore; for re-establishing Canoongoes and reforming the Office of Putwarry throughout the Province of Bengal; and for explaining and modifying certain Parts of Regulation XII, 1817.	Sections 5, 6, and 7, so far as they relate to the North-Western Provinces.
II. of 1819	A Regulation for modifying the provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of Assessment under Illegal or Invalid Tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of Estates for which a settlement has been made.	The whole, so far as it relates to the North-Western Provinces.
IV. of 1821	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the management or superintendence of any branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate, or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise in certain cases the powers of a Collector of Land Revenue, or of any other Officer employed in the management or superintendence of any branch of the Territorial Revenues; also, for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other Officers appointed to the charge of the Revenues of Pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of Land Revenue.	Ditto.
III. of 1822	A Regulation for modifying the Constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.	Ditto.
VI. of 1822	A Regulation to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the powers and jurisdiction of the several Courts of Wards.	So much as is not repealed.
VII. of 1822	A Regulation for declaring the principles according to which the settlement of the Land Revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspoore, and its Dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	So far as it relates to the North-Western Provinces.
IX. of 1825	A Regulation for extending the operation of Regulation VII, 1822; for authorizing the Revenue Authorities to let in farm estates under temporary leases, on the default of the Malguzars, or to hold the same Khas for a term of years; for modifying and adding to the Rules contained in Regulation II, 1819; and for making certain other amendments in the existing Regulations.	Ditto.
XIII. of 1825	A Regulation to maintain the Settlement made for certain lands held exempt from the payment of Revenue by Canoongoes, in the Province of Behar; and to provide for the future Settlement of such lands as well as of the lands composing other resumed Lakheraj Tenures, with the present occupants, when so directed by Government.	Ditto.

SCHEDULE—*continued*.

Number and year.	TITLE.	Extent of repeal.
XXV. of 1803	A Regulation prescribing Rules for the conduct of the Board of Revenue and the Collectors; and for declaring the proprietary right in the Lands in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to be vested in the Zemindars and other Landholders, under the terms and conditions of the Settlement of the Land Revenue formed by the Honourable the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	Sections 1 to 28 inclusive.
XXVII. of 1803	A Regulation prescribing the process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the lands in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as is not repealed.
XXX. of 1803	A Regulation prescribing Rules for the the Grant of Pottals by the Landholders, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to their Under-farmers, Tenants, and Ryots.	Ditto.
XLII. of 1803	A Regulation for forming a periodical Register of the Zemindaries and other landed Estates, paying revenue to Government in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Ditto.
LII. of 1803	A Regulation for establishing a Court of Wards in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Ditto.
VIII. of 1805	A Regulation for extending to the conquered Provinces situated within the Doab and on the right bank of the river Jumna, and to the Territory ceded to the Honourable the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations.	So much as has not been repealed.
VI. of 1806	A Regulation for the more effectual repair of Embankments.	So much as is not repealed.
XI. of 1806	A Regulation for facilitating the progress of Detachments of Troops through the Company's Territories; for affording any requisite assistance to Persons travelling through those Territories; and for extending the Rules contained in Sections LXVIII. and LXXII., Regulation XXII., 1795, in Clauses fifth and sixth, Section XIV., Regulation VIII. 1805, and in Section XXXI. of that Regulation, to the whole of the Company's Provinces subject to the immediate government of the Presidency of Fort William; for the guidance of the Civil Officers in applying for Guards from the regular Battalions; and for modifying the Rule contained in Clause first, Section XII., Regulation I., 1804.	Sections 3 and 4; so far as they relate to the North-Western Provinces.
VII. of 1807	A Regulation for making certain alterations in the provisions which have hitherto been in force in the Province of Benares, respecting persons paying or wishing to pay their Revenue directly to the Treasury of the Collector, instead of paying it through the medium of a Tehseeldar.	So much as is not repealed.
V. of 1812	A Regulation for amending some of the Rules at present in force for the collection of the Land Revenue.	So far as it relates to the North-Western Provinces.
XVIII. of 1812	A Regulation for explaining Section II. Regulation V. 1812, and rescinding Sections III. and IV. Regulation XLIV. 1793, and Sections III. and IV. Regulation L. 1795, and enacting other Rules in lieu thereof.	Ditto.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XII. of 1817	A Regulation for securing the better administration of the Office of Putwarry in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspoore, and its Dependencies.	So far as it relates to the North-Western Provinces.
I. of 1819	A Regulation for replacing the Districts of Dinagepore and Rungpore under the management of the Board of Revenue; for extending the Authority of the Board of Commissioners in Behar and Benares to the District of Goruckpore; for re-establishing Canoongoes and reforming the Office of Putwarry throughout the Province of Bengal; and for explaining and modifying certain Parts of Regulation XII, 1817.	Sections 5, 6, and 7, so far as they relate to the North-Western Provinces.
II. of 1819	A Regulation for modifying the provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of Assessment under Illegal or Invalid Tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of Estates for which a settlement has been made.	The whole, so far as it relates to the North-Western Provinces.
IV. of 1821	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the management or superintendence of any branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate, or Joint Magistrate, and for authorizing a Magistrate or Joint Magistrate, or Assistant to a Magistrate, to exercise in certain cases the powers of a Collector of Land Revenue, or of any other Officer employed in the management or superintendence of any branch of the Territorial Revenues; also, for explaining the duties of an Assistant Collector of Revenue, and for defining the duties and powers vested in Assistant Collectors or other Officers appointed to the charge of the Revenues of Pergunnahs or other local divisions, or employed in the performance of any portion of the functions ordinarily belonging to the Collectors of Land Revenue.	Ditto.
III. of 1822	A Regulation for modifying the Constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the Territories belonging to the Presidency of Fort William.	Ditto.
VI. of 1822	A Regulation to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the powers and jurisdiction of the several Courts of Wards.	So much as is not repealed.
VII. of 1822	A Regulation for declaring the principles according to which the settlement of the Land Revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspoore, and its Dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling, and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent, and produce of land.	So far as it relates to the North-Western Provinces.
IX. of 1825	A Regulation for extending the operation of Regulation VII. 1822; for authorizing the Revenue Authorities to let in farm estates under temporary leases, on the default of the Malguzars, or to hold the same Khas for a term of years; for modifying and adding to the Rules contained in Regulation II. 1819; and for making certain other amendments in the existing Regulations.	Ditto.
XIII. of 1825	A Regulation to maintain the Settlement made for certain lands held exempt from the payment of Revenue by Canoongoes, in the Province of Behar; and to provide for the future Settlement of such lands as well as of the lands composing other resumed Lakheraj Tenures, with the present occupants, when so directed by Government.	Ditto.

SCHEDULE—*continued.*

Number and year.	TITLE.	Extent of repeal.
XIV. of 1825	A Regulation to declare the extent of the Authority possessed by the Revenue Authorities, subordinate to the Governor-General in Council, in the Confirmation of Lakheraj Tenares; to define the Principles to be followed in determining on the Force and Validity of Grants made by persons exercising Authority in different quarters previously to the Acquisition of the Country by the British Government; and to provide for the due Application of the General Laws and Regulations respecting Lands held free of Assessment, to the Territory ceded by Gobind Rao to the British Government, and annexed to the Zillah of Bundelcund, under the Provisions of Regulation II. 1818.	So far as it relates to the North-Western Provinces.
V. of 1827	A Regulation for modifying the Rules at present in force for the Management of Estates under Attachment by orders of the Courts of Justice in certain Cases.	Ditto.
III. of 1828	A Regulation for the Appointment of Special Commissioners for the more speedy hearing and determination of appeals from the decisions of the Revenue Authorities in regard to Lands or Rents occupied or collected by Individuals, without payment of the Revenue demandable by Government, under the general Law of the country, and for otherwise more effectually securing the realization of the public dues.	Ditto.
IV. of 1828	A Regulation to declare and extend the Powers to be exercised by Collectors, when making or revising Settlements, under the Provisions of Regulation VII. 1822.	Ditto.
I. of 1829	A Regulation for constituting Commissioners of Revenue and Circuit; for establishing a Sudder Board of Revenue; for modifying the Constitution of the Provincial Courts; for transferring to the said Commissioners the Functions now exercised by the Superintendents of Police and those of the Mofussil Special Commissioners, acting under the Provisions of Regulation I. 1821; and otherwise for providing for the better Administration of Civil and Criminal Justice.	Ditto.
IV. of 1829	A Regulation for modifying, in certain Cases, the Rules laid down in Clauses Fourth and Fifth, Section II. Regulation III. 1823, relative to Appeals to the Special Commissioners appointed under that Regulation; also for modifying part of Clause Second, Section X. Regulation I. 1829.	Ditto.
XI. of 1829	A Regulation for modifying the Rules in force relative to the Construction and Repair of Embankments.	The whole.
X. of 1831	A Regulation for vesting in a Deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive Control over the Revenue affairs of the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Saharanpore, Moozuffer-nuggur, and Boolundshuhar, which are now subject to the Chief Commissioner at Delhi, the Province of Kumaon, the Saugor and Nerbudda Territories.	Ditto.
<i>II.—Acts.</i>		
XII. of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of Revenue.	So much as is not repealed.
I. of 1845	An Act to amend Act No. XII. of 1841, entitled "An Act for amending the Bengal Code in regard to sales of Land for arrears of Revenue."	Ditto.
I. of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	The whole.
XXVI. of 1854	An Act for making better provision for the education of male minors subject to the superintendence of the Court of Wards.	Ditto.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General
for making Laws and Regulations.*