

prietors. I do not think, however, supposing the principal advantages to be given them such as hereditary tenures, the right of transfer, &c., that there would be any difficulty about other matters. What they desire particularly is that their own dignity and *status* as heads of villages shall be maintained, that the rayat's position be defined so as to secure to the latter immunity from dispossession so long as they pay a fair rent for their holdings. If the Gaontyas are fairly remunerated either in the shape of land or of a share of the village assets, and are allowed to take up or rent out uncultivated waste lands, also to collect customary dues and perquisites, I am sure they will be satisfied.

Officiating Chief Commissioner's Review.—To this question, also, Major Cumberlege's reply may, I think, be safely accepted as the best information Government can command.

No. 6. *From A. O. HUME, Esquire, C. B., Secretary to the Government of India, Department of Agriculture, Revenue and Commerce, to the CHIEF COMMISSIONER of the Central Provinces, No. 487, dated Simla, 28th October 1871.*

Letter from Chief Commissioner of the Central Provinces, to Forem Department, No. 2936—241, dated 14th November 1870.	regarding the Settlement of the Sambalpúr District, I am directed to communicate the following observations.
Ditto from ditto to ditto, No. 0, dated 18th January 1871.	
Foreign Department's reply No. 20 R., dated 1st February 1871.	
Letter from Chief Commissioner, No. 1118—31, dated 29th May 1871	
" " " " " 2200—248, dated 17th October 1871.	
Telegram from ditto, dated 18th October 1871.	

2. From the replies to the questions put by the Government of India in its letter of the 1st February last, the Governor General in Council gathers that it is not too late to effect a fairly satisfactory Settlement of the relations between the Gaontyas and rayats in Sambalpúr. There seems to him no question as to what the Gaontyas formerly were. Many of the illustrations given by the district officers consulted on the subject fail to prove that the Gaontya's position was that of proprietor under the Native Government. It seems clear that the Gaontya was not a proprietor until he was declared to be so by the British authorities in 1862. The question now to be determined is—what effect this declaration of the proprietorship had, and how far the Government of India is bound thereby?

3. It is also quite clear that no further action was taken than to declare the Gaontya proprietor, or "Málik" and it was expressly stated, as admitted by Major Cumberlege, that the mutual relations of the Gaontya and rayat were left undetermined, and that all parties know this.

4. Such being the case, the Governor General in Council thinks it quite reasonable and proper, now that further enquiry has proved that this would be inconsistent with the rights of others and with the custom of the country, to modify the first intention of declaring the Gaontyas to be "Máliks." To declare any considerable number of the rayats to be Málik Makbuzas, as Mr. Morris proposed, in order to protect their rights, would be obnoxious to the Gaontyas themselves, and would probably fail, as you have shown, in protecting the rayats; while this new system would require the abolition of bhogra lands, and of the old custom of the country by which no rayat could be dispossessed so long as he paid his dues during the period of Settlement. The obligation of the one would be as repugnant to the Gaontya as that of the other to the rayat. Without, however, resorting to so decided a step as to rescind the Sanads declaring the Gaontyas to be "Máliks," the Governor General in Council thinks the needful measures can be carried out, and that without radically changing what has been already done. .

5. I am to give the following sketch of the arrangements which commend themselves to His Excellency in Council as at present advised. The first thing to be done would be to refer to the former reservation as to the determination of the mutual rights of the Gaontyas and rayats, and proceed to define what rights should be conferred on the former by reason of the declaration of proprietorship, and what rights are to be accorded to the latter.

6. In defining what is meant by the term proprietor, His Excellency in Council would make the definition conform, as closely as possible, to the status hitherto enjoyed by the Gaontya; and this, it is believed, can be done without disappointing the Gaontya's reasonable expectations. He has been led to expect a heritable and transferable right to something; what that something is, has never

been defined, but it implies at any rate a superior status and profitable income. These may be secured by assigning the following rights, privileges and conditions to the position of Gaontya :—

- I. Hereditary and transferable right in perpetuity to hold, free of assessment, a certain quantity of bhogra land, and with it the right of collecting the revenue and managing the village.
 - II. The right of receiving, during the term of the Settlement now to be made, the assessment on all uncultivated and unoccupied land that may be brought under cultivation during the currency of the Settlement. Of course waste land reserved by Government would not be included in this.
 - III. The right of locating cultivators on all land thrown up during the term of Settlement.
 - IV. Full power over the occupants of bhogra land, who will be tenants-at-will.
 - V. The privilege of receiving a Nazarána (the amount of which should be fixed) from every occupant of other than bhogra land on transfer of his interest therein.
 - VI. The Gaontya to be responsible for the collection of the revenue, the keeping and rendering such accounts as may be required of him, to have the general control of the village police and other village servants, and to perform such duties as may, by the custom of the country, be assigned to the head of a village.
 - VII. In allowing the transfer of the rights referred to in the first clause, it will be necessary to provide that the transfer shall carry with the bhogra land the obligations of a Gaontya under the last preceding clause, and the necessity for making due provision for the performance of the duties of the office of Gaontya.
7. Bhogra land will be exempt from assessment to the extent hitherto held and cultivated, up to a maximum of one-fourth the whole land assessment of the village. All in excess of this one-fourth will have to pay Government assessment, but will remain the property of the Gaon-

tya; and the cultivators will remain tenants-at-will, or make such arrangements, as they can, with the Gaontya.

8. In other lands no ouster should be permissible, except for non-payment of the revenue fixed, at the time of Settlement; and the occupants will have a heritable right, subject to payment of the fixed revenue to the Gaontya, and a transferable right, subject to paying, on transfer, Nazarána to the Gaontya.

9. The system of re-distributing the lands cannot be suddenly stopped. In the event of a re-distribution, each cultivator should have the same rights on the new land as he had on the old. If the assessment be fixed on each parcel of land, then the occupancy may be changed by a re-distribution; still the fixed assessment, and no more, would be levied by the Gaontya from any individual occupying.

10. Act X. of 1859 is wholly inconsistent with the ancient tenures and usages of Sambalpúr, and it is absolutely necessary to exclude this district from its operation. It may be superseded by a clause in the rules framed under the Settlement. Government cannot create a class of occupancy rayats holding on favourable terms, or as co-proprietors with the Gaontyas; nor can it give the latter unlimited power over the rayats except on bhogra lands.

11. As to the mode and term of Settlement, a long period is wholly unsuitable, and it should be fixed for ten or at most twelve years. It seems hardly necessary to maintain a regular Settlement establishment. The district officer, with some assistant, might probably carry it out, and the present Commissioner of the Division would be the most competent person to control the operations. The village boundaries have, it is believed, been already demarcated; the bhogra land must be accurately measured and defined; and for the rest a division according to the Native "Puris" and an assessment by appraisement would probably suffice for the present, and would cause less excitement than a more regular and detailed survey and assessment for which the people are not sufficiently advanced.

12. But before coming to a final decision, the Governor General in Council desires that, as you propose to proceed to Sambalpúr in the beginning of the next cold weather, you will submit a full report on the subject, after you have visited the locality, with reference to the views above set forth.

No 7. *Letter from J. W. NEILL, Esquire, C.S., Officiating Secretary to the Chief Commissioner, Central Provinces, to the SECRETARY to the GOVERNMENT of INDIA, Department of Agriculture, Revenue, and Commerce, No. 637-40, dated Nágpur, the 26th February 1872.*

I am directed by the Officiating Chief Commissioner to submit now, as requested in the concluding paragraph of your letter No. 487, dated 28th of October 1871, a brief report on the manner in which he considers the Settlement of the land revenue in the Sambalpúr District should be effected.

2. The Officiating Chief Commissioner has himself visited the Sambalpúr District and has discussed all questions connected with the Settlement, with the Deputy Commissioner, Captain Bowie, and the Settlement Officer, Mr. Russell. Major Cumberlege, the Commissioner of the Chhattisgarh Division, was unfortunately obliged by ill-health to proceed on sick leave to Europe before the receipt of your letter already referred to, and Colonel Keatinge had not therefore the advantage of his presence when making his enquiries in Sambalpúr; but Major Cumberlege and Captain Bowie, the Deputy Commissioner, were so thoroughly at one on all points connected with the matter in hand, that it may be held that Major Cumberlege would have acceded to what Captain Bowie has accepted as a good compromise between the claims of the Gaontyas, or village managers, and the body of rayats.

There was moreover with Colonel Keatinge, while on tour in the Sambalpúr District, Mr. J. W. Chisholm, who had also been mixed up with the Sambalpúr Settlement question and he concurs with the other officers in holding that the rights, which it is now proposed to confer, will meet with the acceptance of the people themselves, and will be considered fair and equitable.

3. Having premised so much, I am to explain that, with one exception, which will be referred to hereafter, the various proposals made in paras. 6, 7, 8, 9 and 10 of your letter of the 28th October have been accepted unreservedly; but, in order that the nature of the Settlement as now proposed may be clearly set forth in this letter, I am to describe the rights and privileges which will be conferred on, and secured to, the Gaontyas, and on the other hand, those which will vest in the rayats.

The Settlement will be made Mauzahwár, or for each village, and the Settlement will be made with the Gaontya who will be responsible for the Government revenue.

At present the cultivated area of the village is divided into bhogra and rayati lands. The bhogra lands are managed solely by Gaontyas, as home farms; the rayati lands are distributed among the cultivators.

In consideration of the responsibility for the revenue accepted by the Gaontya, and of the duties attaching to his office as manager and village head, there will be conferred on the Gaontyas *the heritable and transferable right* to hold in perpetuity free of assessment the bhogra land at present held and cultivated by them, up to a maximum of one-fourth of the whole land assessment of the village. All bhogra land in excess of this will be assessed and have to pay land revenue, but in every other respect it will belong to the Gaontya in the same way as the bhogra land held revenue-free.

To the Gaontya will also be conceded the right of receiving, during the term of Settlement, rent on all uncultivated and unoccupied land that may be brought under cultivation during the currency of the Settlement; but such rents are not to exceed the rate of assessment on the rayati land of a similar class.

The Gaontya shall have power to locate cultivators on all land thrown up during the term of Settlement—the assessment on such land remaining unaltered.

From cultivators on his bhogra land the Gaontya shall have the right to demand such rent as he thinks fit. Such cultivators will be mere tenants-at-will.

The Gaontya will be responsible for the collection of the revenue, and the keeping and rendering of such accounts as may be required of him. He will have general control of the village servants, and perform such duties as by the custom of the country are assigned to the head of a village.

The persons on whom the bhogra lands are conferred as Gaontyas, and those who may derive from them hereafter in any way any portion of such bhogra lands, shall be under the obligation of providing for the due performance of the duties of the office of Gaontya, and will be entitled to hold their land on that condition only. The rights which

will be conferred on Gaontyas have thus been enumerated, and it will be noticed that they are exactly in accordance with the suggestions contained in proposals I, II, III, IV, VI, and VII, of para. 6 of your letter of the 28th of October, and with para. 7 of the same letter.

4. Before passing to the rights to be secured to the cultivators or rayats, I am to note one point on which the Officiating Chief Commissioner would request that a little latitude be allowed in making this Settlement.

It has been stated that the Gaontyas are to hold free of assessment their bhogra lands up to one-fourth of the total assessment on the village lands.

It has been represented to the Officiating Chief Commissioner that in some villages this rule will press very hardly. The villages referred to are those in which many sharers exist and in which the Gaontyas are poor people who would feel aggrieved by having to pay revenue for portions of land which they have enjoyed rent-free for some generations. In other villages the bhogra land falls short of an equivalent to one-fourth of the assessment. In dealing with the former class of cases where the bhogra exceeds an equivalent in land of one-fourth of the assessment, and is divided already amongst many sharers, the Officiating Chief Commissioner would suggest that the circumstances of each case be considered, and that the excess bhogra land should not be assessed, if the sharers would feel the curtailment of the revenue-free land severely. The loss would be made up by other Gaontyas holding less bhogra land than would give an equivalent of one-fourth of the assessment on the village. The Deputy Commissioner states that the amount of bhogra land in each village appears to have been determined more by the number of sharers than by any other circumstance.

5. I am next to advert to the position which the rayats are to occupy.

They are located on the rayati land, and the Government revenue will be assessed on their several holdings. So long as they pay the amount of the assessment, as fixed at the time of Settlement on their holdings, they will not be liable to ouster, and non-payment of the revenue assessed shall be the only ground on which they can be dispossessed.

The rights thus conferred on the rayat will be heritable, but they will not be transferable.

The present system under which the rayati lands are periodically redistributed among the rayats may be allowed to continue without in any manner affecting the rights of the rayats, which shall continue to each rayat in the new land assigned to him at each of such periodical redistributions. If at such redistribution a rayat receives a larger or a smaller share of land, by consent of the village community, he shall pay on such larger or smaller share of land the revenue demandable according to the rate of assessment fixed for such land at the time of Settlement. It will be necessary to stipulate that no man can be forced against his wish to receive a share of land considerably larger or smaller than what he held at the time of Settlement.

In declaring that the rayats shall not have a transferable right in their holdings, the Officiating Chief Commissioner has not accepted proposal No. V. of the 6th para., or para. 8 of your letter, in which it was suggested that the rayats should have a transferable right in their holdings, subject to a payment of Nazarána to the Gaontya, and I am to explain why Colonel Keatinge thinks it inexpedient to grant a right of transfer.

His personal enquiries in the Sambalpúr District have convinced him that the people have in many respects but very faint ideas of the nature of property in the light in which we regard it. They are rather inclined to look upon the rayats of a village as a commune or a club, in which every new member on admission has the same rights as the oldest. Hence the notion of selling their rights as rayats has not found entrance into their minds, and the right to sell would not be appreciated by them at the value we set upon it.

The Gaontyas are moreover exceedingly averse to this right of transfer being accorded to the rayats. They make a very strong point of it, attaching more importance to it than to any thing else, and earnestly oppose it, while they evidently consider the other proposals made by Government as fair. Colonel Keatinge's own personal opinion is, that the rayats are so ignorant, that if the right of transferring their holdings is conferred on them, they will sell their land to the Gaontyas for old irrecoverable debts, and for other considerations of no value, and that they will remain on the land as tenants-at-will instead of tenants with occupancy rights or at fixed rents.

The Settlement will be far more popular with the Gaontyas and far safer for the mass if the right of transfer is not accorded, and the right may, if now withheld, be granted hereafter when the country is ripe for it. It is not in the interests of the Gaontyas that the Officiating Chief Commissioner recommends this, though he desires their wishes to be consulted, but it is the interest of the great mass of the rayats that he wishes to secure. They do not demand or care for the right of transfer; the Gaontyas are opposed to their getting it, and it is not for their good that they should have it. ✓

6. The necessity of permitting the redistribution of fields is admitted in para. 9 of your letter. A very considerable period must probably elapse before this system comes of itself to an end.

The extent to which the holding of each rayat is made up of a little plot here and a little plot there, scattered all over the village area, can scarcely be imagined. There are no village maps of the Sambalpúr District, but in Ráipur there prevails a system almost identical, and the accompanying maps of 8* villages in the Ráipur District will serve to illustrate the extent to which the sub-divisions of lands is carried, for the purpose of assigning to each rayat a portion of each kind of land.

Two villages were selected in each tahsil of the Rajpur district, villages containing the average number of occupancy rayats; and in each village the first two and last two occupancy rayats on the list were taken to illustrate the division of land. These maps therefore illustrate the ordinary state of things, and not anything exceptional. Looking then at the maps and bearing in mind that in Sambalpúr the division of land is carried on in the same way, it is clear that it would be impossible to make the status of the rayats depend on their retaining their present plots. To do so would be to prohibit all agricultural improvement, for so long as a rayat has to cultivate a great number of very minute plots scattered about at a great distance from each other, he must lose much time and labour in cultivating them. It is unnecessary to say more on the point, as the Government of India have already expressed their opinion on it.

*Benailpur, Kurelle, Rancherai Koomharee, Dongaree, Torla, Bendree, Sirree.

The rayats then would be secured in the cultivation of their fields or share of the rayati land at fixed rents for the time of Settlement. Rayats cultivating the bhogra land of the Gaontya would be his tenants-at-will, but rayats to whom it may be permitted to break up waste land would pay rates not exceeding those imposed on rayati land. The rights of the rayats will be heritable but not transferable.

In this manner it may be confidently believed that the position of these men will be secured, and the custom obtaining to the present day interfered with as little as possible.

7. Act X. of 1859 cannot be allowed to continue in operation in the district, and a Notification will have to be issued exempting the district of Sambalpūr from the operation of it. It may not be necessary to trouble the Legislature with this matter, as the Act was introduced into Sambalpūr by a Notification of the Governor General in Council only, and the same authority would probably have powers to amend or withdraw such a Notification. Under this view of the case a Notification is appended for publication in the *Gazette of India*.

The Officiating Chief Commissioner is of opinion that Act X. of 1859 is equally inapplicable to the other districts of the Chhattisgarh Division, but on that subject a separate communication will be made.

8. The only points which remain to be discussed are the mode and term of Settlement.

The Officiating Chief Commissioner proposes to entrust the carrying out of the Settlement to Mr. A. M. Russell, under the general control of the Deputy Commissioner of the district, and the Commissioner of the Division. No large establishment will be required. The manner in which the assessment will be made, will be by "Puris." The number of Puris sown in each village, will enable the Settlement Officer to judge roughly of the area under cultivation. The two things to guard against are the variations in the size of the "Puri" and inaccurate statements regarding the number of Puris sown. But this is a matter which requires care and personal supervision, and in Settlement operations everywhere similar difficulties are met with.

No boundary and field survey will be attempted, but a khasra or register of fields will be prepared. This will show for each field the name of, and particulars regarding, the

cultivator; the amount of land according to seed measure, and the quality of the land, and the nature of crop raised—remarks being added showing the amount of irrigation, the number of wells, &c.

This and similar statements showing the area held by each rayat, the amount paid by him as rent, the number of ploughs, &c., will enable the Settlement Officer to fix the assessment on the village.

These proposals are generally in accordance with the suggestions contained in the 11th paragraph of your letter, but in it you say that the bhogra land must be accurately measured and defined. This I am to remark could not be done without an expenditure quite incommensurate with the result to be obtained. The bhogra land is not all in one block; these lands are dotted in minute patches all over the village area, and if they were measured they could not be mapped unless the connecting fields were also surveyed. At present the minute sub-division of holdings renders it impossible to make a map at a moderate cost, and the short period for which the Settlement is to last makes it less necessary to have such a map, as at the next Settlement there will be plenty of evidence to show how things stood when the present Settlement was being made.

The Officiating Chief Commissioner hopes that His Excellency in Council will approve of this proposal to estimate the extent of the bhogra lands in the same way as the village lands generally, and to carry out the Settlement in the manner that has been sketched out.

9. The period for which the Settlement is to last might be fixed at 12 years. The local officers are very anxious that this longer period should be allowed.

10. There are one or two points which, as they were not in any way touched on in your despatch of the 28th of October, have been reserved till the end of this letter.

One is regarding the village servants who are to be appointed, and the manner in which they are to be remunerated.

Colonel Keatinge would lay down as a rule that no village servants not now existing should be created, and that such as exist for public purposes should be remunerated by grants of land held on condition of service. This service must be regulated and in many cases curtailed. The

Officiating Chief Commissioner's instructions would be to the effect that the existing order of things should not be suddenly upset, and that the remuneration of village servants should not exceed 2 annas in the rupee of the revenue assessable on the village ; 4 annas are given to the Gaontya and a maximum of 2 annas more should provide for all the village servants. I am directed to explain that in suggesting so large a maximum percentage Colonel Keatinge is influenced by the fact that some of these so-called village servants are in reality far more than the name implies. They are in many cases the descendants of the original owners of the soil, remnants of an old race which will not advance even at the slow pace of the backward districts. Their duties are often of a semi-religious character and are prized by the community. The individuals referred to often reside in small detached hamlets situated on their own rent-free lands. Their claims to consideration on the grounds of long possession are generally superior to the Gaontyas'. Their existence is inconvenient from a financial point of view, but they are men it would be both impolitic and dangerous to disturb rudely.

A second question is that affecting the Zamindáris of the Sambalpúr District. There are 22 of them comprising in all 1,132 villages. These Zamindáris are held on different tenures ; some of them, such as Phuljhar and Borasambur, were formerly Garhjât States, the most of which have been constituted feudatories. On the whole, it seems necessary that the circumstances of each Zamindári should be considered separately, and a detailed report submitted, the assessment on each being fixed in consideration of its previous history and present condition.

11. The last point which the Officiating Chief Commissioner desires on this occasion to bring before the Government of India is that concerning Bhet-Begár, a custom known in various other parts of India, but which has generally become obsolete under our rule. Each cultivator in Sambalpúr continues to send his plough with a pair of bullocks and a man for one day in the year to till the Gaontya's Bhogra, and he sends one man for a day during the harvest time to cut the Gaontya's paddy. If the labour is not supplied, then a money payment at the rate of 2 annas for the plough or 1 anna for a man has to be made.

The Officiating Chief Commissioner has satisfied himself that, were this custom at once to be discontinued and its

enforcement forbidden by Government, a large portion of the bhogra land would be thrown out of cultivation, and there would be sorrow and discontent in every Gaontya's house throughout the district. Any sudden interference would also, in the end, recoil on Government, as it would have to compensate the Gaontya in one shape or another. The rate above mentioned or any other fair sum of money might be determined as the compensation of the Gaontya for the labour withheld when it is not rendered. This has been fixed in some places, but it might be recorded in all the village papers. If this rate is kept stationary, the decreasing value of money, which must accompany the opening out of the country, will in the end make the Bhet-Begár merely a light tax, which will be considered in the Gaontya's remuneration, and can be remitted in years to come on the occasion of a new Settlement at enhanced rents being made.

Proposed Notification for Gazette.

The Governor General of India in Council is pleased to exempt the district of Sambalpúr in the Chattisgarh Division of the Central Provinces from the operation of Act X of 1859 as amended by Act XIV of 1863, which was extended to the Central Provinces generally by Notification No. 131, dated 2nd March 1864.

No. 8. *Letter from A O HUME, Esq, C. B., Secretary to the Government of India, Department of Agriculture, Revenue and Commerce, to the CHIEF COMMISSIONER of the Central-Provinces, No. 425, dated Calcutta, 1st May 1872.*

I am directed to acknowledge the receipt of your Secretary's letter No. ⁶³⁷/₄₀, dated 26th February last, regarding the Settlement of the Sambalpúr District, and to state that the Governor General in Council considers your report very satisfactory. You have been able to carry out successfully the scheme suggested by the Government of India with only one or two exceptions which do not affect the essentials of the system proposed.

2. With reference to your remark in the first paragraph* on page 2 of your letter the Government of India assumes that the bhogra land to be held by the Gaontyas free of assessment is to be limited as a maximum to $\frac{1}{4}$ th of the

* i. e., the 4th subdivision of numbered para 3.

whole of the *present* land assessment of the village, leaving Government free at a future Settlement to prescribe what shall be the share on the higher assessment then probably assessable.

3. In the second paragraph on† the same page, you propose that the rents to be realized by the Gaontya on all uncultivated and unoccupied land which may be brought under cultivation during the currency of the present Settlement should not exceed the rate of assessment on the rayati land of a similar class. It is presumed that by this is meant rayati land of the same class *in the same village*.

4. As you have shown sufficient reasons for holding the transfer of the occupancy rights to be inexpedient in the present condition of the district, the Governor General in Council fully approves of the modification suggested in paragraph 5 of your letter.

5. His Excellency in Council also approves of the modification proposed in paragraph 4 in regard to the assessment of bhogra land, in excess of $\frac{1}{4}$ th. He hopes, however, that with the improvement of the district, the excess will be absorbed in a future Settlement and that the total amount of bhogra land will be brought within the limit now prescribed.

6. In respect to the point raised in paragraph 7, viz., whether the district of Sambalpūr can be withdrawn from the operation of Act X. of 1859, by a simple Notification published in the *Gazette of India*, I am directed to say that the Governor General in Council is of opinion that this cannot be done, and that it will be necessary to have recourse to legislation. I am therefore to request that you will be good enough to submit a draft Act which will meet the case, not only of Sambalpūr but of other districts in the Central Provinces which it may be desirable to withdraw from the operation of the Act.

7. Your proposal for fixing the term of the present Settlement at 12 years is approved.

8. The Governor General in Council agrees to defer the measurement of the bhogra land provided care be taken to prevent the successful prosecution of under-claims at future

† i. e., the 5th clause of numbered para 3.

settlements. To secure this object it will be necessary to make a sufficiently accurate record at the present moment.

9. The suggestions contained in paragraph 10 regarding the appointment and remuneration of village servants are approved, on the understanding that 2 annas in the rupee of the revenue assessable on the village will be the maximum rate of remuneration, and that when so much is not requisite or is not in accord with past usage, a smaller grant will be made.

10. The course proposed in the same paragraph for dealing with the Zamindaris of the Sambalpúr District, viz., that the circumstances of each Zamindari should be considered separately and the assessment in each fixed in consideration of its previous history and present condition, is approved.

11. As to the custom of Bhet-Begár mentioned in paragraph 11, by which each cultivator has to provide labor to the Gaontya or to make a money payment in lieu thereof, the Governor General in Council agrees with you that the custom should be gradually abolished. In the present social state of the district, your proposal for fixing a rate of compensation for the Gaontya in lieu of the labour withheld, seems reasonable. I am, however, to suggest that the commutation rate should be entered in the village papers, and that these latter should distinctly set forth that the continuance of this usage is only guaranteed for the term of the present Settlement.

No. 9. *Letter from SECRETARY to CHIEF COMMISSIONER, to COMMISSIONER of Chhattisgarh, No. ¹⁸⁰⁶/₉₄, dated 15th May 1872.*

I am desired by the Officiating Chief Commissioner to acknowledge the receipt of your letter No. 40 of the 2nd instant, relating to waste lands in the Sambalpúr District, and in reply to inform you that a Circular will issue almost immediately, giving the policy of Government in the matter of waste lands generally. Meanwhile I am to remark that Captain Bowie's memorandum of the 29th March last, submitted with your letter, is a correct exposition of the Officiating Chief Commissioner's views on the subject as they were explained to Captain Bowie by Colonel Keatinge while on tour in the Sambalpúr District.

2. In Mr. Russell's memorandum of the 16th March, also accompanying your letter, that officer speaks of villages having sprung up which he proposes "to bring on the rent-roll as separate estates and to confer inferior and superior proprietary rights, as the case may be, on the occupants who in all cases expended large sums in clearing the jungle, &c., &c." The Circular above referred to as about to issue will show you that no proprietary rights superior or inferior may be conferred. The persons who have founded villages must be made hereditary managers under Government. The remuneration they receive must in a great measure depend on what they have expended, and if it should appear that they cannot be sufficiently remunerated for capital *lately* expended during a twelve (12) year's Settlement, special sanction should be asked to make their Settlement for a longer period.

Letter from the COMMISSIONER, Chhattisgarh Division, to the SECRETARY to the CHIEF COMMISSIONER, Central Provinces, No. 40, dated 2nd May 1872.

I have the honour to forward herewith in original, for the

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| <ol style="list-style-type: none"> 1. Letter No. 50, dated 8th April 1872, from the Settlement Officer, to the Commissioner. 2. Memorandum by Captain Bowie, the Deputy Commissioner, Sambalpur, dated 29th March 1872. 3. Memorandum by the Settlement Officer, dated 16th March 1872. | orders of the Chief Commissioner on the points mooted, the papers noted |
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on the margin as received from the Settlement Officer, Sambalpur, on the subject of Waste Land Clearance Rules to be introduced in that district.

2. I would point out at the same time that unless there is a large surplus of cultivators, requiring room, any special inducement to take up fresh lands will probably seriously injure the existing amount of cultivation, and therefore the present rules for the separation of Government wastes seem quite liberal enough

Letter from the SETTLEMENT OFFICER Sambalpur, to the COMMISSIONER, Chhattisgarh Division, Raipur, No. 50, dated Camp Koolabeeny, 8th April 1872.

I have the honour to submit, for your consideration and orders, a memorandum on Waste Land Clearance Rules which I forwarded to the Deputy Commissioner, together with a copy of his memorandum on the same.

2. In proposing the grant of clearance leases I meant that these should only be given after a sufficient area of waste land had been reserved for the supply of firewood, grass, bamboos, building wood,

&c., to the people of the district, attached to the areas of the villages to which they have hitherto belonged.

3. As regards the defining of forest tracts for the use of the people, which "should be large and well defined blocks within the limits of which no cultivation should be allowed," I would solicit particular instructions, as this has not been done in any of the districts with the Settlement of which I have been connected, nor do any orders exist on the subject, I believe.

4. The "system of cutting off small plots," alluded to by the Deputy Commissioner, was strictly prohibited, and I am not aware that it was done in the districts of Dumoh, Jabalpur or Narsinghpur where the waste lands were reserved or the proceedings connected with them revised and defined by me, and I should of course not adopt the prohibited system here.

Memorandum by SETTLEMENT OFFICER, Sambalpūr.

I have lately gone over the jungle and waste lands situated in the southernmost corner of the Uttartir or Sambalpūr tahsil through the Kundrapat hills, the Gharjhari and Mundher hills situated near the Loising and Joojemirra Zamindāris which abut on the Rehrakol Gurjāt State and through the waste lands of Bursayer, &c, up to the Maltijor river on the boundary of the Bamra Gurjāt State. In these hilly, jungly and waste regions I have passed through large tracts covered with good building timber of moderate dimensions, bamboos, and other forest produce which any body that likes helps himself to at present. As the bulk of these tracts will probably be declared Government wastes as soon as I can collect the requisite statistics and define off the village boundaries to which the wastes have hitherto nominally belonged, their management will be undertaken by the Deputy Commissioner under the Central Provinces unreserved Forest Rules; but as in the said wastes will be found large areas of land at present covered with small jungle, but capable of being reclaimed and converted into good rice-producing fields; it is with regard to such lands that I would now solicit some instructions. If it is intended that the Central Provinces Clearance rules shall apply to this district also in their integrity, I have nothing more to do than to define the Government wastes and send in their registers to the district office. But it occurs to me that some modification of the Clearance Rules, which are too rigid for this district, is called for before we can hope to see our waste lands utilized for agricultural purposes. In my travels I have come across several newly reclaimed tracts, and if we adopted the same system which created them, I am sanguine that many others would be cleared and would thus become a source of revenue instead of continuing to be waste as they mostly do in other districts to which the Clearance Rules have been extended. The system in vogue in this district is for a man to go to the Gaontya of a village having more jungle and waste lands than he knows what to do with, and to take a written

or verbal lease for a certain defined tract. For the first two or three years the land is given rent-free, and then it is stipulated that the lessee shall pay so many rupees and so many "Pustmas" of rice per annum, and that when the tract is fully reclaimed, a fair rent will be settled for. Very often however a Kond or a Gond will settle down in a jungle, clear and cultivate it for two or three years before he is discovered. In this way several new villages have sprung up, and now I shall be able to bring them on the Rent-roll as separate estates, and to confer inferior or superior proprietary rights as the case may be on the occupants who in all cases have expended large sums in clearing the jungle, locating tenants and making tanks, "Kantas" and "Mundas." There are many applicants for waste lands at present who do not care to hold under a Gaontya who very often breaks faith and gives annoyance in various ways, while there are others who would rather see their estates lie waste than give a rood of the land to a neighbouring rival to clear and bring under cultivation; but when the waste lands I allude to become Government property, there will be no lack of applicants for them I am sure, but only on the terms which are understood here and none I fear under the Government Clearance Rules. As the Settlement went on I could receive applications for clearing waste lands under the modified rules I have hinted at, and after reserving all that should be kept as jungle or unreserved forest for fire-wood, building timber, grass and bunboos, I would lease the remainder on the best terms I could make with those most likely to bring them under cultivation. Each tract would of course be properly defined and the lessees would not enter upon possession until my arrangements received the sanction of higher authority. The lessee would be simply such for the term of the Settlement, his claim to recognition of proprietary rights over the tract leased to him or on any portion of it being dependent on the efforts made by him during that time to bring the land under cultivation. Should the terms of the lease not be fulfilled, the land should be liable to resumption, but I would not add any further penalty, such as the realization of rent in arrears for the years during which the land was held. The rent after the second or third years' free occupancy according to the nature of the land to be reclaimed, I would make very moderate and not according to any fixed rule, but according to the discretion of the Settling Officer, who alone can have the best knowledge of the land, and I would make it *Russud-deo*, that is increasing by a moderate enhancement every two or three years, and the highest rate to be open to revision at the next Settlement with due regard to outlay on improvements.

In this manner I have no doubt that many tracts would be reclaimed and become flourishing villages by the time the Settlement now being made comes to an end.

Before submitting this memorandum however for the consideration of the Commissioner, I would solicit an expression of his views on the subject by the Deputy Commissioner, before whom I have reason to believe several applicants have for some time been appearing for

waste lands, who have been told to wait till the Settlement Officer can exclude them from village areas as Government properties under the Waste Land Rules.

16th March 1872

A. M. RUSSELL,
Settlement Officer.

Memorandum by Major BOWIE, Deputy Commissioner, Sambalpur.

I have not a copy of the Central Provinces Clearance rules by me and I am not well acquainted with their provisions; but I am satisfied that waste lands will only be taken up in this district on liberal and easy terms such as have been sketched out by the Settlement Officer. The system which he has proposed for adoption is that which is universally followed in all parts of this district and also in all of the neighbouring Gurjât States, and if any attempt were made to introduce a severe or rigid Code of Clearance Rules the result would doubtless be as the Settlement Officer has put it that we would have no applicants for the lands which would then remain waste as they now are.

Before any clearance leases can be granted, however, it will be necessary to estimate what extent of waste will have to be reserved for the supply of fire-wood, grass, &c., for the people of the district and to define these tracts. On this point the Chief Commissioner's orders should, I think, at once be ascertained. From what I learned in the course of conversation with him on the march down from Bilaspur I believe that he wishes that such forest tracts should be in large and well defined blocks within the limits of which no cultivation should be allowed, and that he disapproves of the system of cutting off small plots from villages which may happen to have more than 200 per cent. of waste and holding these as unreserved forests. He also thinks it of paramount importance that the people should not have to go too far to obtain their supplies of forest produce and to achieve this end would not hesitate to include the areas of perhaps even one or two existing villages in the tracts required for forests.

These, as far as I can remember, are the main points of the scheme which the Chief Commissioner sketched out as that that he would wish to see followed in this district, but he will no doubt desire to give fuller and more detailed instructions with regard thereto, and as the subject is one which has a very close connection with that of the grant of clearance leases, I think that it would be as well if his orders on both points were solicited at the same time.

March 29th, 1872.

No. 10. *Letter from J. W. CHISHOLM, Esquire, Offg. Secretary to the Chief Commissioner, Central Provinces, to the COMMISSIONER, Chhattisgarh Division, No. ¹⁸⁴⁶/₆₅, dated Nágpur, the 7th May 1874.*

I am directed to acknowledge the receipt of your letter No. 1634-36, dated 6th ultimo, forwarding the report of the Settlement Officer, Sambalpúr, Mr. Russell, on the revised assessment of the Uttartir Pargana of the Sambalpúr District, and in reply to communicate the following orders.

2. The Chief Commissioner has carefully analyzed the assessment statistics given in the general settlement at para. 60 of the report, and notes the following figures:—

Existing annual payments made by rayats ...	Rs. 36,857
Estimated annual revenue-paying value of bhogra land	„ 10,016
	<hr/> 46,873
Annual assessment of cultivated land at assumed average rates	„ 61,352
Proposed assessment including Muáfi ...	„ 42,320

Some of the facts in connection with the assessment which Mr. Morris was anxious to have clearly placed before him, this statement does not supply, nor are they furnished in the body of the report. He would particularly wish to see the statistics complete on the following points:—(1) the annual value of the bhogra land which has been exempted from assessment at assumed average rates for the same description of land when held by rayats; (2) the annual value at assumed rates of bhogra lands assessed because in excess of the 25 per cent. maximum limit fixed by Government; (3) the annual value of rayati lands separately at assumed average rates.

3. This information was essential in order to test the

* Letter from Government of India, Revenue Department, No. 487, dated 28th October 1871.

Letter from Chief Commissioner, No. 637-40, dated 20th February 1872.

Letter from Government of India, No. 425, dated 1st May 1872.

contemplate as regards assessment:—

1st.—The absolute exemption from assessment of bhogra lands “to the extent hitherto enjoyed” up to a maximum of one-fourth of the whole rayati assessment of each village.

2nd.—The excess bhogra to be assessed at rayati rates for the same description of land, but such assessment to be waived in special cases where the sharers are numerous and the excess land has been held free for generations.

3rd.—The rayats are to pay for the period of the Settlement the “Government revenue assessed on their holdings.”

4th.—The village servants holding service lands rent-free to be maintained, but the assignment for this purpose in no village to exceed two annas in the rupee on the Government assessment.

4. The fact, then, that the General Assessment Statement failed to afford statistics on important points connected with the Settlement, necessitated a careful scrutiny of the detailed assessment statements for each village, and the conclusion at which Mr. Morris has arrived after examining these is that the Settlement Officer's proposals cannot be sanctioned, because he has apparently seriously misapprehended the orders issued for his guidance. The remarks on the different villages are full of terms quite inapplicable to an assessment which is intended to represent, in the main, the annual payments made as revenue by the rayats. The assessment has not to deal with “gross assets” in a lump as ordinarily understood, nor has it to contemplate a future rise in “rents”, because in most cases the Settlement Officer's jama has to be divided among the rayats in proportion to the value of their holdings, and this done, the payments remain fixed for the period of the Settlement.

5. The objections of the Chief Commissioner to the method adopted in assessment will be illustrated in the case of a single village taken at random from chak No. 1.

Village No. 2, a Birtia tenure. Present jama Rs. 120. Amount of annual payments made by the proprietors, who are also the rayats, Rs. 125. Estimated annual value at rayati rates of land held by the head of the village, Rs. 10. Assessment at assumed average rates Rs. 232.

These are the figures with which the Settlement Officer had to deal, and he says: “I put the assets down at Rs. 210, and deducting 25 per cent. bhogra, fix Rs. 160.”

Now this is not the way, looking at the nature of the assessment, that the figures should be dealt with. The

value of the bhogra at assumed rates should have been stated. Mr. Morris assumes that its value may be taken at Rs. 22, and it may perhaps be considerably less. Deducting Rs. 22 for bhogra the assessment at assumed rates on the rayati land would be Rs. 210. Supposing then the rates suitable,* the jama would be Rs. 210 to be distributed

* In this particular case they appear not to be.

ed over the rayati lands in proportion to the value of the several holdings. In the opinion, however, of the Settlement Officer, to exempt only *the extent of bhogra land hitherto enjoyed* would prove insufficient remuneration to the Gaontya, and he proposes that in this case an exception be made. Therefore, out of the Rs. 210 payments on rayati lands he deducts Rs. 60 for the Gaontya and leaves the Government demand at Rs. 160.

Thus clearly stated it would rest with superior authority to allow the deduction in full or in part according to circumstances, whereas there is no dealing with the assertion "I put the assets down at Rs. 210", when it is not apparent what the value of the bhogra is, and what the circumstances which warrant a withdrawal of a portion of the Government revenue paid by the rayats who in this case are also proprietors.

6. Objections of the same kind apply to nearly all the villages included in the statements, and the essential error which the Settlement Officer has made is in making certain assumptions as to assets, and then, as a rule, deducting 25 per cent. on account of bhogra land, which in the majority of cases represents simply a large unauthorized deduction from the Government revenue. There is no kind of authority for the mode of assessment adopted by the Settlement Officer, and it is in direct opposition to the distinct orders of the Government of India. It has already been noted that the main principle laid down as regards the exemption of bhogra land from assessment was to limit this exemption as regards *all* holders "to the land at present held and cultivated by them," and in cases where the land already held as bhogra exceeded 25 per cent., the surplus was required ordinarily to be assessed at rayati rates. The Chief Commissioner is not in favour of any hard-and-fast rule, and will be prepared to deal liberally with cases *deserving of exceptional treatment. Such allowance must always be made.* But in the present instance it is a prin-

ciple of the settlement that has been set aside by the Settlement Officer, who, notwithstanding the nature of the orders issued regarding the bhogra land, reports that in villages where it was found short of 25 per cent. it was made up by allowing "a drawback on the collections." Such being the case it only remains for the Chief Commissioner to disallow the proposed assessments of the Settlement Officer, and to insist that Government orders on the subject be strictly attended to and fresh proposals submitted in accordance therewith.

7. The cancelment of the Settlement Officer's assessment proposals presents a favourable opportunity for conveying the orders of the Chief Commissioner on the manner in which Mr. Russel should deal with the materials which he has with so much patience and intelligence collected. A form of General Assessment Statement is herewith sent, in which new columns have been added to give the full information which the Chief Commissioner requires tabulated as regards each village. With this information before him the Settlement Officer can have no difficulty in applying the principles approved of by Government to each case. It must be distinctly remembered that the bhogra *as now held* is what requires to be exempted, and that in the majority of villages the new jama is the assessment which has been fixed in the aggregate on the rayati lands, and has to be distributed eventually on their several holdings. Where the "Bhogra" is exceptionally small a drawback on the rayati revenue payments may be proposed, but unless adequate grounds are shown to justify such an arrangement the concession is one which must eventually be disallowed. It is very necessary that the Settlement Officer should cease to attach any weight to the terms "gross assets" and "gross rental," because the assessment with which he is now dealing has nothing to do with these terms. The clear perception of a subject is liable to be clouded when phraseology is employed which though familiar is not appropriate, and there is a singular absence of exactness in some of the expressions which have been employed in connection with the proceedings of this Settlement.

8. A prominent instance of this occurs in writing on the next point to which I am to refer, viz., as regards the assumed average assessment rates detailed in para. 53 of

the report which are wrongly described as "assumed average rent-rates." Now this last expression, as the Settlement Officer is aware, has a special technical signification not applicable to Sambalpúr any more than the term "deduced revenue rates." What the Settlement Officer really presents ~~are~~ assessment or revenue rates—that is, the appropriate payments on the land per Puri, which on the average he considers Government may demand. The assessment rates decided on by the Settlement Officer, as the result of much enquiry seem moderate and suitable, and are approved by the Chief Commissioner. For the best land they range in the different chaks from Rs. 3 to Rs. 2-4 per Puri, or Rs. 0-9-7 to Rs. 0-7-2 per cultivated acre of rice, which is the staple product of the district.

9. In applying these rates the ordinary precautions will be necessary that the future payments to be made by the rayats are in no village too suddenly raised, or reductions too readily admitted where higher payments have already for a series of years been paid without pressure. If the rates themselves are suitable and the villages appropriately classified in each chak, then in the majority of cases the proposed jama will correspond with the figures of the assumed average assessment rate. It seems *prima facie* probable that the rates are uniformly applicable to the different kinds of tenure described in para. 33, but if a departure from rates is necessary it will possibly be in the Birtia or Bhyachara villages where they may press too heavily.

10. In connection with the tenures I am to note that wherever there are rights of two kinds to be satisfied from the profits on the bhogra, it must be distinctly provided who is to retain permanently the profits on the cultivation, and who is to receive the money profit arising from the relinquishment of the Government revenue on the land. The Settlement Officer's remarks on the tenures are interesting. So far as the bhogra is concerned they may be classified as follows :—

The Zamindári or ordinary Gaontyai tenure	...	in which bhogra land is held and managed in common.
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The Talukdari or villages with superior and inferior holders	...	in which the profits of the bhogra have to be shared between both the superior and inferior holder.
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**The Birtia or Bhyachara
tenures**

... in which the bhogra is quite limited and given to the Gaontya as headman of the village, the rayati lands being held and cultivated by the proprietors themselves.

The Pátidári tenure ... in which the bhogra is held separately according to ancestral shares.

The first or Gaontyai tenure is the common one, but in all cases dealing with the bhogra land creates no difficulty. In the Birtia villages where the bhogra is markedly small, a drawback on the collections may be allowed if necessary. But if lower than average rates are considered expedient in proposing the jama for the benefit of all the proprietors, then a drawback as a further concession would scarcely be justifiable. What the Settlement Officer has to consider in these villages is whether the circumstances require that the Gaontya should receive money assistance or the whole proprietors be benefited by a jama considerably short of the assumed average rates. In small villages also the bhogra is often extremely limited, but here the extent of waste is an element to be considered, because the Gaontya has absolute control over this and reaps the full advantage for the period of the Settlement of all new rayats settled on the land. Again the bhogra is sometimes small in reference to the number of sharers who have to divide the profits, and in such cases a deduction from the Government jama, in the shape of a drawback on the collections, may be essential to promote the well-being of the proprietary body. In a word, Mr. Morris desires that each peculiar case be considered and allowed for, the assessment remarks showing the nature of the allowance made and the reasons for the exceptional treatment proposed. All this can be done without departing from the principles prescribed for the Settlement.

11. It is only in the exceptional cases above referred to that the assessment remarks need be lengthy. In the ordinary cases it will be sufficient to state that the assumed rates are suitable, and that therefore the jama is proposed

in accordance therewith on the cultivated area of the rayati lands.

12. With these remarks the Chief Commissioner desires me to return the Village Assessment Statements, and to request that the Settlement Officer will make new assessments in accordance with these instructions and the previous orders of the Government of India. When he has completed his new assessments, the Village Statements will be submitted for the consideration and final orders of the Chief Commissioner.

STATISTICS	
1	Number of Chak or of Circle.
2	Number of Villages in the Chak or Circle.
3	Total area in Puris
4	1st Class or "Bahál"
5	2nd Class or "Berna"
6	3rd Class or "Mál."
7	4th Class or "Al" and "Tikra"
8	Total cultivation
9	Latently abandoned
10	Total Malguzári
11	Resumed rent free land
12	Rent free or Quit rent
13	Barren and waste
14	Caontyas regular Bhogra in Puris
15	Service holdings in Puris
16	Cultivated by Proprietors
17	Cultivated by Riyats
18	Sáyat Sawai
19	Number of Houses
20	Number of persons Agriculturists
21	Do Non Agriculturists
22	Number of Tanks for Irrigation purposes.
23	Amount of annual payments made by Rayats for their holdings
24	Service or extra to land payments
25	Estimated value of "Bhogra" at Rayati rates for lands of the same kind
26	Annual value of "bhogra" at assumed average assessment rates exempted from assessment
27	Annual value of "Bhogra" at assumed average assessment rates not exempted being in excess of the 20 per cent limit
28	Annual value of assumed average assessment rates of lands held free by village servants
29	Annual value of Rayati lands at assumed average assessment rates
30	Produce jama
31	Present jama
32	Proposed jama.
33	Rate of present jama on cultivation
34	Rate of proposed jama on cultivation,

No. 11. Letter from J. W. NEILL, Esquire, Offg. Secretary to the Chief Commissioner, Central Provinces, to the COMMISSIONER, Chhattisgarh Division, No. ⁴⁰⁸⁶₁₇₈, dated Nágpur, the 11th December 1874.

When your predecessor Colonel Cumberlege submitted with his letter No. 163—36, dated 6th of April, a preliminary report by Mr. Russell on the revised assessment of the Uttartir of the Sambalpúr District, the Chief Commissioner in Mr. Chisholm's letter No. 1646-65, dated 7th May, pointed out that Mr. Russell had omitted to furnish certain

* (1.) Annual value of bhogra lands exempted from assessment at assumed average rates on the same description of land when held by rayats.

(2.) Annual value at assumed rates of Bhogra land assessed because in excess of the 25 per cent. maximum fixed.

(3.) Annual value of rayati lands separately at assumed average rates.

essential* information without which the Chief Commissioner would be unable to judge of the propriety of his assessments, and to test the manner in which the

Government orders in connection with the Settlement had been carried out. These orders were summarized as follows :—

1st.—The absolute occupation free from assessment of bhogra lands to the extent hitherto enjoyed up to a maximum of one-fourth of the whole rayati assessment of each village.

2nd.—The excess bhogra to be assessed at rayati rates for the same description of land, but such assessment to be waived in special cases when the sharers are numerous and the excess land has been held free for generations.

3rd.—The rayats are to pay for the period of the Settlement the *Government revenue* assessed on their holdings.

4th.—The village servants holding service lands rent-free to be maintained, but the assignment for this purpose in no village to exceed two annas in the rupee on the Government assessment.

2. The orders were thus prominently brought to the Settlement Officer's recollection, and as it appeared that he had been reducing the Government jama on the rayati land in favour of the Gaontya, he was informed that only in exceptional cases would any Gaontya be allowed to receive a drawback on the Government revenue on account

of the smallness of his bhogra land. In allowing this latitude to the Settlement Officer, the Chief Commissioner said "when the bhogra is exceptionally small a drawback on the rayati revenue payments may be proposed, but unless adequate grounds are shown to justify such an arrangement, the concession is one which must eventually be disallowed."

Regarding the assessment rates the Chief Commissioner expressed himself satisfied, and then went on to say:—

"In applying these rates the ordinary precautions will be necessary that the future payments to be made by the rayats are in no village too suddenly raised, or reduction too readily admitted where higher payments have already for a series of years been paid without pressure. If the rates themselves are suitable and the villages appropriately classified in each chak, then in the majority of cases the proposed jama will correspond with the figures of the assumed average assessment rate."

These instructions were clear and definite, and could not have been misunderstood by any one.

3. The Settlement Officer with Mr. Chisholm's letter before him revised his assessment statements and re-submitted them with some additional information with his letter No. 199, dated 20th August. Colonel Cumberlege, to whom the papers were sent, passed them on with a mere endorsement bearing date 31st August. These revised statements the Chief Commissioner found himself again obliged to return, and Mr. Chisholm in returning them with his letter No. 300-151, dated 19th September, wrote,—

"What Mr. Morris desires me again to point out is, that ordinarily the amount collected from the rayats in each village must be the jama, and that where out of the collections a deduction is made in favour of the Gaontya, full and adequate reasons must be shown. Again, the jama proposed should correspond somewhat closely to the assumed average assessment rates. If a jama considerably higher or lower than these rates is proposed full reasons should be given. In several cases a drawback on the collections, in other a great departure from the rates, has been made. The Settlement Officer has doubtless good

“grounds for his proposals, but the reasons given are not sufficient to support his recommendations.”

“As the statistics now stand it will be impossible for the Chief Commissioner to explain them satisfactorily to the Government of India. The rayats are shown now to pay Rs. 35,932. The new assessment rates would raise their payments to Rs. 50,598. The jama proposed, including muáfi, is Rs. 41,880. The revised jamas therefore fall far short of the rates, and are a small advance on existing payments. This may, and very probably is, susceptible of explanation, but no other explanation is furnished, and the detailed assessments do not justify the proposed figures.”

In the same letter the Chief Commissioner expressed himself satisfied that Mr. Russell, the Settlement Officer, had “made a systematic effort to carry out the orders of Government;” and referring to Colonel Cumberlege’s not having made any remarks on Mr. Russell’s letter, but merely endorsed it, it was said “the Chief Commissioner regrets that you should have forwarded the papers without careful examination. As regards this Settlement you occupy the position of Settlement Commissioner, and it is necessary that you should see that all the details are carried out in the manner contemplated by Government.” Colonel Cumberlege was also directed to summon Mr. Russell to Raipur and to go over the Settlement papers and assessment statements with him personally.

4. Colonel Cumberlege has now sent in a letter No. 138, dated 29th October, together with a letter from Mr. Russell. These letters purport to give the further information required by the Chief Commissioner, and to furnish an explanation of the discrepancy pointed out by him between the application of the assumed revenue rates to the rayati land and the actual jama proposed by the Settlement Officer. In reality they disclose that the Settlement Officer has misinterpreted on one very important point the orders of the Government of India, and that he has imported into the Settlement certain notions of his own.

The first paragraphs of Colonel Cumberlege’s letter are devoted to explaining why he has not exercised any kind of supervision over the Settlement Officer, and the explanation amounts to this, that Mr. Russell was an experienced

Settlement Officer, and that in Colonel Cumberlege's opinion the Chief Commissioner would be best able to say whether Mr. Russell was doing what he was sent to do, Mr. Morris cannot adopt the view of a Commissioner's duties and responsibilities which the acceptance of this explanation would involve, and he is surprised to learn that Colonel Cumberlege did not think it incumbent on him to thoroughly master the instructions that had been given concerning the Sambalpūr Settlement, and to see that Mr. Russell, who was carrying on the Settlement under the Commissioner's orders, was really acting in accordance with those instructions. It has now become clear that Mr. Russell has not been acting implicitly as he was directed, and if Colonel Cumberlege was not aware of it before, he must have become so on the receipt of Mr. Chisholm's letter of the 7th of May. After the very clear and explicit instructions contained in that letter and repeated in the letter of the 19th September, Mr. Morris considers that Colonel Cumberlege and Mr. Russell were much to blame, in that, though they perhaps did not determine to persist in disobeying the instructions of the Government of India repeated by himself, they still postponed giving effect to them. They were most certainly bound to obey those instructions and strictly observe the principles laid down for their guidance. Afterwards having done what was required of them they might, when submitting the Settlement for the Chief Commissioner's sanction, have taken the opportunity of expressing their own views in favour of any modification they might consider desirable in individual cases, or as regards a more liberal construction of the orders of Government than the Chief Commissioner had been able to put upon them. Instead of this they postponed acting on positive instructions given them, instructions which date from 1871; and Mr. Russell's journey and stay of some length at Raipur in personal communication with Colonel Cumberlege, from which the Chief Commissioner expected so much good, has only resulted in their expressing over again views which the Chief Commissioner has already informed them he was unable to adopt.

5. The question at issue is regarding the remuneration of the Gaontyas. Mr. Russell in his letter says he and Captain Bowie, Deputy Commissioner of Sambalpūr, have all along been under the impression that the Gaontyas

were all to have a "Bhogra allowance" of not less than 25 per cent. on the land revenue, and that in some exceptional cases a larger "Bhogra allowance" would be sanctioned. It certainly is difficult to understand how Mr. Russell and Captain Bowie could come to be under such an impression, seeing that the Government of India in letter No. 487, dated 28th October 1871, had said—

"Bhogra land will be exempt from assessment to the extent hitherto held and cultivated up to a maximum of one-fourth of the whole land assessment of the village ;"

and that Colonel Keatinge, when submitting as Chief Commissioner, proposals to Government for the Settlement, wrote—

"There will be conferred on the Gaontyas the heritable and transferable right to hold in perpetuity free of assessment the bhogra land at present held and cultivated by them up to a *maximum* of one-fourth of the whole land assessment of the village." All bhogra land "in excess will be assessed," a proposal which was again accepted by Government.

And yet it is Colonel Keatinge's authority that Mr. Russell invokes. He says, Colonel Keatinge when in Sambalpur informed Captain Bowie and himself and the Gaontyas that the latter would receive "Bhogra allowance" equal to one-fourth the new assessment of each village. Mr. Russell was most certainly mistaken in this. It is entirely opposed to all the notes and papers written by Colonel Keatinge on the subject. Mr. Chisholm, who was in attendance on Colonel Keatinge *at the time*, never understood him to say anything of the kind ; and it may be pointed out that the term "Bhogra allowance" has never, the Chief Commissioner believes, been used or heard of, until this present letter of Mr. Russell was written. Colonel Keatinge always laid down the principle that the Government jama should be assessed on the rayati lands, while the Gaontya should enjoy his bhogra free of assessment up to a maximum of one-fourth the assessment of the village, and Mr. Russell entirely cuts the ground from under his own feet when in paragraph 6 of his letter he says that the proposals accepted in the letter from the Government of India, No. 45, dated 1st May 1872, as "far as 'he' understood them

distinctly implied that the amount of bhogra to be held by the Gaontyas was to be limited as a *maximum* to one-fourth of the whole of the present land assessment of the village." Surely Mr. Russell knows the meaning of the expression "as a maximum."

6. The references made by him to replies to questions put to Colonel Keatinge in no way alter the case. Asked to fix the amount of land revenue to be devoted to maintenance of village servants, Colonel Keatinge fixed two annas in the rupee as a *maximum*, in the same way as four annas in the rupee had been fixed as a *maximum* of the value of bhogra land to be left unassessed. How this answer can bear on the question the Chief Commissioner fails to see; and again when Colonel Keatinge on being questioned whether Government would never allow bhogra land exceeding in value 25 per cent of the whole assessment on the village to remain unassessed, replied that the only case in which it would be allowed would be when it already existed and was extensively broken up into shares; it seems impossible to deduce from his reply the proposition that in every case 25 per cent. of the land revenue was to be secured to the Gaontya.

Mr. Russell has certainly not been fortunate in his attempt to shelter himself under the authority of Colonel Keatinge; and Colonel Cumberlege, who seeks to better Mr. Russell's arguments, fails just as completely. It cannot be accepted that "Colonel Keatinge gave both Mr. Russell and Captain Bowie to understand that the whole of the Gaontyas would be allowed bhogra equivalent to one-fourth of the new assessment," and it most certainly is not the case that "these instructions were supported by certain official documents in the shape of replies to questions." As regards the former statement, Colonel Cumberlege is merely repeating what Mr. Russell told him; as regards the latter, it must be presumed that Colonel Cumberlege never saw, or at any rate never had read the questions and replies to which he refers. Had he done so, he would have seen that the questions were not on main points connected with the Settlement, but on minor points only, and they give no colouring whatever to Mr. Russell's views. Nor can Colonel Cumberlege excuse Mr. Russell by saying that he was in a measure justified in acting on instructions given direct to him by Colonel Keatinge, but

given previous to the despatch of the letter which Colonel Keatinge addressed to the Government of India after his visit to Sambalpúr. If the instructions given him differed from the proposals subsequently submitted to Government and sanctioned, it would have been the bounden duty of the Settlement Officer to have referred the matter and asked which instructions he was to follow. There was, however, no discrepancy between the orders issued by Colonel Keatinge in Sambalpúr, concerning which he recorded a Memorandum which is in this office and the proposals he made to Government after his visit, and so far as the Chief Commissioner can see there is nothing ambiguous in any of his letters regarding bhogra (bhogra allowance is a term he never used) or anything calculated to mislead officers.

The examples of ambiguity given by Colonel Cumberlege do not strike the Chief Commissioner as evidencing anything of the kind. In the first example, the phrase "up to a maximum" shows clearly why all bhogra in excess of this maximum should be assessed; and in the second example, the Gaontyas are to hold free of assessment *their* bhogra lands up to a maximum. The real difficulty that Colonel Cumberlege and Mr. Russell seem to labour under is in not understanding that Colonel Keatinge always understood and wrote of bhogra land as an actual quantity of land differing in each village, and not as a fixed allowance to be made to a Gaontya which should reach the same proportion in all cases.

7. From paragraph 11 of his letter Colonel Cumberlege moreover appears to be perplexed as to whether the bhogra land to be held free of assessment is to be limited to a maximum value of 25 per. cent of the land assessment of the village now being made, or of the village assessment now being revised. This doubt arises from his not having understood the meaning of the paragraph of the Government letter he quotes. The meaning of the paragraph is this, that although the value of the bhogra land left unassessed is for this time to equal one-fourth of the assessment of the village, it will not always bear this proportion, and that the Government does not intend at future Settlements to make over a larger share of land to the Gaontyas, but that while the Gaontyas will always hold free of assessment the whole of the bhogra land now left to them unassessed, at the next Settlement the Government will

benefit by the whole of the increased assessment it can put on the rayati lands, and assessed bhogra lands, while the Gaontyas will benefit by the increased value of their free bhogra only.

And again the meaning of the paragraph of the Government letter quoted in Colonel Cumberlege's 12th paragraph is, that though under certain circumstances the bhogra land left unassessed at this Settlement may exceed in value one-fourth of the village assessment, yet on the occasion of the next assessment the rayati lands will bear an increased jama, or waste lands taken into cultivation will have assessed on them their proportionate share of the jama, while the bhogra lands remaining the same will alter the proportion of value between them.

It is a very great pity if these orders were not understood that an interpretation was not asked for, but as they stand it is impossible to see how Mr. Russell could think they gave him "latitude for dealing with all Gaontyas according to circumstances."

8. In paragraph 14 again of Colonel Cumberlege's letter, he notes that provision has never been made for cases where "the bhogra land might be infinitesimally small," and this he says "led Mr. Russell to believe that he was to deal with each case on its merits and to make such arrangements as would not, to use the terms of the Government itself, disappoint the Gaontyas' reasonable expectations with reference to what they had been led to expect in 1862 when they were declared proprietors." On this it may be remarked that Government never thought of satisfying the expectation of each individual Gaontya, but only of the Gaontyas as a body; and as Government had determined to leave to the Gaontyas their bhogra land unassessed up to a certain maximum, and as it was established that up to the present time the Government jama has always been distributed over the rayati lands and paid by the rayats, while the Gaontya has enjoyed all of his bhogra, the Government came to the conclusion that the reasonable expectations of the Gaontyas would be fully realized if proprietary right was secured to them in their bhogra land. The Government had no intention of equalizing the Gaontyas' profits of their share of the value of the village all over the country, or of leaving the Settlement Officer to do so. It wanted things to remain as they were. In excep-

tional cases, however, when the bhogra land is “infinitesimally small” and when no reduction from the assumed revenue rates has been made on the rayati lands, Mr. Morris in his Secretary’s letter of the 7th May has expressed his willingness to allow a small drawback on the Government demand to the Gaontyas; but beyond these exceptional cases he then said, and he now repeats, he cannot undertake to depart from the principle that has been laid down.

9. From this it follows that the Chief Commissioner is quite unable to “allow the new assessments to be reviewed on the principles on which they are avowedly based. On the contrary, he must insist that the assessments be reviewed on the principles laid down by Government and explained in detail in Mr. Chisholm’s letter of the 7th May. No time should be lost in doing this, and there can be no difficulty in carrying out the revision expeditiously, for with the information which Mr. Russell has the revision will be in most cases practically a mere matter of arithmetic. Should the Gaontyas suffer from disappointed hopes in consequence of the orders now issued, the fault will lie entirely with the Settlement Officer who has endeavoured to pledge Government, and with the Commissioner who failed in the supervision he was expected to exercise. The Chief Commissioner desires that you will convey to Mr. Russell a severe admonition for his persistent disinclination, almost amounting to refusal, to carry out the orders of Government, and that you will see that he now promptly and carefully revises his assessments. After they have passed under your careful revision they should be forwarded for the final sanction of the Chief Commissioner and the Government of India.

A copy of this letter will be sent direct to Colonel Cumberlege.

Letter from Lieutenant-Colonel A. B. CUMBERLEGE, Commissioner, Ohhattisgarh Division, to the SECRETARY to the CHIEF COMMISSIONER, Central Provinces,—No. 138 of 1874, dated Raipur, 29th October 1874.

With reference to your No. 3300-157, dated the 19th ultimo, I have the honour to submit herewith, for the information of the Chief Commissioner, the accompanying copy of a letter No.—, dated the 26th current, from the Settlement Officer, Sambalpúr, together with copy of the memorandum therewith received.

2. The final orders of the Government of India in the matter of the Sambalpúr Settlement were communicated during my absence

in England, and by the time that I returned in November last, the assessments of one-half of the district had been pretty well completed, and as Mr. Russell was an experienced Settlement Officer, I of course presumed that he had been carrying on his operations in strict accordance with the orders and intentions of Government and the Administration.

3. It was not therefore until the assessment papers for the Sambalpúr Tahsil were sent in that attention was drawn by you in letter No. 1646-65, dated the 7th of May last, to the fact that Mr. Russell had adopted a mode of assessment for which there was "no kind of authority," and which was "in direct opposition to the orders of the Government of India."

4. The Settlement Officer was accordingly ordered to remodel his assessments and to submit the same for sanction according to a form furnished.

5. Mr. Russell accordingly submitted the required statements, which I contented myself with passing on to the Chief Commissioner unquestioned, as I thought that as the Chief Commissioner had himself carefully scrutinized the former papers, he would be better able than I was to judge whether Mr. Russell had done all that was necessary, or whether anything further would be required.

6. In fact as I knew that the Chief Commissioner had been in personal communication with Mr. Russell when he was at Sambalpúr, and as Mr. Russell had informed me that Mr. Morris had himself looked at the assessment papers of the Sambalpúr Tahsil and had expressed his approval thereof in general terms, I thought it as well not to put forward any further views of my own unless I was called on to do so.

7. In your letter under acknowledgment I was called on to scrutinize the assessment papers carefully, and to summon Mr. Russell to Rámpur in order to obtaining from him full explanations on all important points. Mr. Russell has accordingly been here for the last 10 days or so, and during that time I have discussed the matter with him on several occasions, but as it will be seen that Mr. Russell based his assessments on direct instructions issued to him by Colonel Keatinge when he was at Sambalpúr, and as it would also seem that Colonel Keatinge gave both Mr. Russell and Captain Bowie, and also the Gaontyas, to understand that the whole of the Gaontyas would be allowed "Bhogra" equivalent to one-fourth of the new assessment, and as moreover these instructions were supported by certain official documents in the shape of replies to questions, I think it must be allowed that notwithstanding the terms of the Government letter 487, dated the 28th October 1871, quoted by you, and which it may be noted was not the *final* decision of the Government of India, the Settlement Officer was in a measure justified in acting on instructions issued direct to him by Colonel Keatings *subsequently* to the receipt of the above letter but *previous* to the letter which Colonel Keatings addressed to Government after his visit to Sambalpúr.

8. From Colonel Keatinge's letter to Government it would certainly appear that it was contemplated that in certain cases Gaontyas would hold less than one-fourth, but there are many remarks in his letter concerning the "bhogra" allowance which to my mind are exceedingly ambiguous and calculated to mislead officers who had heard from him personally that the rule was to be that all the Gaontyas would get one-fourth and who had received written replies to questions which virtually sanctioned those terms.

9. Take for instance the following remark in paragraph 3 :—

"There will be conferred on the Gaontyas the heritable and transferable right to hold in perpetuity free of assessment the bhogra land at present held and cultivated by them up to a maximum of one-fourth of the whole land assessment of the village. All bhogra land in excess of this will be assessed, &c."

Again in paragraph 4 it is recorded :—

"It has been stated that the Gaontyas are to hold free of assessment their "Bhogra" lands up to one-fourth of the total assessment on the village lands."

In the same paragraph Colonel Keatinge also went on to say that in some villages the above rule would press hardly, and suggested that in dealing with certain special cases in which the "Bhogra" land exceeded one-fourth, the circumstances of each case should be considered, and that the excess bhogra land should not be assessed if the sharers would feel the curtailment of the revenue-free land severely. After this, however, follows a sentence which shows that Colonel Keatinge contemplated that some Gaontyas at all events would hold less than one-fourth. It runs thus :—"The loss would be made up by other Gaontyas holding less bhogra land than would give an equivalent of one-fourth of the assessment on the village."

10. With reference to these remarks Mr. Russell appears to have understood that if after considering the circumstances of all the Gaontyas, he brought out assessments under which the Gaontyas would get an allowance equivalent to not more than one-fourth of the new assessment, he would be acting according to the instructions of Colonel Keatinge and fulfilling the intentions of Government.

11. The Government in replying to Colonel Keatinge's letter in No. 425, dated 1st May 1872, communicated as follows :—

"With reference to your remark in the 1st paragraph of page 2 (quoted above) the Government of India assumes that the bhogra land to be held by the Gaontyas free of assessment is to be limited as a maximum to one-fourth of the whole of the *present* land assessment of the village."

Mr. Russell took this to mean the assessment then about to be made, as no assessment had been made before, and I am not at all certain myself that the Government had not that in mind also.

12. Again in paragraph 5 of the same letter it is set forth :—

“His Excellency in Council also approves of the modification proposed in paragraph 4 in regard to the assessment of bhogra land in excess of one-fourth. He hopes, however, that with the improvement of the district the excess will be absorbed in a future Settlement, and that the total amount of bhogra land will be brought *within the limit now prescribed.*”

13. Mr. Russell, it appears, viewed these orders as giving him latitude for dealing with all Gaontyas according to circumstances, and he accordingly set himself to keep within the prescribed limit in his present assessments.

14. It may be noted also that nothing whatever was said as to what was to be done in cases where the bhogra land might be infinitesimally small, as it has been found to be, I believe, in some cases, and this also led Mr. Russell to believe that he was to deal with each case on its merits, and to make such arrangements as would not, to use the terms of the Government itself, “disappoint the Gaontyas’ reasonable expectations” with reference to what they had been led to expect in 1862 when they were declared proprietors.

15. I now most respectfully beg to submit that if the explanations given by Mr. Russell regarding his proceedings in regard to the assessments are deemed in any way worthy of being entertained the Chief Commissioner will permit the new assessments to be reviewed on the principles on which they are avowedly based.

16. The explanations submitted by Mr. Russell in what appeared most glaring cases of discrepancies between the jama proposed and the assumed average assessment rates are, I think, reasonable and convincing, and where a special allowance has been made in favour of the Gaontya I think sufficient reason has been given, that is, supposing of course the principle referred to be accepted.

17. I have written so strongly in favour of the Sambalpúr Gaontyas and have advocated so often their being treated if possible with exceptional liberality, that I will say no more on the subject now, especially as I feel assured that the Chief Commissioner will give this matter his further consideration with reference to what the Settlement Officer has now represented.

18. If, however, Mr. Morris should hold, with reference to the orders that have been passed, that the door is closed against further discussion, and that the Gaontyas shall only have by way of remuneration the exact quantity of land which they were holding before the Settlement commenced, except in certain special cases, then Mr. Russell will have again to remodel at once the greater part, if not the whole, of his assessments, and the Gaontyas will be doomed to another disappointment in consequence of the unfortunate misunderstanding that has arisen.

From A. M. RUSSELL, Esquire, Settlement Officer, Sambalpúr, to the COMMISSIONER, Chhattisgarh Division, No.—dated Raipur, 26th the October 1887.

In obedience to the instructions contained in your letter No. 127, dated 22nd ultimo, having now had several personal interviews with you, I have the honour to submit in a separate memorandum the explanation required in certain cases in which the greatest difference exists between the amount which might be assessed according to average assessment rates and that now proposed by me as the new jama of the village, leaving the remaining cases to be explained hereafter, as there will not be time for me to submit an explanation in every case before returning to Sambalpúr, which station I must reach by the 1st proximo, as Mr. Berry probably has already left Sambalpúr for this place. Moreover, it would be desirable that a most important point should be cleared up before that, on which I am sorry to find that my views and those of the Deputy Commissioner are at variance with those of the Chief Commissioner as expressed in letter No. 1646-65, dated 7th May last, from the Secretary to your address.

2. The question I allude to is the amount of "Bhogra" which is to be allowed to the Gaontyas as their remuneration. The Chief Commissioner in the Secretary's letter quoted holds that, except in very special cases, the Gaontyas under the new Settlement should only be allowed such "Bhogra" lands as they have hitherto been in possession of and up to a maximum of one quarter or 25 per cent. of the new assessment of each village, all bhogra lands in excess of 25 per cent. to be subject to assessment; but Captain Bowie and myself have all along been under the impression that they should all have a bhogra allowance of not less than 25 per cent., and that in some exceptional cases a larger bhogra allowance would be sanctioned.

3. The grounds on which our impressions were founded may be thus briefly stated.

When Colonel Keatinge visited Sambalpúr he informed Captain Bowie and myself and also the Gaontyas that the latter would all receive bhogra allowance equal to one-fourth the new assessment of each village.

4. To one of the set of questions put by me to the Chief Commissioner when he was at Sambalpúr, Colonel Keatinge's reply was as follows :—

Answer to Question IV.—"As Government has given the Gaontya four annas in the rupee, the allowance by Government for village servants of every sort must not generally exceed two annas"

5. Again in the same series I put the following question :—Is the $\frac{1}{4}$ rule regarding bhogra land to be strictly carried out even when it would press heavily on the Gaontya?

Reply.—"The only case in which Government will allow anything beyond $\frac{1}{4}$ is, where it already exists and has been extensively broken

up into shares amongst the Gaontya's family who would feel any curtailment severely.

6. These replies were communicated to me before the Chief Commissioner's letter 637-40, dated 26th February 1872, to the Government of India, was penned, and as in the Government letter in reply No. 45, dated 1st May 1872, the only portion which referred to the propositions made by Colonel Keatinge, as to the bhogra, as far as I understand them, distinctly implies that the amount of bhogra to be held by the Gaontyas was to be limited as a maximum to one-fourth of the whole of the present land assessment of the village we took this to be the assessments then in course of being made under the new Settlement, seeing that no assessments had ever been made before. Moreover, there was no mention of what was to be done in case the bhogra land should be found to be less than one-fourth of the land assessments, though the door was left open to grant bhogra in *excess* of one-fourth under certain circumstances.

7. Taking then all this into consideration and also the fact of Colonel Keatinge's repeated assurances regarding all the Gaontyas getting one-fourth, I based all my assessments on the general principle that so long as only one-fourth of the whole amount was alienated in favour of the Gaontyas it was within my competency to exercise my discretion with regard to the assessment on each village. The whole of the correspondence also which has taken place with reference to the compromise to be effected with the Gaontyas in consideration of the hopes held out to them in 1862, that they would be treated as liberally as the other Malguzars of these provinces, pointed to the necessity for dealing liberally with the Gaontyas, and taking them as a body, an allowance of anything short of one-fourth of the whole of the new assessment would not be liberal, but the contrary, especially when it is considered that it is the Gaontya's capital and energy that have brought the Sambalpúr District into its present fertile state.

8. Having stated my reasons for believing that a bhogra allowance of full 25 per cent. as compared with the new assessment of each village had been sanctioned, I now consider it my duty to point out that if the Gaontyas are only to be allowed to hold their *present* bhogra (subject to anything in excess of 25 per cent. being assessed with revenue) whether the present Government demand on the village remains the same or is increased, it will no doubt cause a great deal of dissatisfaction, as in some instances the Gaontyas will be receiving the full allowance, in some only 15 and even 10 per cent. or a lower percentage.

9. As the Khálsa portion of the district, you are well aware, is surrounded by Zamindáris, where land is cheap, and there are large tracts available for new comers, and as the rayats of the Sambalpúr District are very much attached to their Gaontyas, if we give cause to the latter for dissatisfaction we should not be surprised hereafter if whole villages become deserted for the more lucrative tracts I

have mentioned. The same reason holds good against any sudden considerable increase in the revenue demand, more especially as the statistics on which the assessments and the value of the bhogra are based are nothing more than approximate guesses as to the area under cultivation, for there has been no measurement of the land whatever, and as the Settlement is only for 12 years, it would, I submit, be far safer to under-assess than to fully assess, as by the end of that time we should be in a better position to judge where a further increase can be secured without risk.

10. Connected with the question of the Gaontya's bhogra allowance it must be remembered that it is not a permanent Settlement that we are making, and that if the Gaontyas come to understand that they have nothing to look forward to in the future but the bhogra lands they are now holding, it can hardly be supposed that they will exert themselves for and lay out capital in the construction of permanent irrigation works of the village as they have hitherto done, if all the advantages are to accrue to Government and nothing to them.

11. In conclusion I may add that when the Chief Commissioner in December last cursorily examined the Abstract General Assessment Statement showing the financial result of the new assessment, he appeared to be satisfied with it. I was therefore the more confident that a rise of thirty per cent. in the assessment would not be considered too small an advance on the existing demand in this our first attempt at Settlement based on data collected in detail for each village separately, which had never been done before; and therefore did not enter into any explanation in my preliminary report for not proposing an assessment up to the amount which the average rates adopted by me brought out. Of the rates I can be certain that they are fair, but I cannot be so in every case of the statistics to which they have been applied, hence my reason for advocating an under rather than a full assessment for the 12 years summary Settlement now being made to pave the way for a regular Settlement hereafter.

No. 12. *Letter from J. W. NEILL, Esquire, C.S., Officiating Secretary to Chief Commissioner, to the COMMISSIONER, Chhattisgarh Division, No. 404-4. dated the 6th February 1875.*

I am directed by the Chief Commissioner to communicate to you, for your guidance and for the purpose of instructions being issued to the Settlement Officer of Sambalpur, his views on the subject of claims to share in Gaontyahi villages and of partition of villages generally in Sambalpur.

2. It is unnecessary to enter very fully into a discussion of the statements and remarks made in the memorandum and correspondence forwarded under cover of your letter No. 6112, dated 22nd December last. It will be

sufficient to express clearly the views which Mr. Morris entertains and which he wishes to see carried out.

3. The two questions which are treated of in the papers submitted by you are—

1st.—What share of the bhogra land shall the *managing* Gaontya enjoy as remuneration for his trouble?

2nd.—Can partitions be allowed in the villages of Sambalpúr.

4. On the first point I am to remark that in making the present land revenue Settlement of Sambalpúr, the aim of Government has been not to revolutionize anything but to take advantage of the customs and forms of tenure which we find have existed from a remote period. At present we find nearly all the villages of Sambalpúr managed by one of the share-holders, probably the person having the largest share, and this is almost necessary because the village is practically one and indivisible. The revenue has been assessed on the rayati lands and there is one person whom the Government looks and looked for payment of the revenue.

Experience gained in other districts and provinces has further shown us that we must guard against non-resident proprietors and against the managing proprietor—call him Pátíl, Mukadam, Malguzar or Gaontya—having too small a share of the village lands or profits to keep him a man of consideration.

✓ [The Chief Commissioner is prepared to agree however with Colonel Cumberlege and Captain Bowie that one-tenth of the bhogra land in addition to his own share would be a sufficient allowance for the managing Gaontya, and these officers moreover assent that this share is in accordance with custom.

Mr. Morris would therefore have it laid down as a principle of the Settlement, and have it recorded in the record of rights that the managing Gaontya shall be generally the nearest male representative of the founder of the village or may in other cases be elected by the co-sharers; but in every case his recognition by Government shall be necessary before he can assume the position of and act as managing Gaontya; and that the remuneration of such managing

Gaontya shall be in addition to such share as he may be entitled to hold—one-tenth of the *bhogra* land,—or else one-tenth of the profits thereof contributed proportionately by the other co-sharers.

This manager's share or remuneration shall be at all times demandable of the Government for the managing Gaontya but need not be set apart by the Settlement Officer or Deputy Commissioner unless an application is made to them and allowed by them under the circumstances of the case.

The object of this is that the Chief Commissioner would leave the people to settle about the remuneration of the managing Gaontya as they like best, but would leave to Government the power of enforcing at all times a sufficient remuneration. }

5. With regard to the second question, that of partition, I am to remark that it appears to be generally realized that Act XIX of 1863 cannot be applied to circumstances in Sambalpur and [partition of a village is against the nature of the Settlement.

The village is the unit of revenue and in one sense the rayats as a whole form one body who rent the land from Government.

To partition a village completely would overthrow the Settlement. It would of course be possible to allot rayats to sharers and the Chief Commissioner does not see any strong objection to the co-sharers doing this among themselves as a matter of convenience, but we will not recognize it as a claim that can be enforced. Nor can there be any object in portioning out the rayats as their rents cannot be raised during the term of Settlement. Under no circumstances would the Chief Commissioner let the waste land be divided and only the managing Gaontya would be entitled to locate new tenants on the waste lands and take rent from them. The other sharers might participate in the profits. They could not interfere in the management. It will thus be seen that the Chief Commissioner would have it understood that no village can be actually partitioned. Any arrangements made between the co-sharers, which do not affect the rights of Government on the one hand and of the rayats on the other, might be made by them if they chose, but any rayat might demand to pay his

rent to the managing Gaontya and no plea against this would be entertained.]

6. The foregoing paragraph will probably suffice to enable you to instruct the Settlement Officer, but if you are in any doubt on any point I am to request that you will at once refer to the Chief Commissioner.

Letter from Lieutenant-Colonel A. B. CUMBERLEGE, Commissioner, Chhatisgarh Division, to the SECRETARY to the CHIEF COMMISSIONER, Central Provinces, No. 20, dated 4th February 1874.

I have the honour to submit, for the consideration of the Chief Commissioner, the accompanying copy of a memorandum drawn up at my request by the Settlement Officer at Sambalpūr, in connection with certain correspondence that had taken place between Major Smith and himself, on the subject of "Shares in Gaontyahi villages" and the "partition of estates." A copy of a memorandum by Captain Bowie on Mr. Russell's memorandum is also submitted, and with reference to the opinions expressed by those officers, which in the main agree, I beg to offer the following observations.

2. The first point for consideration is—how should the bhogra lands be divided between a Gaontya and his declared co-sharers? and what allowance should be made to the Gaontya in excess of his share? With regard to these points it is necessary first of all to explain the state of affairs which we found prevailing when the enquiries into proprietary rights were first taken up, and what action followed on our part in dealing with the same.

3. It will be in the recollection of the Chief Commissioner that in 1862 Mr. (now Sir Richard) Temple ordered that a regular revenue Settlement should be effected in Sambalpūr on the same principles as had been adopted in other parts of the Central Provinces, and that instructions followed for conducting enquiries and conferring proprietary rights in precisely the same manner, and under the same Code and Rules as had been prescribed for observance elsewhere. Consequent on these orders, the demarcation of village boundaries and the Khasra Survey were set on foot, while simultaneously with these operations the enquiries into proprietary rights were prosecuted, so that in the course of a year some progress in the field operations was made, and a considerable number of Gaontyas were declared proprietors.

4. Early in 1864, in consequence of serious political combinations having arisen, the field operations were suspended, but the enquiry into proprietary rights was directed to be, continued as it was held that to declare the Gaontyas proprietors would have a general pacifying tendency and would secure their good will towards Government.

Towards the close of 1864 as Settlement Officer I made certain proposals for effecting a Settlement on less elaborate principles than

those of a regular land revenue Settlement, but final orders were, not passed in the matter until 1871.

In 1871 Mr. Russell was appointed to carry out the Settlement now in progress, and under its terms the Gaontyas are to be declared proprietors of the bhogra lands only, certain other privileges also being accorded to them in consideration of their responsibilities as village headmen.

5. When therefore the enquiries into proprietary rights were being made it was contemplated and was in fact given out that the Gaontyas and their co-sharers would be allowed one-half of the village assets in the shape of remuneration, and it was also anticipated that the survey would have been completed and that partition might in due course be effected, as in other districts, under Act XIX. of 1863.

6. The modified Settlement, now being carried on, however, does not admit of this, and as the remuneration set apart for the Gaontya and his family is not to exceed one-fourth of the whole village lands, and as the village lands have not been surveyed, it becomes a very difficult matter to define accurately what each co-sharer is to get with reference to the rights declared, as a result of the enquiries already referred to.

7. Major Smith's idea apparently was that at least one-half of the bhogra should be set apart for the Gaontya, the remaining co-sharers participating only in the remaining half; but this arrangement would be attended with all sorts of difficulties and objections and would also vitiate the whole of the proceedings connected with the declaration of rights that have already taken place.

8. In my opinion the only way of getting out of the difficulty will be to declare that partition of the bhogra land may be allowed on the application of co-sharers, but that such partition shall be carried out not under Act XIX. of 1863, but by a Pancháit composed of from 5 to 7 land-holders, whose award, if approved by the Settlement Officer, would be final. Mr. Russell, it will be seen, suggests that the shares should be drawn by lot; but this could, I think, only be done when the shares had to be equally divided. As a remuneration to the Gaontya, I would recommend that in accordance with a long prevailing custom one-tenth of the bhogra land be set apart under the denomination of "Lambardári Bhogra".

9. The only other alternative that presents itself will be to prohibit partition in future, and to leave each co-sharer in possession of the land that he now cultivates himself, arranging for a division of profits at the close of each year, so that any co-sharer holding less land than he was entitled to, in virtue of his declared share, would obtain the balance in the shape of a money payment or in grain as might be arranged. This arrangement would however, I fear, lead to endless disputes and litigation.

10. The next point for consideration is whether, in the event of partition being allowed, the rayats of a village should be apportioned

off to each co-sharer in the bhogra? It will be seen that Captain Bowie in his memorandum has set forth that the villages of Sambalpūr may be divided into two distinct classes: namely, "one in which the co-sharers of the Gaontya besides having obtained their respective shares in the bhogra, have also had proportionate shares of the rayati lands or rather of the rayats allotted to them; and the other in which the co-sharers have only received their portions of the bhogra, and the whole control over the rayats and the rayati lands has remained with the managing Gaontya."

11. It thus appears that in villages held by Brahmins a division of the rayats as well as of the bhogra amongst the co-sharers has not been uncommon, but that amongst the Koltas a division of rayats has rarely, if ever, taken place. In my opinion we might confirm such divisions of rayats as have actually taken place, but I would prohibit any such division in future. The nature of the Settlement now being effected is altogether contrary to such an arrangement, as apportioning off the cultivators of a village to various masters, and in dealing with the question the welfare of the cultivators must be considered as well as the civil rights under the Hindu Law of co-sharers.

12. It is scarcely necessary for me to add that the provisions of the Partition Act (XIX. of 1863) are utterly inapplicable to the Sambalpūr District in connection with the present Settlement, and cannot therefore be acted on.

13. I beg to submit a file of correspondence containing such of the letters quoted by Mr. Russell in his memorandum as relate particularly to the questions now under consideration.

Copy of a memorandum, dated 3rd January 1874, by the Settlement Officer, Sambalpūr.

The correspondence cited in the margin relates (1) to shares in

(1) No. 45, dated 26th March 1873, from Settlement Officer, Sambalpūr, to Commissioner, Chhattisgarh Division.

(2) No. 34, dated 9th April 1873, from Commissioner, Chhattisgarh Division, to Settlement Officer, Sambalpūr.

(3) No. 139, dated 14th November 1873, from Commissioner, Chhattisgarh Division, to Settlement Officer, Sambalpūr.

(4) No. 267, dated 27th November 1873, from Settlement Officer, Sambalpūr, to Commissioner, Chhattisgarh Division.

(5) No. 59, dated 10th April 1873, from Settlement Officer, Sambalpūr, to Commissioner, Chhattisgarh Division.

(6) No. 258, dated 18th November 1873, from Settlement Officer, Sambalpūr, to Commissioner, Chhattisgarh Division.

(7) No. 147, dated 21st November 1873, from Commissioner, Chhattisgarh Division, to Settlement Officer, Sambalpūr.

Gaontyahi villages and (2) to the partition of estates under the operation of Act XIX., 1863, which Act was extended to these provinces by Notification of the Government of India, Home Department, No. 1569, dated 14th September 1866, and the method of carrying

out its provisions was explained in Chief Commissioner's Book Circular LIII. of 1867, but both subjects being allied, may be treated together.

2. I may premise by stating that from conversations held with the late Officiating Chief Commissioner, I was led to understand that the present policy of the Government is to secure to the managing Gaontya a fixed share of the profits attaching to the office of village manager, but I endeavoured to show that such a rule would be found very difficult in practice, and suggested that the best course to follow would be to allow the existing arrangements to stand, that is to say, that in villages where the co-sharers of a Gaontya were in the receipt of regular shares of the profits in money or land or where they were awarded shares by the Settlement Officer, the same should be secured to them, but this suggestion was not approved of, and I was directed to submit fresh proposals after further enquiry. I have however failed to elicit any fresh matter from the enquiries which I have personally made, nor have I been able to obtain any other suggestions from the Deputy Commissioner to whom I referred the matter for advice. The object of the orders I have received appears to me to be inclined to establish some new rule the adoption of which would probably disturb existing arrangements to a considerable extent, and are therefore much to be deprecated.

3. The next thing, "partition", if it is to be carried out under the law, will be found a very difficult operation to effect owing to the peculiar customs prevalent in this district. The bhogra lands and rayati lands are so intermixed, and a rayat's holding is made up of so many plots scattered all over the cultivated area of the village so as to secure him a proper proportion of every kind of soil since he does not pay his rent for so many acres of land held by him, but in proportion to the fractional share of the rayati land chargeable to the Government demand in his "Kút" or holding, and is therefore entitled to and does receive a corresponding proportion of every description of rice land, pulse, oil-seed, and cotton land, garden land, and sugarcane land, so that if compact properties are to be formed, as the law contemplates, out of each village in which partition is effected under it, a rayat will find himself paying rent for his holding instead of to one Gaontya to several Gaontyas, that is to say, to the Gaontya, besides to three or four co-sharers in various proportions and will also have to render "Bhet Begár" service, which service I have had frequent occasion to describe and need not therefore go into particulars here, in the same proportions, which will in itself be a source of endless annoyance to the rayat and bickerings amongst the Gaontya and his co-sharers, not to mention the greatest difficulty of all, the want of a proper measurement, and a khásra based thereon which should show the cultivated as well as waste land area statistics, whereas here we have no means whatever of even roughly estimating the area of waste lands.

4. Under these circumstances, therefore, I would recommend (1) that interference should take place in regard to shares existing or conferred, and (2) that this district should be removed from the operation of Act XIX. of 1863, which is as much unsuited to

the customs and prevailing tenures here as Act X. of 1859, now to be superseded by a special law, is, but that cases in which the parties concerned desire a partition, whether the Gaontya be or be not a consenting party, which he seldom is, the Settlement Officer be authorized to effect the same with the assistance of arbitrators according to the prevailing custom of the district, *viz*, to allot a fair share of the bhogra lands to the Gaontya and his co-sharers who have been awarded shares and to allot rayats paying proportionate rents in the same way, all drawing lots for their respective shares, the Settlement Officer drawing for a recusant Gaontya.

5. Shares and partition being thus recognized and effected, some rule needs be laid down for the remuneration of the Lambardár Gaontya for management and trouble of collection. The Settlement Code lays down the Lambardári or Hukultahsil fee at 5 per cent. on the Government jama, but the rayati rental after allowing for bhogra is the Government jama in this district, therefore the 5 per cent. fee intended for districts in which the principle of half assets jama prevails is unsuited here. The rule used to be to allow the Gaontya a tenth of the bhogra, the remaining nine-tenths being equally divided according to each co-sharer's standing, the Gaontya receiving his proper share in addition to the one-tenth set apart as Tikcyti or Lambardári Bhogra, but latterly the tendency has been, and some cases have lately been so decided by private arbitration, to allow the Lambardár Gaontya only one anna in the rupee, *i. e.*, one-sixteenth part of the bhogra land, counting it as one rupee, and then dividing the remainder among the Gaontya and his co-sharers; but I think the old system should be the rule for the future, corresponding as it does with the 5 per cent. fee of the Settlement Code which allowed the Lambardár one-twentieth on a half assets or 50 per cent. jama, so one-tenth will bear the same proportion to a $\frac{1}{4}$ or 25 per cent. bhogra which the Settlement leaves to the proprietary body.

6. Before submitting this memorandum however to the Commissioner I would beg the Deputy Commissioner to record his views on the subjects herein alluded to.

Memorandum.

By Captain M. M. Bowie, Deputy Commissioner, Sambalpúr.

I concur generally in the views expressed by the Settlement Officer. Major Smith's idea, I believe, was that one-half of the bhogra land in all villages should now be set aside as the remuneration of the managing Gaontya and that the other half should be divided among the co-sharers. But if any such arbitrary rule as this was now enforced, it would create the greatest discontent among the holders of those villages, in which partition has already taken place in accordance with the custom of the country, and in the case of villages in which partition has not yet taken place; also I do not see what could be done when the children of the present Gaontyas

came to claim their inheritance. For instance, supposing that proprietary rights in a village had been granted to three brothers according to Major Smith's plan, half the bhogra would go to the eldest brother as managing Gaontya and the other half would be divided between the younger brothers; but then, if the eldest had again three sons, the half bhogra which had been set aside as his, the managing Gaontya's remuneration would have to be divided into three shares, and the whole system would therefore collapse, or the whole of this half bhogra would have to be inherited by the eldest son, and the two younger sons be turned out on the world to earn their living as they best could. This latter alternative is so opposed both to all the law and customs of this country that I scarcely think that the Chief Commissioner would ever entertain it, and it seems to me then that the only feasible plan is to maintain the present system which has grown up among the people of remunerating the eldest son or managing Gaontya by the grant of a share of the bhogra which is called the Lambardári or Tikayti Bhogra. This share is of course indivisible, and is inherited only by the eldest son, and the only point which now requires to be settled is that its extent should be authoritatively fixed as is proposed by the Settlement Officer further on in his memorandum.

With regard to the remarks made by the Settlement Officer as to the unsuitableness of Act XIX. of 1863 to the circumstances of this district, I have only to add that I thoroughly concur therewith and agree with him in thinking that the only way in which any partition of the rayati lands of a village can be effected is by allotting rayats to each co-sharer, and not by attempting an actual separation of the lands into distinct properties. In connection with this subject, however, there is one important point on which orders will have to be given by the Chief Commissioner, and this is, whether in all cases a division of the rayats should be allowed. At the present time the villages in the district may be divided into two distinct classes, one in which the co-sharers of the Gaontya besides having obtained their respective shares in the bhogra have also had proportionate shares of the rayati lands or rather of the rayats allotted to them, and the other in which the co-sharers have only received their portions of the bhogra and the whole control over the rayats and the rayati lands have remained with the managing Gaontya or Lambardar. Under the first class may be included all the villages held by Bráhmán Gaontyas who in the division of their property have followed the strict principles of Hindu Law and have assigned to each co-sharer an equal share in the entire village, the eldest son receiving an extra allotment of the bhogra merely as the "jesh-aut" or provision of the eldest son which is now called the Lambardári Bhogra; and in the second class may be placed all the villages held by Koltas and others of the lower Hindu castes in which to some extent at least a law of primogeniture has been observed, and the whole management and control over the village has remained with the eldest son, while the younger sons have received only shares of the bhogra for their support and maintenance. Even in the Kolta villages, however, some instances have, I believe, occurred in which the

rayati lands also have been divided, and I know that a Kolta father who was the proprietor of several villages would always make a division of his property by assigning a separate village to each son and would never allow the eldest to succeed to all his villages, while the younger sons received merely shares in the bhogra of each. So that it would appear difficult to lay down any general principle which should govern claims to partition unless that laid down by ordinary Hindu Law was followed, and considering the question from a judicial point of view, I am therefore inclined to hold that for the future it would be better that this rule should be followed. At the same time, however, I would mention that all the principal Kolta Gaontyas whom I have consulted on the subject are strongly opposed to any partition of the rayats or rayati lands, and it would certainly seem that the interests both of the Government and of the rayats would best be served by the whole cultivating community of a village being under a single head. Perhaps then it would be best that for the term of the present Settlement the existing custom should be, as far as possible, maintained in regard to each village, that is to say, that in such villages as a partition of the rayats or rayati lands has already been made or would under the custom of inheritance now prevailing among the holders of that village be made, such partition be recognised and allowed, but that in those villages in which no such partition has been made and would not under ordinary practice have been made, it should not be allowed, and the whole control of the rayats and rayati lands vest in the eldest son as managing Gaontya. The Settlement Officer would then have to decide under which of these two categories each village should be classed, and a note made to this effect in the village administration paper would serve as the basis on which any dispute or claim to partition could be decided.

With regard to the amount of remuneration which the Lambardár or managing Gaontya should receive, I agree with the Settlement Officer in thinking that it should be fixed at one-tenth of the bhogra. It is of the greatest possible importance, I consider, that the managing heads of villages should have enough secured to them to repay them for the services which they are required to render to the Government and to maintain them respectably, and I think that in such cases as a proper provision has not already been made for the remuneration of the Lambardár, of which there are I know a few, the Settlement Officer should now be empowered to do so.

From J. W. NEILL, Esquire, Secretary to the Chief Commissioner, Central Provinces, to the COMMISSIONER, Chhattisgarh Division, No. 1565-43, dated 7th May 1875.

I am directed to reply to your letter No. 55 S., dated 8th March last, forwarding for the Chief Commissioner's sanction the General Assessment Statements of the Uttartir

Tahsil of the Sambalpúr District. This is the third time that these assessments have been before the Chief Commissioner. On the first occasion they had to be returned because the Settlement Officer did not give sufficient information, because he had seriously mis-apprehended the nature of the Settlement he had been commissioned to carry out and because his remarks teemed with expressions which showed he was confusing his mind by transferring to Sambalpúr terms significant only of tenures in other districts whose circumstances differed altogether from Sambalpúr. Again the statements were forwarded and again they were returned because the Settlement Officer had ignored the fundamental principle of the Settlement that all payments by rayats were to be Government revenue and that the Gaontyas or village headmen were to receive as their remuneration only the bhogra land in their possession to be held free from assessment up to a maximum of one-fourth the value of the rayati lands, *i. e.* of the assessment made on the rayati lands. The Settlement Officer had unauthorizedly exempted from assessment bhogra land in excess of the amount allowed and he had moreover allowed many Gaontyas to retain a portion of the payments made by rayats. The inspection of the statements showed further that the assessments made corresponded hardly at all with the average assessment rates which he had laboriously calculated, and for these combined reasons the assessment statements were once more returned for revision and explanation.

2. It might have been supposed that as the Settlement Officer's proposals had been somewhat neglectful of the interests of Government and as the principle on which his revision had to be made was one that could not be evaded, the revised assessments would show a larger jama to be taken by Government. The figures given below, however, show that such is not the case and that the jama has been inappreciably reduced.

<i>Last proposals.</i>				<i>Present proposals.</i>			
<i>Assets.</i>			Rs.	<i>Assets.</i>			Rs.
Rayats' payments	...	...	35,938	Rayats' payments...	...	...	34,995
Value of bhogra	...	...	6,154	Value of bhogra	..	...	7,913
			42,092				42,908

<i>Assumed value according to assessment rates.</i>				<i>Assumed value according to assessment rates.</i>			
Bhogra (free)	...	...	7,635	Bhogra (free)	...	...	8,270
Do. (assessed)	...	...	1,649	Do. (assessed)	...	...	2,766
Rayati lands	...	...	50,598	Rayati lands	...	...	49,016
Service lands	...	...	4,804	Service lands	...	...	4,781
<hr/>				<hr/>			
			64,686				64,833
Former jama	...	...	23,505	Former jama	...	...	23,505
Assessments on Muáfi villages	...	...	11,283	Assessments on Muáfi villages	...	...	11,490
Proposed jama	...	...	30,597	Proposed jama	...	...	30,442

3. The explanation of this is simply that the Settlement Officer has revised the data on which his assessments were based, has curtailed the proportions of the rayati land on which the Government assessment is made, and has added to the bhogra lands which are to be held free. His explanation is "that in the previous statement all bhogra lands held by rayats were shown in the column allotted for rayati lands as being at the time erroneously under the impression that the Gaontyas were to be allowed 25 per cent. on the assessment and as some bhogra lands may this year be cultivated by the rayats and the next by the Gaontyas themselves, in the third by a Malguzar, in the fourth year again by the Gaontya and so on, it appeared to me to matter little were the bhogra lands held by rayats were shown." Accepting this, the Chief Commissioner would only point out to Mr. Russell that the same argument would have justified him in making no distinction whatever between bhogra and rayati lands. They might have been lumped together very conveniently, fully assessed, and the Gaontya allowed his 25 per cent. of the assessment; a considerable amount of time and trouble being thus saved. The plan, however, would not have accorded with the principles laid down for Settlement and Mr. Russell must bear the self-made imputation that his statistics were carelessly compiled and inaccurately represented the facts of the case.

4. The next point to which it seems necessary to refer is the fact that while the assessments on rayati lands according to the average assessment rates would come to Rs. 49,016, they amount only to Rs. 41,840. The Chief Commissioner in a former letter said either the assessments on rayati lands should conform or approximate somewhat closely to the assumed average rates, or these rates should be abandoned as inapplicable. Mr. Russell seems prepared to adopt neither alternative. He says in defence of his

assessments "as the statistics of area have been acquired by appraisement only and there has been no survey or measurement of any kind to guide me, although the assumed annual value of that area, alluding to rayati lands, is shown to be Rs. 49,016, my proposed statements amount only to Rs. 41,840, as I have deemed it safer to depend in the great majority of cases on the actual payments of the rayats, as far as I have been able to ascertain them." If this stood alone, it would be a perfectly satisfactory explanation. Areas were appraised, not measured; want of uniformity was seen to creep in, and that must have destroyed the value of calculations, regarding assumed revenue rates, but Mr. Russell is not contented with that but must go on and add: "I can also speak with confidence that the average rates adopted by me are fair." This is really an extraordinary position for Mr. Russell to take up. He believes in his average rates, but yet he will not apply them, and he claims credit both for the accuracy and appropriateness of his rates and for his good sense in not applying them. It is rather too much, however, to expect the Chief Commissioner to endorse his views, and Mr. Morris will only express approval of Mr. Russell's action in making existing payments the basis of his assessment on the understanding that the assumed assessment rates are abandoned as misleading. It would have been simple for Mr. Russell to have confessed this at once, as it has now come, it appears that much of the statistical information which Mr. Russell collected with much time and care cannot be relied on. Statistics of area are merely appraisements; statistics of the present payments to rayats are not too reliable; assumed average rates are not to be trusted, and produce rates have to be ignored altogether. All that it has been deemed safe to go on are the existing payments by rayats, so far as it has been possible to ascertain them.

5. The present jama of the Uttartir is Rs. 23,505, the proposed jama on rayati lands is Rs. 30,442, and to it there is to be added Rs. 1,550, the assessment on excess bhogra lands. The jama thus becomes Rs. 31,992, which compared with the present jama Rs. 23,505, gives an increase of 36 per cent.

6. Inasmuch, however, as the rayats at present pay Rs. 26,586, the difference between that sum and Rs. 23,505, being absorbed by the Gaontyas, the rayats' payments will

only be increased by about 15 per cent, not a very large increase.

Some little addition to the jama as given above is promised from the assessment of excess service lands, but the addition will probably not be great. It must only be seen that the Settlement Officer does not omit to assess these excess service lands.

7. The Chief Commissioner has himself examined the assessment statements of the several chaks and he believes that it will be generally necessary to accept the Settlement Officer's figures. In some cases, however, it appears to Mr. Morris that Mr. Russell has not shown good grounds for his proposals, and I am to send for your consideration, and for further inquiry a list of these cases with the Chief Commissioner's remarks on them. If you, after further inquiry, are satisfied that the assessments proposed by the Settlement Officer are fair and as high as it is expedient to make them, the Chief Commissioner will accept your opinion and allow the assessments to stand, but he remarks that in some cases at any rate you will find it necessary to make some alteration.

8. I am also particularly to invite your attention to the Settlement Officer's remarks on the Sasan Muáfi villages in Chak II. The Settlement Officer proposes the jamas because the Muáfidárs oppress the rayats and extort many other dues from them besides land revenue. It would be the duty of the Settlement Officer to fix the land revenue fairly and leave the Muáfidárs no excuse for taking other dues, and the taking of such should be prohibited and prevented.

9. Again in some instances the Settlement Officer recommends reduced jamas because the rayats are poor and have mortgaged their lands to others who are in possession. This is no ground at all for leniency; it only puts the Government revenue into the pockets of the mortgagees, and pushing the theory to its logical extreme, it might happen that no margin would be left for Government revenue at all and the Government would have to forego it.

10. It must then be understood that the Chief Commissioner accords his sanction to the assessments on rayati lands subject to a re-consideration of the assessment on villages noted in the accompanying lists.