aside such a disposition once effected. The moveable property of the deceased is not, as I have observed, considered as of much importance; and the widow has apparently an absolute right of disposing of it. As a result of the increasing scarcity of land, and its transferability, which is fostered by our system, the idea is gaining strength in the agricultural mind that even a full proprietor of inherited land has but a limited interest in it; and it is natural that the much inferior right of the widow should be regarded with great jealousy.

No distinction between joint widows on account of family, &c.

384. *Question* 41.—*If there be several widows, do they take in equal shares? Is any distinction made in respect of the rights of widows who are not of the same tribe or family as the deceased?*

All widows share alike except amongst the Garewál Jats, who say that a widow who is not a *Jatni* would be entitled to maintenance only; but this *got* would scarcely admit that such woman could legally be the wife of a Garewál.

The effects of unchastity or remarriage on the right of the widow.

385. *Question* 42.—*What is the effect of unchastity or of re-marriage on the right of the widow?*

All tribes agree that unchastity and re-marriage (whether in the family or to a stranger apparently) equally destroy the right of the widow over her husband's estate; but some say that mere unchastity has not this effect, if the woman does not actually leave her husband's home (Lobána, Saini, Mahomedan Jats, and some of the Hindu Jats of Samrála and the Hindu Jats of pargana Ghungrána). I doubt if the Courts would ever recognize mere unchastity, of which sufficient evidence would always be difficult to obtain, as forfeiting the rights of the widow; and there certainly is no established custom on the point, nor is it likely to be raised. Re-marriage to a stranger would in all cases, I think, deprive the widow of her right; and so would a union with a member of her deceased husband's family.

DAUGHTERS.

Circumstances under which daughters can inherit.

386. *Question* 43.—*Under what circumstances can daughters inherit? If there are sons, widows or near collaterals, do they exclude the daughter? If the collaterals exclude her, is there any fixed limit of relationship within which such near kindred must stand?*

If there is male lineal issue a daughter cannot generally succeed; and a widow also excludes her. An unmarried daughter is entitled to maintenance from her father's property, and he may provide for her out of it in his life-time. All the Mahomedan Rájputs, however,

Mahomedan Rájputs.

agree that, if there be a daughter who has taken a vow to remain single, she takes a

son's share, or, if there be no male lineal descendants, she succeeds to the whole estate; but the right ceases and the property returns to the heirs of deceased on her marriage or death. Many instances are given amongst the Mahomedan Rájputs of all three Tahsils in which a daughter has succeeded in this manner; and there can be no doubt about the custom. Where there are a widow and a virgin daughter, I think that the widow would succeed first; but the question was not put, and the case is not likely to arise.

Hindu Jats; and other tribes.

Most of the Hindu Jats will admit the right of the daughter, virgin or married, to succeed under no circumstances, however far back it is necessary to go in order to find a collateral relation of the deceased. In fact it is said that, if there is any one in the *Thula* or *Patti* even, she would not succeed, as such a person would be presumed to be descended from the same ancestor as deceased. The other Hindu tribes follow the Jats in this matter, and so do the Araiens, except in Jagráon tahsil. The Mahomedan Jats, Mahomedan Rájputs and the Hindu Jats of one group in Ludhiána tahsil say that, if there is no male collateral related through the great-great-grandfather (*nakardáda*), the daughter, married or virgin, succeeds. The Awáns, Gujars, Lobánas and Dogars say that, if a married daughter have lived with her father from the day of marriage, never having left his house, she succeeds on failure of male lineal descendants, and her children after her apparently.

Rights of unmarried daughters, and of a married daughter living with her father; *ghar-jawaie.*

387. *Question* 44.—(*i*) *Under what circumstances are daughters entitled to maintenance out of the estate of a deceased father?*

(*ii.*) *What is the effect of marriage or residence in a strange village upon the right of the daughter to inherit or be maintained?*

(*iii*). *If a married daughter and her husband live with the father till his decease can the daughter inherit?*

(*i* & *ii*). An unmarried daughter is entitled till her marriage to maintenance from the estate of her deceased father; and, if there be no male lineal descendants, she will retain possession of the whole estate until her marriage, when it will go to the collaterals. A widow daughter, if she lives in her father's village and her husband's property is not sufficient for her support, would be entitled to maintenance from her father's estate. Under the circumstances of (*iii*) the daughter and her husband have no rights over the immoveable property of the father, except in the case of the four tribes mentioned at the conclusion of the last paragraph; but they would generally be entitled to retain possession of moveable property.

The answers to these two last questions show that three Mahomedan tribes (Awán, Gujar and Dogar) and the Hindu Lobánas recognize in a way the custom of *ghar-jawaie*; but they say that it is the *daughter* that succeeds (as she does if there are no male lineal descendants) and not her husband. However, her children appear to get the property after her, and not the collaterals of her husband. (Also

see under Question 71 as to *ghar-jawaie.*) No other tribe admits the right of the daughter or her husband to succeed to immoveable property, if there are collaterals within a recognizable degree of relationship.

Nature of the daughter's interest.

388. *Question* 45.—*What is the nature of the daughter's interest in property that she inherits? Define her rights of alienation by sale, gift, mortgage.*

The answers to this question by the four tribes, who admit the right of the daughter living with her father, are not very clear. They say (except the Lobánas) that she has the same right as the widow, and that she is subject to the control of her father's relatives. This probably is the case when she has no children; but, if she has sons, they would succeed (there are many instances of their being in possession now), and the property would be permanently alienated from the father's family. The Lobánas are consistent, and say that the daughter is the absolute proprietor of land inherited in this way. The other tribes, of course, admit no right of the daughter, except that some do in the case of there being no collaterals within a long distance.

Representation through daughters; succession to them.

389. *Question* 46 *(a). If there are sons of deceased daughters, do they succeed and how do they divide? According to the number of daughter's sons or according to the number of daughters (per stirpes or per capita)?*

(b). If the daughter die without male issue, who succeeds? her father's kin or her husband's?

Where the daughter succeeds under the circumstances of Questions 43 and 44 (in four tribes), her sons and grandsons would succeed her; but, if she die without male issue, the property would apparently return to her father's relations. As only one daughter would remain with her father and inherit, the question of representation does not arise.

PARENTS.

Succession of parents.

390. *Question* 47.—*If a man dies without male lineal descendants, and leaving no widow, daughter or descendants through a daughter, who is entitled to succeed?*

A son could only under exceptional circumstances, *e.g.*, by gift, or where his father had separated him off a share in the family estate, be in possession of property during the lifetime of his father; and, if he dies, the father would have the first right, and after him the mother. Then come the brothers and their male lineal descendants, and the other collaterals in order of relationship.

391. *Question* 48.—*When the estate devolves on the mother of the deceased, what is the nature of the interest that she acquires? What are her powers of alienation? On her death do her son's kin or her own succeed?*

Nature of the interest taken by a mother.

The mother has exactly the same rights as the widow (Question No. 40); and on her death her son's kin succeed, her own kin having no rights in respect of such property.

BROTHERS.

392. *Question* 49.—(1) *When brothers succeed is any regard paid to uterine descent?*

Brothers: uterine and associated.

(ii) Is any distinction made between associated and unassociated brothers?

(iii) Between brothers of the full and of the half blood?

Where the custom of succession is *pag vand* not *chunda vand* (see Question 33) no distinction is made between the full and the half blood, nor does it make any difference whether the brothers are associated or unassociated. It is the natural result of the custom of *chunda vand* that each *mother's* share in the property should remain with her children.

Question 50.—*When a man dies, leaving associated and unassociated brothers, who are entitled to succeed? Are the associated brothers entitled to exclude those unassociated in respect of property acquired by the deceased or his ancestral property?*

All brothers are equally entitled to succeed to all property; but the Hindu Rájputs say that the associated brother gets all the moveable property of the deceased.

Representation of brothers.

393. *Question* 51.—*Where there are no brothers, do their sons succeed?*

The right of representation is, as in the case of son's sons, fully recognized; and brother's sons take the share that their father's would be entitled to.

SISTERS AND THEIR ISSUE.

Succession of sisters and their issue.

394. *Question* 52.—*Does the property ever devolve on sisters or upon their sons?*

Most tribes agree that the sister and her offspring cannot succeed under any circumstances, and the Hindu Jats are particularly decided on this point; but the Mahomedan Jats of Ludhiána, Mahomedan Rájputs of Samrála, Dogars and one or two others say that they come in if there are no collaterals descended from the *nakardáda* or great-great-grandfather, and no daughter or her male issue; and

one or two instances are given of their succession under these circumstances. But it is probable that there was no one near enough to raise a dispute in the cases quoted; and I should think that sisters and their children would always be excluded by any one who could prove his relationship to the deceased. This exclusion is more complete than in the case of daughters.

HUSBAND.

395. *Question* 53.—*When a woman dies holding property in her own right is her husband entitled to succeed to it?*

Succession of the husband.

All tribes agree that the husband succeeds to moveable property of the wife; but, in the case of immoveable property which has come from her own relations, most of them say that, if she leave male issue, they exclude the husband; and if she do not, he succeeds, but only to a life interest, the property reverting to her own kin on his death.

THE STEPSON.

396. *Question* 54.—*When a widow marries having a son by her former marriage (pichlag), does such son inherit from (i) his natural father, (ii) his step-father? If from his step-father, is there any difference between his share and those of his step-father's own sons?*

The stepson *(pichlag.)*

Such a son (*pichlag*) succeeds to the property of his natural father; and has no claim to that of his step-father (all tribes).

Question 55.—*(i) If the step-son be born after the second marriage of his mother, does this make any difference? (ii) If the step-father bestow a share on him in his life time?*

If the widow be pregnant by her first husband at the time of her second marriage, and a son be born, the son is entitled to inherit from the first husband, and has no claim on the property of the second husband (all Hindu tribes, except the Lobánas and the Hindu Jats of tahsil Samrála, who say that such a son born after the second marriage inherits equally with the sons of the woman by her second husband, being apparently treated as issue of the second union). The question is rather a fine one, and not likely to arise in practice. There is a tendency to consider a child born after the second marriage as the issue of it; and the only circumstances under which doubts would be raised are, where the birth took place two or three months after the marriage, not a likely occurrence. The right of the step-father to bestow by gift a portion of his property on his step-son is defined under Question 87. Amongst Mahomedans, however, marriage with a pregnant woman

is illegal; and, if it should take place, the son born after marriage would succeed to his natural father. Amongst Rájputs widow marriage is unknown, and the question does not arise.

Question 56.—*Is a step-son (pichlag) entitled to maintenance from his step-father; and, if so, up to what age?*

If the step-son live and work with his step-father, he is entitled to maintenance till he grows up (all tribes).

ASCETIC.

Effect of becoming an ascetic.

Question 57.—*If a person voluntarily retires from the world and becomes an ascetic (faqír) what is the effect on: (i) His right to retain his own property? (ii) His right to succeed to other property? Upon whom will devolve property which he would have succeeded to but for his retiring from the world?*

This question of the effect of becoming an ascetic is a vexed one. Many of the tribes and *gots* record that a man loses all claim to retain his own property and to succeed to other property by becoming a *faqír*; while others say that he retains all rights. Of the Hindu Jats some groups give one answer and some another. The truth appears to be that a man may take a semi-religious character, and go about his affairs as usual. It is a very common thing for a Hindu Jat to assume the dress and habits of a "Sádh," still retaining possession of his land; and he may at any time return to ordinary life. So too with Mahomedans, and numerous instances are quoted of men of all tribes who, though known as *faqírs*, are still in possession of all their property. For a man to be a true ascetic, it is necessary that he should have abandoned the world; and, as long as he retains property of his own, he cannot be said to have done this. It would be the best evidence against any one being an ascetic that he was still an owner of land. A man could not, then, be deprived of his property on the grounds of asceticism, nor could he be excluded from inheritance if he still retained and managed his own property. Even where he has actually given up his land on assuming the character of an ascetic, it is still apparently open to him to come back; and most tribes say that he may do so within the period of limitation. The Courts would probably take this same view. Under certain circumstances it would be a fair inference that there had been a complete abandonment of the world, *e.g.*, when a man had succeeded to the *gaddi* and become the head of a religious institution (*dharmsála*, &c.). What all tribes are careful to provide against is the alienation by a man who has turned ascetic of his land in favor of the institution which he has joined, and the succession to it of his spiritual, to the detriment of the rights of his natural relations; and on this point there is perfect agreement. A man's natural heirs, and not his spiritual associates or disciples, are entitled to succeed to his land; and an aliena-

tion by an ascetic which would interfere with the rights of the former would be resisted.

Section VI.—ADOPTION.

Who may Adopt.

Under what circumstances may adoption take place: adoption of the daughter's son.

398. *Question* 58.—*Is it necessary that the person adopting should have no son, grandson or great-grandson? Is a daughter's son a bar to the right of adoption?*

The Rájputs, Hindu and Mahomedan, say that adoption is unknown in their tribe; and cases are quoted where an adoption has been alleged and set aside by the Courts. All other tribes are agreed that, if there is a male lineal descendant, there can be no adoption of any one.

*As to the right of the collaterals to contest the adoption of a daughter's son there is not the same agreement; but there is the strongest feeling amongst the members of all tribes and sections against such an interference with the ordinary course of devolution of property. Any disturbance of the natural order of succession to land is seen to be the cause of endless strife and dissension; and, if the people had the power of legislating for themselves in the matter, they would undoubtedly declare against anything except a very limited right of adoption. When land was not so valuable, because there was plenty of it, and also because the burdens attaching to it were so onerous that proprietary rights might almost be said not to exist, the collaterals did not interfere with the right of a man to call in his daughter's son, or any other relation to help him in fulfilling the duties to the State which the possession of land entailed on him. In fact they were probably rather glad in most cases to have such assistance. But with the increasing value of the proprietary rights in land which our fixed assessment and the attenuation of properties have created, the force of tribal opinion has, as I have remarked in the previous section, become more and more strongly pronounced in favor of the idea that a man has only a life interest in his land, and that his natural heirs have reversionary rights which he cannot alienate. These rights we recognize to some extent in the law of pre-emption; but tribal opinion goes very much further. The questions of adoption and of gifts appear to me good illustrations of the danger, of which I have spoken in the introductory remarks, of allowing custom to crystallize before it is fully developed. Numberless instances will be found in the early years of our rule in which a daughter's son was brought in by a childless proprietor, and succeeded without any opposition on the part of the collaterals, who had probably no desire to add to the land that they already held; but, on the force of these instances, to declare and perpetuate in the present state of society a custom to this effect would be to make no allowance for the great change which has taken place

* Note.—The following remarks are on the general question of adoption, and more particularly on the power of adopting a daughter's or sister's son. They would, perhaps, have been more appropriate under para. 404. A daughter's son could never be a bar to adoption.

in the nature of property in land. Besides this, it should be borne in mind that, for every proprietor who would desire to adopt a daughter's son, there are hundreds who have refrained from doing so under similar circumstances; and, if it were put to the vote of the agricultural population as to whether the right of adoption of a daughter's son should be allowed, scarcely any one would declare for such a rule.

It is, of course, difficult for a Court of Law with the accepted definition of a custom as founded on instances to give a decision which would meet with the approval of the agricultural community; but where, as on this point, public feeling is so strongly opposed to what has been held to be the custom in certain cases—and the instances and decisions of the Courts are repudiated by the people with almost perfect unanimity, as not really expressing what they are prepared to accept as the custom—there should at least be a very strong presumption against the setting aside of the ordinary rules of inheritance; and the most complete proof should be required from the person wishing to do so. For every instance of the succession of a daughter's son not being opposed, how many instances are there in which the collaterals succeeded as a matter of course, there being no attempt to bring in the daughter's son?

What the people do recognize without any hesitation is the power of the childless owner of land to choose one from a set of heirs equally entitled to succeed him. Thus a man without male lineal descendants, but with three or four nephews, may take one of them as his son; and such action would never be called in question. His right to provide some one who will take the place of a son and look after him in his old age is willingly admitted; but he must take one of the natural heirs, and he must not under any circumstances bring in a stranger, as his daughter's or sister's son would be, that is a person belonging to a different *got*. He must not, moreover, prefer a distant to a near relation. I have written at some length on this point, because it is important that the true state of feeling of the agricultural class in respect of the matters of adoption, gifts, &c., should be appreciated; and no such opportunity of ascertaining this as that presented by our inquiries is likely to arise. Opinions asked from agriculturists in the course of investigation of a particular case are not likely to be reliable.

Adoption of a son where the natural heirs are disqualified.

399. *Question* 59.—*If a man has male issue, but for some cause such issue cannot perform his funeral rites, can he adopt a son?*

No instance is known to have occurred of a man, whose son or grandson, &c., was disqualified by change of religion or other such cause, adopting another son. Some of the Hindu Jats say that adoption would be allowable under the circumstances, while others say that there is no necessity for adoption, as the collaterals would perform the obsequies. This is quite separate, of course, from the question of exclusion from the succession for such causes as change of religion, leprosy, &c., which, I may observe, has not found a place in the last section.

Adoption of two sons: disqualifications of the person adopting.

400. *Question* 60.—*Can a man, who has already adopted a son, adopt another during the lifetime of the first?*

A second could not be adopted (all tribes).

Question 61.—*Can the following persons adopt*:—(1) *a bachelor*; (2) *blind, impotent, lame*; (3) *widower*; (4) *an ascetic who has renounced the world?*

(1), (2), (3), can adopt; and (4) cannot (all tribes). Instances of (1), (2), (3) are given. As to (4), a true ascetic is of course meant in the answer (see the remarks under Question 57.)

Adoption by a widow.

401. *Question* 62.—*Can a woman adopt? Is it necessary that a widow should have the permission, written or verbal, of her husband for an adoption, or the consent of his kindred?*

There cannot be said to be a custom established on this point. Most of the *gots* of Hindu Jats say that a widow can adopt under no circumstances, even with the sanction of her husband; others, that she can with such sanction (in this case she would, of course, only have the same rights as her husband would have had); while other tribes and *gots* again (all Mahomedans except Rájputs and the Hindu Sainis) say that the consent of the collaterals is necessary (but if they consent there would be no one to dispute the adoption). In one case that came into the Courts (Dháliwál Jats of Jagráon tahsil) an adoption by a widow was set aside; while an instance is given amongst the Mahomedan Gujars of Jagráon, in which a widow adopted on the *written* permission of her husband. There was no dispute in this latter case. In the absence of instances in which a widow has adopted, I should think that the Courts ought to presume that no custom exists, and that the right is not recognized, that is, there is negative proof of the absence of the custom; and it is certainly not necessary to refer to the Hindu or Mahomedan law for the decision of the question.

Question 63.—*In the event of the death of a son adopted by a widow, can she adopt another?*

No such case ever arose; and those Mahomedans and the Hindu Sainis who say that a widow may adopt with the sanction of her husband's collaterals, also record that she may do so a second time. As stated under 58, there is no custom of adoption recognized amongst Rájputs.

WHO MAY BE ADOPTED.

Who may be given in adoption.

402. *Question* 64.—*May a man give in adoption his* (1) *only son*; (2) *eldest son*; (3) *brother?*

Here, again, there is no distinct custom. All tribes agree that an eldest son may be given in adoption; but as to (1) and (3), the representatives of the same tribe from different parts of the District cannot

agree. However, the answers of those who say that an only son or a brother cannot be given in adoption show merely their opinions as to what should be done under imaginary circumstances. I do not think that an adoption would ever be disputed on either of these grounds; but it does not appear that such an adoption has ever taken place amongst the agriculturists.

Age of the adopted son.

403. *Question* 65.—*Is it necessary that the adopted son should be under a certain age? If so up to what age is adoption allowable?*

There is really no limit of age for adoption; and, although most of the tribes have recorded some such limit, these do not agree one with the other, and are merely expressions of opinion. There are many instances of adoption of grown-up men quoted in most tribes. An adoption would ordinarily be of a boy.

Degrees of relationship to which adoption should be confined.

404. *Question* 66.—*Is it necessary that the person adopted should be related to the person adopting? If so, what relatives may be adopted? and what relatives have the preference? Is it necessary that the parties should be of the same tribe, or of the same got?*

The Dogars are the only tribe who asserted that a man may adopt any one outside of his own tribe, without reference to relationship. The other tribes and *gots* restrict the choice of an adopted son to a man's heirs, the nearer excluding the more remote. Thus the person adopting may choose any one from amongst the lineal descendants of his brothers; but in the presence of these he cannot adopt from descendants of his father's brothers, and so on. If there are no collaterals the following tribes say that (*i*) a daughter's son, and (*ii*) after him a sister's son, may be adopted—*all* Mahomedans (except, of course, Rájputs, amongst whom adoptions are unknown), Sainis and some of the Hindu Jats of Samrála. The degree of proximity, of the collaterals who would exclude the daughter's son, &c., is not mentioned; but a relation through the *nakardáda*, or great-great-grandfather, would be within the recognizable degree. Most of the Hindu Jats say that, if there are no near collaterals, a man must adopt one of his own *got*, and cannot take a daughter's or a sister's son.

Question 67.—*Is there any rule prohibiting the adoption of the son of a woman whom the adopter could not have married, such as his sister's or daughter's son?*

No such rule is known.

FORMALITIES.

Formalities necessary for adoption.

405. *Question* 68.—*What formalities are necessary for adoption?*

There are, as might be expected in an agricultural population composed of Hindus and Mahomedans, neither of whom pay much observance to their scriptural law, no special and elaborate formalities attending an adoption. The adopter usually calls the neighbours

and his relations together, and distributes *gur*, saying that he has adopted (*gód-lía*) so and so; or a deed of adoption may be written. It is recognized that there must be some such public notification of the fact of adoption; but this is all.

EFFECTS OF ADOPTION.

Succession of an adopted son to his natural father.

406. *Question* 69.—*Is an adopted son entitled to succeed to his natural father in case of the latter having no lineal male issue?*

Most tribes say that the adopted son loses all claim as the son of his natural father; but the following tribes and sub-divisions have recorded that, in the event of the natural father leaving no lineal male issue, the adopted son succeeds to his natural father in preference to collaterals: Hindu Jats of Kheri and Khannah *iláqas*, Lobánas and Mahomedan Jats of tahsil Samrála, Araiens in Ludhiána and Gujars in Jagráon. No instances are given on this point; and it may be accepted, I think, as the general custom, subject to proof a special custom in any tribe or locality, that the adopted son ceases to have any claim as a son on the estate of his natural father.

Succession to the adoptive father.

407. *Question* 70.—*What rights has the adopted son to succeed to his adoptive father? And what is the effect if a son is subsequently born to his adoptive father?*

The adopted son becomes to all effects and purposes the same as a natural son of his adoptive father, and takes an equal share with natural sons born after his adoption. I think that we may leave the case of there being several natural sons and an adopted son in a family where the custom of *chunda vand* is recognized till it arises.

GHAR JAWAIE.

Associated son-in-law (*ghar-jawaie.*)

408. *Question* 71.—*Where a son-in-law, leaving his own family, takes up his residence with his father-in-law as ghar-jawaie, what will be the effect on the rights of such son-in-law to inherit—(i) from his father; (ii) from his father-in-law?*

See the remarks on Question 44. No tribe recognizes the right of the *son-in-law* under any circumstances; but the right of the daughter and her male issue to succeed is acknowledged by the two or three tribes mentioned there. There is no question of the man forfeiting the right of succeeding to his natural father.

SECTION VII.—BASTARDY.

The issue of an unlawful marriage considered illegitimate; claims of such issue; children of a *karewa* marriage.

409. *Question* 72.—*Where a marriage has taken place which becomes illegal on account of the parties being within prohibited degrees of relationship, or of change of religion, or of difference of caste, &c., will the offspring of such a union be considered legitimate or not?*

The Rájputs say that the issue of a marriage with a widow or divorced woman is illegitimate; and all other tribes, Hindu and Mahomedan, agree that, if the marriage turn out unlawful on account of relationship, caste, &c., the offspring is illegitimate. It is questionable, as I have observed (No. 24), how far a Court of Law would give effect to a custom of this nature, founded on caste prejudice, and protected only by a social punishment.

Question 73.—*What are the rights of illegitimate children to inherit from their natural father?*

They are excluded from inheritance (all tribes.)

Question 74.—*Are illegitimate children, who do not inherit, entitled to maintenance?*

They are probably entitled to maintenance during minority, though even this is denied in many places.

Question 75.—*Are the sons of a karewa marriage entitled to inherit equally with the offspring of an ordinary regular marriage?*

Where the custom of *karewa* is established, there is no distinction made between the offspring of this and of an ordinary first marriage; and all the children would share equally in the inheritance.

SECTION VIII.—WILLS AND LEGACIES.

Wills and legacies unknown amongst the agricultural population.

410. *Question* 76.—*Can a proprietor, by verbal or written directions, dispose of his property after his death?*

Wills and legacies are unknown, but the Mahomedan Jats and the Awáns of tahsil Ludhiána say that a man may dispose of his moveable property by will. In no case can land be so disposed of unless, of course, in the event of all the heirs agreeing to the disposal.

In the case of Partáb Singh *v.* Bishen Singh and others (Punjab Record, No. 81 of 1877) it is laid down by the Chief Court that the distinction between alienation by will and by a disposition *inter vivos* would not be appreciated by an agriculturist; but I respectfully venture to differ from this conclusion. I have endeavoured to show that the right of a proprietor in inherited land is considered as to a considerable extent limited; and that any attempt to interfere with the reversionary rights of the natural heirs is regarded with the greatest jealousy. A gift of land to take effect during the lifetime of the donor would be, as a rule, at once contested; and the presumption against a disposition by way of will or legacy, that came to light after the death of the proprietor, would be ten times stronger. It is scarcely necessary, however, to discuss the matter further for, while the disposition of property by gift or by adoption is recognized and admitted with limitations by the land-owning tribes, wills are entirely unknown; and,

on the strength of a doubtful analogy, to create a rule recognizing them, as was done in the case referred to above, appears to me entirely opposed to the spirit of tribal custom. The distinction that an agriculturist would at once draw between a gift and a legacy is that in the case of the former the action of the donor is liable to be questioned at the time, and the dispute would be within the family, not between the heirs and strangers. How essential this difference is will be appreciated by any one acquainted with the constitution of native society.

Question 77.—*Where the power exists, is there any limit to it?*

There is no power, and, therefore, no limit.

Question 78.—*Can a legacy be left to one of the heirs without the consent of the others?*

The consent of all the heirs would be necessary for a legacy.

Question 79.—*Does a widow, who succeeds to immoveable property as legatee, take it in full ownership?*

If a widow succeed as legatee, which she could only do with the consent of the heirs, she would have a *widow's* interest, as defined under Question 40.

SECTION IX.—SPECIAL PROPERTY OF FEMALES.

Special property of females: succession to it.

411. *Question* 80.—*Is there such a thing as the special property of females over which husband has no power? If so, who succeeds to it on the demise of woman?*

There is no clear custom recognizing a special class of property as belonging to females, and over which a husband has no control. I do not think that cases of dispute between man and wife are likely to arise about the few articles of clothes, jewelry, &c., which are usually given with a woman as dowry. Some of the tribes say that the husband has full power over all moveable property, while some say that the wife has. The truth is probably that jewelry, articles of dress, &c., which a woman receives from her parents or relations, either at marriage or subsequently, would be considered as her personal property; while other sorts of moveables, such as cattle (a usual form of dowry where the wife's people are well off) would go into the common stock of the parties, and would be controlled by the husband. Where a woman gets immoveable property from her own people, some of the answers say that she holds it independently of her husband; but I doubt if this is possible. The husband would naturally manage land thus acquired, and anything like independence on the woman's part would clearly be against all native ideas on the subject. I have not asked any more questions under this section, because none of the points on which those given in the "Customary Law" seek to elicit information, can be said to have arisen as yet. The sense of the male agricultural population (of all native society, I may say) is strongly against anything that would tend to give the wife the power of acting apart from her husband; and there is certainly no necessity at present for protecting the special property of married women.

Under Questions 43-46 the circumstances under which daughters may succeed have been recorded, and the right of the husband with regard to property inherited from the woman's father under Question 53. I need not repeat what will be found in my remarks on the answers to these questions. Also see questions 84 and 85.

SECTION X.—GIFT.

412. *Question* 81.—*Are there any special rules relating to death-bed gifts? Can a man make a gift on his death-bed to a relation, or in charity, or for religion (kharaiat)? Can he do so of the whole or only part of his property? If of part, what part? If some heirs consent and others do not?*

Death-bed gifts to relations and in charity, &c.

The answers to this question prove clearly that there is no custom on the points raised; but a desire was shown by the tribal representatives to lay down a rule according to what they thought fit and proper. Thus the Lobánas say that a gift by a man in good health may be valid; but a gift by a man on his death-bed is invalid. Some of the Jats say that a man may give one or two *bígahs* (*kacha*) to Brahmans on his death-bed; the Awáns say that one-third, and the Gujars one-fourth of a man's immoveable property may be given for *kharaiat*, *i.e.*, for a religious or charitable purpose. The fact is that death-bed gifts, like wills and legacies, are unknown; and this appears to me to be the best statement of tribal custom on the point that can be made. There being no custom, the power of making such gifts may be presumed not to exist. I do not think it possible that a *bonâ fide* gift in charity, or for a religious purpose, would be disputed.

413. *Question* 82.—*Can a sharer in joint property make a gift of his share without the consent of the others?*

Gift of a share of joint property.

The fact of the property being joint could not prevent a person, who was otherwise entitled to dispose of it by gift, from doing so. The distinction is unknown to the agriculturists in this view.

414. *Question* 83.—*If a gift of land be made to a person, who is not a member of the village community, does the gift carry with it the right to share in the village common land or the miscellaneous village receipts?*

What rights in the village go with a gift of land.

If a small area is given, *e.g.*, to a Brahman, no share in the *shámilát* goes with this; but, if the gift be of a certain *share* in the village, a right in the common property and to participate in the common receipts goes with it. The donee would take the place of the donor to the extent of the share gifted.

415. *Question* 84.—*Can a father make a gift to his daughter by way of dowry (jahez) of moveable or immoveable property, whether or not there be sons or near collaterals; or whether or not they consent?*

Dowry (*jahez*) given with a daughter.

He can give in dowry, without consulting any one, as much of his moveable property as he chooses, but cannot give immoveable property. Of course, if the next heirs are consenting, there would be no one to dispute a gift of land; but it is not the custom, except when the father is a man of great means or of very good family, to give immoveable property in dowry with a daughter.

416 *Question* 85.—*On whom will devolve the inheritance of property given to a daughter in dowry (jahez)?*

Devolution of property acquired in this way.

The property (moveable) given in dowry will go to the husband first, and after him to the male heirs, in default of whom it will go to the husband's collaterals. In fact the *jahez*, if consisting of moveables, merges into the husband's property, as I have before explained (Question 80); and will not return to the woman's people. In the unusual event of a woman getting immoveable property in dowry, it would devolve as explained in the answer to Question 53, at least such is the recorded statement of the tribes. I think, however, that this is very doubtful. Property coming to a woman in dowry would be transferred from one family to the other, and belong absolutely to that of the husband according to native ideas. It is only in the case of property *inherited* by a daughter in her own right (Questions 43—46) that the family of her father could be held to retain any dormant rights in it.

417. *Question* 86.—*Who has the control and power of alienation of property given to a woman in dowry? Her husband or herself?*

Control of dowry.

See remarks under Question 80. I have anticipated there the answer that was given by all tribes, *viz.*, that the husband has the power of management and alienation of all moveable property except, probably, the clothes and jewelry of the woman. A dispute on this point could scarcely arise.

Immoveable property is almost never given in dowry; but, if it were, the husband would, according to the answers, not have the power of alienation; but, as under the last question, I doubt if the woman's relations could retain any rights in such land.

418. *Question* 87.—*Can a father make a gift of the whole or part of his property (i) moveable, (ii) immoveable, to his daughter otherwise than in dowry, to his daughter's son, to his sister or her children, or to his son-in-law? If there are no lineal male descendants or near collaterals, does this make a difference? Whose consent for such a gift is necessary?*

Gifts to a daughter or sister, or to their children: who can oppose such gifts?

The right of a person to dispose by gift of his moveable property is recognized by all the agricultural tribes, and he can apparently give away the whole or any portion of it to any of the people mentioned in the question. As to immoveable property (or rather land), most tribes say that, to enable the proprietor to make a gift of any part of it to the relations mentioned in the question, he must obtain the consent of the heirs—the lineal male descendants, or, in default of them, the collaterals related through the great-grandfather (*nakardáda*). It is not said whether the gift could be made in the event of there being no one within this degree of relationship; but I conclude that a more distant relation could not object to a gift made to a daughter, sister, &c. The Dogars say that a man may give to his daughter, sister, son-in-law or brother-in-law a share equal to that of a son, if he has male issue; otherwise he may give as much as he likes. The Awáns and Gujars, who, with the Dogars, admit the right of a daughter to succeed, say that the father may make a gift to a daughter under the circumstances stated in the remarks on Question 44, *i.e.* where the married daughter has not left the house of her father. Some of the Hindu Jats say that a gift of land may be made to any of the persons mentioned, when there are no collaterals related through the *nakardáda*, and the others disallow such disposition under any circumstances. The Dháliwáls alone of the Jats say that, if there are no sons and grandsons, a man may give a portion of his property to his daughter's or sister's children. I am doubtful about this statement of a custom to the effect, although such gifts have taken place and been admitted.

Gifts to strangers.

419. *Question* 88.—*What is the power of a proprietor to dispose by gift of property, moveable or immoveable, ancestral or acquired, to a person who is not a relation? Is the consent of the sons or near relations necessary for such a gift? How does (i) the fact of there being no sons, (ii) the circumstance that the property is joint, affect such power?*

All tribes, except the Awáns, admit the absolute right of the proprietor to dispose of moveable property by gift as he chooses. The Awáns do not recognize even this power. As to immoveable property all tribes deny the right of making a gift of it to a stranger, except a small area (one or two bigahs *kacha*) to Brahmans (Hindus), or in *kharaiat i.e.* for a holy or charitable purpose (Mahomedans.)

Power of revoking a gift if a son be subsequently born to the donor.

420. *Question* 89.—*Under what circumstances is a gift revocable? If possession have not been given or if the parties are relations?*

There is no custom on the subject; but some of the tribes say that, if possession have not been transferred, a gift may be revoked. Until possession has been transferred, however, the gift would not be complete.

Question 90.—*If the donor have a son subsequently born to him can the gift be revoked?*

This question is rather beyond the comprehension of the people, and a case in point has never arisen. The answers are, therefore,

speculative, and are generally to the effect that the gift cannot be revoked; but one or two tribes and *gots* say that it can be in whole or in part (one-half.) I should think that, in the improbable event of a gift of land being followed by possession, and a son being then born, the *donor* could not revoke the gift if the transfer were clearly proved; but perhaps it would be possible to have it set aside on behalf of the son.

SECTION XI.—PARTITION.

421. *Question* 91.—*When the father of a family is alive, whose consent is necessary for the partition of a joint holding? Under what circumstances can partition take place? Is it necessary that the wife or wives of the proprietor should be past child-bearing?*

Partition between the members of a family while the father is alive.

During the lifetime of the father partition of a joint holding can only take place with his consent. A father ordinarily divides his property amongst his sons only when there is no chance of his having more offspring; but, if a son be subsequently born, the partition would be revoked or altered with a view to provide a share for the new son (all tribes).

Question 92.—*Are the sons entitled to claim partition as a matter of right?*

They are not entitled to claim partition as in the last (all tribes.)

Question 93.—*Can a father exclude one or more sons from their shares, or otherwise make an unequal division? If so, is any distinction made between moveable and immoveable property, ancestral or acquired?*

A father can make what distribution he chooses of his property amongst his sons; but this will hold good after his death only so far as it affects moveable property. A father cannot deprive a son of his right to the share in immoveable property to which he is entitled by the laws of inheritance; and the son can claim a redistribution after the death of his father (all tribes). The Mahomedan Rájputs, Gujars and Jats of Samrála say that a father may, according to Mahomedan law, disinherit (*'áq*) his son; but there is no recorded instance of this having been done. The only imaginable circumstances under which it could happen would be in the case of the son changing his religion.

Question 94.—*When the proprietor makes a partition, are his wives, childless or with children, entitled to participate?*

The proprietor may or may not give them a share, he has complete power; but a wife is entitled to maintenance, and cannot be deprived of this right.

Question 95.—*How many shares can a father reserve for himself at partition?*

He can reserve as much as he likes; but he usually reserves a share equal to that of a son.

Question 96.—*What is the effect of the birth of a son after partition? Can the father revoke the partition? If the father have reserved a share for himself, will such share devolve exclusively on the son born after partition?*

The father can, under these circumstances, revoke the partition (see under 91) and make another for the benefit of the son. If a son be born after the death of the father, he would be entitled to take a share from his brothers. All the heirs have an equal right in the share reserved by the father for himself. If a son be born after partition, and succeed to the share reserved by his father, and this be smaller than those of his brothers, he could claim to have his share made up.

The general result of these answers is that the father may, during his lifetime, make what arrangement he chooses about his immoveable property (land); but he cannot do anything to affect the reversionary right which every son (or his representatives) has in such property; and an arrangement made by the father ceases to have effect on his death. On the one hand the paternal authority is supreme during the father's lifetime, and the sons cannot interfere with the exercise of it: but on the other hand the sons have dormant rights in the immoveable property, and the father cannot set aside the ordinary laws of inheritance. Over moveable property the father has absolute power.

Partition on behalf of a widow, daughter, &c., succeeding to an interest in property.

422. *Question* 97.—*Can a widow claim partition (i) if she have sons; and (ii) if she have not? Can a daughter or sister, if unmarried, claim partition?*

A widow who has no male offspring, and is, therefore, (see Question 39) entitled to a widow's interest, can claim partition of her share; while, if the widow has sons, she is dependent on them for maintenance. A daughter or sister cannot claim partition (all tribes). No case of a daughter or sister claiming partition has ever occurred as far I could discover, nor is one likely to occur, as these persons could only succeed under circumstances, which would leave no one against whom to claim partition, and the answer is a mere expression of tribal opinion as to what should be done under these most improbable circumstances.

Question 98.—*If partition be made can a widow claim a share? If so, what share, and on whom will it devolve after her death?*

The greater right includes the less, and, as the childless widow of a sharer can claim separation of her share (last question), she can do so when a partition takes place on the motion of other sharers.

There is a strong feeling, as might be expected, against the separate possession by the widow of her share, and several of the sets of representatives stated what they thought ought to be restrictions on the exercise of the right. The dispute that generally arises is where the widow of one brother claims separation of her share from the others, the holding having hitherto been a joint one; and it will usually be found that she states in her claim that her husband's heirs, who have possession of the joint property, refuse to maintain her. It will also be found as a rule that the claim is brought at the

instigation of her own relations, who wish to get the management of the land; and the opposition of the sharers is founded on this fact, and also on the unwillingness to allow the widow, who is herself considered to be family property, to get out of their power. The Courts now admit the right of the widow to separate possession of her share, as the natural consequence of her being entitled to it, and the people themselves do not deny this right in the last resort; but they think that she ought to be content with maintenance if her husband's relations are prepared to offer it to her in good faith. It would be quite at variance with the feeling of the agricultural community to allow partition on the application of the widow as a matter of course. So far as there is a custom on the point, I should say that it would make it incumbent on the widow to prove that her husband's relations refused or neglected to support her. The land, it is felt, ought to be left in the possession of the husband's relations, and the widow allowed so much as will represent the proprietor's profit on her share. It is not too much to say that the husband's relations consider the land and the woman as good as gone from them for ever, when the Court has allowed partition of her share.

Disputes often arise where a widow with minor children claims partition against the uncles, and these same influences will be found at work on both sides in such cases.

Right of the son who remains associated with his father after partition.

423. *Question* 99.—*Has the son who lives with his father after partition the right of succession to the whole of the property reserved by the father, or will the other sons also succeed?*

The answer to this has already been given. It is a very common thing for a proprietor, where the conditions of the agriculture admit of it, to assign to each of his married sons a separate share of the ancestral holding; and to keep with himself the younger sons, who have not yet been married. The son who has a wife cannot ordinarily remain in the same house with his father and brothers; and, unless the holding requires to be worked jointly, as it does in the highly irrigated parts, this is often followed by a separation of the share of such son. But this, as explained under Question 96, is only a temporary arrangement. With the increasing scarcity of land, too, such arrangements are becoming much less common than they were. The son or sons who continued to reside with their father would keep the moveable property of the father on his death; but, if the father had retained more than the share to which the son or sons would be entitled by inheritance in the immoveable property, the other brothers who were living apart could claim a share in the excess, or a fresh partition.

Acquisitions by a father after partition.

424. *Question* 100.—*Will an acquisition made by a father after partition devolve equally on all sons whether or not one or more sons have remained associated with him? If the acquisition be made by the help of the associated son?*

If the father have made the acquisition with his own (that is, the family) property, and it be immoveable property, all the sons are

entitled to participate in it, whether living with him or apart. If the associated son have acquired the property through his own exertions and from his own means, it is not liable to partition. The moveable property, as above, goes to the associated sons (all tribes).

Question 101.—*If a son remain associated with his father and die childless, can the other brothers claim a share in his property during the lifetime of the father?*

They cannot claim a share during the lifetime of the father (all tribes).

PART II.—Local Custom.

425. In the inquiry into Tribal Custom I have adhered as closely as possible to the plan of Part 1, Vol. III, of Mr. Tupper's "Punjab Customary Law;" but in the matter of Local Custom complete discretion appears to be allowed to Settlement Officers as to the subjects and method of investigation, and it is necessary that this should be so. The customs coming under this head have, as pointed out by Mr. Tupper, usually no connection with the tribe or family, but are entirely the result of local conditions. The term Customs does not appear to me to be strictly applicable to them, as they are in a great measure matters determined by agreement; and it would be more proper to say that they are *customs controlled by agreement.* The most important part of them find their way into the Administration paper (*wájib-ul-arz*) of each village, which contains the agreements between the members of the village community as to the administration of village property and affairs. This paper has an authority as part of the Settlement Record; and its provisions can be altered only in the same manner as other parts of such Record; but, although these provisions generally express the past custom in the matters to which they relate, they can be, and are, altered by the agreement of the parties. It is not to be expected that such matters as the dues paid to village artizans, the management and partition of the village common land, the rights of tenants should be decided by custom derived from a state of society which has passed away. These matters are really subjects of agreement; and the provisions concerning them are liable to alteration from time to time by fresh agreements between the parties.

The nature of local or agrarian customs.

426. The only one of the subjects coming under this second part of Local or Agrarian Custom on which inquiry has been made for a tract as a whole, and not for each village separately, is the collection of customs relating to land subject to the action of the river—Riverain law. All other matters of inquiry suggested by Mr. Tupper will be found to fall under one or other of the heads prescribed for the village administration paper in the Rules under the Land Revenue Act; and it is much more convenient to have them there. There is a very considerable amount of divergence in the practice on many points between village and village; and a separate record of the customs and

Customs relating to alluvion and diluvion.

agreements for each village is likely to be more reliable than a general statement for a collection of villages, because in the former the whole community of each village have an opportunity of expressing their views, while the latter is made out from the answers of a few representatives of each village.

In this second part, then, I will first give some account of the customary rules determining in each separate locality or tract questions that arise in connection with the action of the River; and after that of the provisions of the village Administration papers.

A.—THE CUSTOMARY LAW OF ALLUVION AND DILUVION IN VILLAGES ALONG THE BANKS OF THE SATLEJ.

427. The river Satlej bounds the three tahsils of the Ludhiána district on the north, separating a small portion of Samrála from the Garhshankar tahsil of Hoshiárpur, and the remainder of Samrála and the whole of the others from the Nawashahr, Phillour and Nakodar tahsils of Jalandhar. No other river touches the District. The inquiry as to the Riverain custom was made by Extra Assistant Settlement Officer, Ahmad Bakhsh, from the people of the villages on both sides of the River, assembled for the purpose at several places along its course.

Method of making the inquiry into the custom of alluvion and diluvion.

For this inquiry the Ludhiána villages were divided into five groups—

(1) Those of Samrála opposite Garhshankar.
(2) Those of Samrála opposite Nawashahr (Jalandhar.)
(3) The upper half of the villages of Ludhiána tahsil.
(4) The lower do. do.
(5) The villages of Jagráon tahsil.

At the attestation of the custom of (2) to (5) Mr. L. W. King, C.S., then on Settlement duty in Jalandhar, was present, and assisted. Group (1) consists of only a few villages.

Nine simple questions on the lines of those in Mr. Tupper's Panjab Customary Law, Volume III, Part II, Sec. II, were framed and given to the Extra Assistant Settlement Officer; and these, with an abstract of the answers to them, will now be detailed.

I.—*Custom between villages on opposite sides of the River.*

428. *Question* 1.—*When the land of a village goes by diluvion (abrasion), and land is recovered on the opposite side of the stream, adjoining another village, will such land belong to the original village, or to the village on the opposite side to which it has come by accretion? Is any distinction made between land that is capable of identification and such as is not?*

General custom between villages on opposite sides of the River as to land coming by alluvion, separation, &c.

Question 2.—*Where, by a sudden change in the course of the deep stream, land which is susceptible of identification has been transferred from one side of the deep stream to the other, will such land remain the property of the original owners, or will it go to the village community adjacent to whose boundaries it has become situate?*

These two questions are most conveniently taken together. The history of the custom prevailing between villages on opposite sides of the River appears to be as follows. The course of the Satlej is constantly shifting within the limits of its valley, the present Bet tract, which has a width of five or six miles. Most of the villages were founded at the beginning of the present century; and from 1806 to 1846 the country on both banks, which was only partially cultivated, formed part of the kingdom of Ranjit Singh and his successors. I do not suppose, then, that the Deep-stream rule, pure and simple, was ever in force. Disputes were not common because land was so plentiful, and the minor chiefs who held the country under the Lahore Darbár were probably a law unto themselves, deciding claims not on any fixed principle. Since annexation there have been innumerable disputes, as the changes in the River's course have been very violent, and there are few villages on its banks that have not been one or other party in a case regarding doubtful land. The question may be said to be still to some extent in a state of flux, and it cannot, perhaps, be affirmed that any general set of customs is as yet absolutely established. The *law creative faculty* is still in operation, and will eventually, no doubt, with the aid of our Civil Courts, produce recognized rules to suit the fully developed condition of the Bet tract. I can only show what the present state of the custom is.

The Deep-stream rule with modifications.

Even where the Deep-stream rule (*kishti bana, dhár kalán, &c.*) is retained, two modifications of it are almost everywhere recognized. (1) Land susceptible of identification, *i.e.*, a portion of an estate bodily separated off by change in the course of the stream (*rukh girdáni, baghal phir*), belongs to the original owners. The great majority of the villages have in their statements accepted this; but there are disputes going on at present, and it is denied by one or two in Ludhiána and Jagráon. I do not suppose, however, that a Court of law would act contrary to this principle, even if there were much stronger evidence of a custom against it than exists; and I think that it may be considered to have acquired the effect of a customary law.

(2). Where the whole area of an estate has gone by diluvion, the proprietors are entitled to land re-appearing on the same *site*. The site is determined by the map of the Regular Settlement (1850), this being the period which the villages accept as their starting point in all questions of title in land of this character. The above rule has nowhere been denied.

"Fixed boundaries."

Between most of the villages of the Samrála tahsil and those of Garhshankar and Nawashahr tahsils facing them, the Deep-stream rule has been entirely abrogated, and in its place that of "*thákbast bana*" or "*hadbast bana*" adopted; that is the *wárpár* or *léndén* rule of other parts, by which the boundaries of each village are of a fixed character and meet, whether the land is covered with water or not. The

boundaries accepted are usually those of the Regular Settlement; but in some few cases the people hold out for those of some particular year, in which there was a dispute and a decision given, or an agreement come to on the point. The fact is that in the first ten miles of its course through the Samrála tahsil, the Satlej has shifted its course so much that most of the villages now on both sides of it were thirty years ago removed from its banks, and had perfectly defined limits. Where we have now included in our inquiries villages that may hereafter become liable to the action of the River, and asked the proprietors of them by what rule they will abide, the answer has been in every case that they will adhere to their present boundaries. Some few villages in the upper part of the Ludhiána Bet have also agreed with those on the opposite side to abide by fixed limits; but in Jagráon and the greater part of the Ludhiána tahsil the rule of *accretion*, that is of the Deep-stream with the two modifications noted above, still prevails and has been acted on.

The rule of fixed boundaries, which appears to have been adopted in the Samrála villages by agreement some twenty-fiye years ago, is obviously the only just one; and I doubt not that it would be accepted by the whole of the villages on both sides of the River. The difficulty would be as to what should be taken as the starting point; but I have no doubt that most villages would accept the Regular Settlement, made about 1850, in which rights were for the first time properly defined.

The Deep-stream rule, even with the modifications above, may give results that are really most inequitable, as will be seen from two instances. The land of a village may go by abrasion till only five or six acres are left, fresh land being thrown up within its Settlement boundary on the opposite side of the River; but because of this petty area still left, it could not by the rule, if followed strictly, recover land according to its old limits. Again, the land of a large village may go gradually by alluvion to the opposite side of the River, till only a narrow strip is left, and the stream then suddenly change its course, transferring bodily (*rukh girdáni*) a large plot which, because recognizable, is given to the people who held it for a few years on the opposite side. Thus the original village is cut off effectually from any chance of recovering land, being denied a frontage on the river. This latter instance is founded on the facts of a case decided by me in the Kasur tahsil of the Lahore district some years ago. In the record of our inquiry (*Rawáj-ám burd-o-barámad*) it will be found that we have shown very fully the exact state of the custom at present, an account of what has happened in almost every village being given, with lists of the villages which now accept each custom. With this and any other information that the parties produce, the Courts will have to decide what rule should be applied in each case as it arises; but I should think that, where an agreement by a village to accept a certain rule has now been recorded, effect would be given to this as to a regularly established custom.

Rights in islands.

429. *Question* 3.—*Where by the separation of the deep stream an island has been formed from the river bed opposite two or more villages on different sides of the river, to which of such villages will the island belong?*

Where the rule is that of the Settlement boundary (*thákbast banna*), the area of both villages is first made up to this limit, and whatever is over, lying between them, is divided and assigned to each village in proportion to its Settlement area. Elsewhere the Deep-stream decides the question, the island belonging to the village which is on the same side of the deep stream. An island is called *Mand*.

Rule for determining the deep stream.

430. *Question* 4.—*Where there are two or more channels, by what rule is it determined which should be considered the deep stream?*

The deep stream is that which contains the most water, width and depth being considered. Where the width of two streams is about the same, the depth is measured. Where it is quite impossible to decide by ordinary means which stream has the greater volume, a boat is let go at the point of separation, and the deep stream is that down which it floats.

II.—Custom between villages on the same side of the River.

Land re-appearing on the site of an old village.

431. *Question* 5.—*Where the whole land of a village has been destroyed by diluvion, and land re-appears on the same site, but is not susceptible of identification, will the land go to the proprietors of the village on the site of which it has re-appeared, or to the village to whose lands it has become attached by accretion?*

The answer to this has been given above—the second modification of the Deep-stream rule that I have noted as accepted everywhere, not merely where the rule is that of the *thákbast banna*. The village whose land has been destroyed is entitled to recover the whole of its land according to the Regular Settlement map.

Rights in land thrown up in front of two adjoining villages.

432. *Question* 6.—*When land is recovered by accretion, how is the boundary between two adjoining villages in it determined?*

In all cases the maps of the Regular Settlement, so far as they go, are accepted as defining the limits of the adjoining villages. Where land beyond these limits has to be divided, each village gets the land in front of its Settlement area. Where the rule is that of *thákbast banna*, the case could not arise, as all land in the bed of the River belongs to some one. In the Ludhiána Bet it is said that the boundary between two villages is determined by continuing the line of the last two boundary pillars of the Settlement map. In Jagráon the limit is said to be a straight line (presumably one due north) to the River. There is, I am afraid, no certainty on this point. In places land-marks beyond the reach of the River are recognized as giving the line of division between two villages; but generally it has to

be determined, according to the circumstances of each case, how much of the land can be said to be in front of each village, no more definite guide being given.

III.—Between Proprietors of the same Village.

Rights of the village co-sharers in land coming to the village by alluvion, &c.

433. *Question* 7.—*To whom belong lands gained by alluvion or avulsion? Do they belong to* (*i*) *proprietors of land destroyed by diluvion on the site where the accretion has formed? or to* (*ii*), *proprietors owning the lands adjacent to which the accretion has formed? or to* (*iii*), *the village community?*

Do the rights vary according as the land gained is or is not capable of identification?

As to the disposal of land that comes to a village by accretion or by change in the course of the River (but the latter is scarcely a possible contingency, as the land would belong to the original proprietors of the other side) the customs are various. (*a*) It may be the rule to make up the losses of each co-sharer annually from the village common, or from land held by other sharers. In this case the new land naturally becomes the property of the community. Or (*b*), it may be the custom that each co-sharer has to bear the loss that he suffers from the River, and must wait till land again re-appears on the site of his fields. In this case all land recovered outside of the limit of the Settlement map, or which has never been in the possession of a proprietor, becomes village common property. (*c*) In four or five villages the custom followed appears to be that losses are not made up to the losing proprietor, and still new land recovered becomes village common, rather an inequitable arrangement surely.

The details as to these various customs will be found both in the *Rawáj-ám burd-o-barámad* and in the Administration paper of each village. The entries in the latter were attested by the Superintendents along with the other provisions of the paper; and should prevail against the former, if any discrepancy appear, which I scarcely expect.

Question 8.—*Where on the site of land destroyed by diluvion new land is formed, and the old land had been partitioned, will such partition be maintained in the new land?*

The answer to this has already been given in that to the last question. Where the loss of each co-sharer is made up annually, the new land would be divided afresh according to the village shares. Where the fields of the Regular Settlement are perpetuated, a fresh partition could only take place of land outside the Settlement limits; and the partition would thus be an entirely new one.

IV.—Rights of Tenants.

Occupancy rights in land going by diluvion and re-appearing.

434. *Question* 9.—*When the land of an occupancy tenant goes by diluvion, is he entitled to have his land made up from the village common, or from the land of the proprietor under whom he holds? When land goes by diluvion and fresh land appears on the same site, does the tenant recover his rights in it?*

Occupancy tenant right being a creation of our rule, it was not to be expected that we should find any *custom* existing on this point. There are very few occupancy tenants in the villages along the River; but the attestation was done by inquiry from such of them as were present. Where, as is often the case, the occupancy tenant holds a *share* of the land of the village, his right was recognized (except in one village) to get his portion of the land assigned to his proprietor in the annual adjustment. When a proprietor is entitled to land appearing on the site of his Settlement fields, the occupancy tenant is also entitled to recover his rights in the fields that he held before. These two principles are not undisputed; but we cannot expect an established and admitted custom on the point. It is likely that the Courts will accept and affirm the equitable principle that the mere submersion of the land, being a fact beyond his control, does not destroy the right of the hereditary tenant. Where the tenant holds a *share* of the village, he differs at present but little from a proprietor. The question of his sharing in the division of the ordinary "shámilat" must be kept distinct from this rule, which would only entitle him to have his holding brought up to its size at the time of attestation of rights in the Regular Settlement.

B.—THE WÁJIB-UL-ARZ, OR VILLAGE ADMINISTRATION PAPER.

435. An Administration paper was made out for each village under clause 5, section 14, of the Land Revenue Act, according to the heads prescribed in the Rules. Some of the provisions of this paper are merely expression of the orders of Government in regard to the payment of revenue, remuneration of village officers, &c. Those concerning the relations of the village community, proprietors and residents, amongst themselves, are in the main founded on usage; but they are really of the nature of agreements, and are liable to be altered from time to time with the consent of the parties. It is not from the fact of their expressing the custom hitherto followed on any point that they derive their force, but from the agreement of the parties to abide by them. On one or two points it will be seen from the analysis, which I am about to give, custom is still followed; but on most this has been modified in order to suit the altered conditions of the village.

Nature of the provisions of the wájib-ul-arz.

436. The wájib-ul-arz of the Regular Settlement was made out about the year 1850. It had the same legal force as the rest of the Settlement Record; and its provisions could only be altered in the same way as entries in the Record, *i.e.*, by agreement, by judicial decision, or according to facts subsequently occurring. The old conception of a wájib-ul-arz was, however, different from ours; and the former paper expressed rather what the Settlement Officers thought to be proper rules for guidance in the matters concerned, than either the customs or the agreements of the people.

The former wájib-ul-arz.

The greater part of the provisions were identical all over the District, and there were but few points of difference between the conditions

for the villages. In fact the paper was a series of rules prescribed by the Settlement Officer for observance in the management of village affairs. Some of the matters as to which the old wájib-ul-arz contained directions have been since provided for by general law; while some of the conditions, being founded neither on custom nor on agreement, have been inoperative from the first, and others have since become so.

The new or revised wájib-ul-arz.

437. The portions of the new wájib-ul-arz which depend on custom or agreement were carefully attested for each village by the Superintendent on the spot, and practically in the presence of the whole community, proprietors and residents of the mercantile, artizan and menial classes. There is room for a good deal of diversity in the various matters of custom or arrangement between the members of the community; and I think that all details which are peculiar to any village have been recorded in its wájib-ul-arz.

Clauses 1 and 2: Government revenue and cesses.

438. The first clause of the revised wájib-ul-arz gives the amount of the new assessment, the instalments in which it is to be paid, and the method of distributing it between the co-sharers, while the second details the cesses. As will be seen from paragraph 313, the distribution of the revenue is a matter with which custom has but little to do; nor would any weight be attached to a claim that a certain method (*bách*) should be continued, because it has been in use from time immemorial. The revenue payable for each holding ought to be fixed entirely with reference to its capabilities at the time of assessment, unless the proprietors agree to maintain some customary form of distribution, or to apply some new one which they consider more suitable. As a matter of fact, although the original village shares have not been completely lost sight of, they have in very few cases been used for the purpose of the internal rating of the village for the revenue demand, and the extent or quality of the land held by each co-sharer has been accepted almost everywhere as the test of his liability.

Clause 3: Partition of holdings.

439. Every proprietor in his own right is entitled to claim separation of his share, and clearly a provision that prevented him from getting possession of it could not, under any circumstances imaginable in this district, have effect even if it had been recorded. Re-allotment of land once divided, and readjustment of the revenue demand during the term of the Settlement are alike unknown (the conditions as to land subject to the direct action of the River can scarcely be called an exception to this statement).

Clause 4: Partition and management of the village common land.

440. There is very little culturable waste left anywhere in the District. Such pieces of public village property as roads, ponds, &c., are necessarily excluded from partition. It would, perhaps, have been possible to do something towards the protection of the grazing lands that still remain in some villages; and there was a desire on the part of the people that they should be

allowed to bind themselves by some strict conditions on this point; but a departmental order (Settlement Commissioner's Circular No. 21 of 1880) forbade the insertion of provisions restraining the power of the sharers to demand a partition when they chose. The partition, it was laid down, must not be made to depend on the wish of the majority; and, practically, any single co-sharer has the power of insisting on being put in separate possession of the portion of the common land to which he is entitled. The question of protecting grazing lands is not, however, one which has very much importance in Ludhiána, as the cattle are almost entirely stall-fed; and I do not see how it would be possible, without special legislation, to restrain a proprietor from the exercise of such an undoubted right.

Under this clause are recorded the method of managing the village land, so long as it remains common property, and the manner in which it is to be partitioned. Village common land may be cultivated by a proprietor or other person with the consent of the community, given on their behalf by the lambardárs or headmen. Any one cultivating in this way is a tenant of the community, and the rent fixed by the lambardárs for the land is an item in the common village receipts. There are other receipts from the common waste land in some villages on account of timber and fruit trees, grazing dues, &c.; and all such sums are either credited to the village fund, or distributed at once amongst the sharers, according to the manner of treating the village fund agreed on. Large sums are in some villages now and again realized by the sale of timber, and divided by the proprietors.

This clause also describes the manner in which a partition of the common land is to be effected. The measure of right of the proprietor or of the sub-division of the village is, as a rule, the ancestral or customary shares, seldom the *khewat* or amount at which the land has been rated. Usually the land is first marked off into equal shares, which are assigned to the sub-division (*pattis* or *thulas*) by lot according to the extent of the rights of each. Inside of these again, the land is assigned to the individual sharers in various ways; but now-a-days most partitions are effected through the revenue authorities.

Clause 5 : Rights over the village site.

441. The village site, like the rest of the land, belongs to the proprietary body. The resident non-proprietors, who have presumably settled down with the permission of the co-sharers, are entitled to occupy the sites on which their dwellings stand; but they cannot transfer them, or even dispose of the building materials in some places, without the consent of the latter.

Atráfi.

It was the almost universal custom for the proprietors to levy dues (*atráfi*) from all resident shopkeepers and artizans, really as a return for the privilege of residence enjoyed by the latter; but in most parts of the District the right has under our rule ceased to be enforced, and could scarcely be revived. In many villages there is a struggle going on even now; and it is not improbable that in time the custom will become extinct.

A small annual tax (from two annas to one rupee) was levied from each shop or artizans' house; and, under native rule, the Lambardár readily realized this, for he had great power inside the village; but of late it has generally been found impossible for him to make the people pay, as the only remedy is a separate suit for each single item by the proprietary body of the village or sub-division against the recusant shopkeeper, &c., and the latter would be as likely as not to get the best of the dispute. Most villages have thus allowed the right to become extinct; but in the Jangal and adjacent villages the proprietary body has retained its full authority over the non-proprietary, and the dues levied in the shape of *atráfi* or by weighman's fees, *i.e.*, an allowance on all transactions in grain taking place in the village, cover the village expenses.

Manure.

Under this clause the rights of the proprietors to the manure of the residents is also declared; and certain minor dues, such as marriage fees, &c., which are very uncommon.

Clause 6: Claims in respect of land taken up for public purposes; alluvion and diluvion.

442. No village recognized the right of a sharer, whose land is taken up for a public purpose, to have his loss made up either from village common or by contribution from the other sharers. He gets the compensation in cash from Government, nothing more.

The customs as to making up the share of a proprietor who loses land by diluvion, and the disposal of land coming by alluvion, have been fully described in paragraph 433.

Clause 7: Village officers.

443. The appointment and remuneration of village officers are regulated by law, and such details as are necessary concerning them will be found in the Report.

Clause 8: Village expenses.

444. In paragraph 87, I have already given some account of the income and expenditure of the village fund (*malbah*). The entries about it in the wájib-ul-arz are of considerable importance. The management is a fertile source of dispute between the Lambardárs and the other proprietors, the former regarding the fund as absolutely at their disposal, and the latter constantly attempting to interfere in the control of it. In some villages the agreement recorded is that the Lambardárs shall collect a certain small percentage on the revenue (which has not been allowed to exceed the limit fixed by Financial Commissioner's Circular No. 4 of 1860), and are responsible for all the usual public expenses. When this has been accepted, it will usually be found that the Lambardár just manages to cover his outlay by what he collects. As a rule, however, the management of the *malbah* is not entrusted absolutely to the Lambardár. There is a growing tendency to dispute the authority of this officer at every point; and, although it was not denied that there should be a village fund, to be expended for certain well recognized purposes, such as the feeding of faqírs, &c., an attempt was made to have it controlled by the whole pro-

prietary body. The provisions actually agreed to were usually to this effect. The Lambardárs have the right of spending money from time to time on the usual objects as the necessity arises, getting it from a shop appointed for this purpose (*malbah-bardár*). Twice a year just before the accounts of the village are made up by the Patwári for the realization of the instalment of revenue, the village fund accounts will be audited on a day fixed for the purpose, of which notice shall have been given. In the presence of the Lambardárs, and such of the co-parceners as choose to attend, the accounts for the half year are made up, and any one who wishes to do so may object to any item. The amount due is distributed and realized with the revenue demand by the Patwári. There is often a set-off against the expenditure in the shape of *atráfi* and other fees; and in the Jangal tract the village expenses are more than covered by a weighman's fee levied on all grain transactions within the village.

Clause 9 : Sayer.

445. As there is very little waste land, it was to be expected that the sources of *sayer* income would be very few. Reference has already been made (clause 4) to the receipts from the sale of timber, grazing dues, &c.; and, in the remarks under clause 5, mention is made of the manure accumulating on the premises of residents who are not proprietors. Some few villages periodically distribute large sums obtained by the sale of *dhak* or other wood on the waste land; but from the other sources there is almost no income.

Clause 10 : Irrigation rights.

446. The only irrigation rights at present in the District are rights in wells. The shares in a well are often very elaborately subdivided; and a record of them is to be found in the *Naqsha Cháhát*. Each sharer is entitled to a *vári* or portion of a *vári*, that is the right to work the well for a day and night (eight *pahrs* or watches) in the cold weather, and for a day or a night (four *pahrs*) in the hot weather; and the succession of the *váris* is determined by lot. The moveable gear (rope and bucket) is the property of the sharer; and repairs to the well have to be executed at the joint cost. There are minor provisions on various points. The right of cultivators to sink wells is recognized under no circumstances.

Clause 11 : Proprietors absent or out of possession.

447. At the Regular Settlement all absentee proprietors were recorded as *mafrur* or absconding; and in those days it was considered in the light of an offence against the State if a holder of land failed to fulfil his duty by cultivating it and paying the revenue. A condition was entered in the old wájib-ul-arz that such a sharer might get back his land if he appeared and claimed it within a period of twelve years. Now we recognize two classes of sharers out of possession: (1) *Ghair kábiz*, one who resides in the village, but has not got possession of his rights; and (2) *Ghair házir*, one who is also absent. It cannot be said, I think, that there is, or that there ever has been, a custom as to the treatment

of the rights of absentees. Our law says that twelve years of adverse possession gives the holder a right as against the person out of possession; and it will always depend on the circumstances of each case whether the possession is of this nature or not. In the attestation of rights an inquiry was made as to the title of every person whose name appeared in the old (annual or Settlement) papers as a proprietor, but who was not actually found in possession; and the terms under which the land was held were set forth. Thus *A* was found and recorded as in possession of his own share and that of his brother or uncle *B*, who was absent on service, *A* managing the whole estate, and *B* retaining all his rights. This, of course, is the simplest case; but there were few complications. The persons entitled to the management of an absentee's estate, if he has made no arrangement for it himself, are his heirs in their proper order.

Clause 12: Succession; pre-emption.

448. The Codes of Tribal Custom deal with the question of succession to, and transfer of, landed property; and the final orders on the subject are that no mention is to be made in the wájib-ul-arz of these matters, for to do so would be to give to the entries in the *Rawáj-ám* on these points the force attaching to all entries in the Settlement Record, and not merely that of evidence as to the custom. In the matter of pre-emption the old wájib-ul-arz extended the exercise of this right by the heirs to cases of temporary transfer (mortgages); but the entries on this point were merely inserted by the Settlement Officer from an idea of what he thought fit; and they have been a dead letter from the first They do not appear in the new Administration papers.

Clause 13: The right of Government in Nazul property, quarries, &c.

449. General provisions have been entered according to the wording of the orders of Government on this subject, reserving to Government all rights in Nazul-buildings, kankar, quarries, &c.; and these need not be detailed.

Clause 14: Assessment of lands gained by alluvion; of lapsed *máfi*, &c.

450. In paragraphs 319—321 of this Report, I have described the system sanctioned for the treatment of land subject to the action of the River; and the conditions, rates, &c., applicable to each village have been entered under this section of its wájib-ul-arz.

Máfi plots are invariably owned by the *máfidárs*; and, on the occurrence of a lapse or on resumption, the *máfidár* or his heirs would have the right to engage for the revenue. If they should chance to refuse, the proprietors of the *thula* or *patti* in which the land is situated would have the right, the minor subdivision having the first claim.

Clause 15: Levy of fines.

451. A fine imposed on the whole community would be levied on all the members like the chaukidár's tax, that is on houses; but such fines are, I believe, unknown now-a-days.

Clause 16 : The rights of cultivators.

452. (1) The right of occupancy tenants to alienate their tenure is defined by the Tenancy Act.

(2) Occupancy tenants have everywhere the right to cut trees growing on their holdings for the purpose of making the ordinary agricultural implements ; and their right to cut and sell is also admitted in some villages. It is said that, when such tenant pays in kind, the proprietor is entitled to a share of the trees as of other produce.

(3) As to manure—an occupancy tenant is entitled to use his own refuse heap as manure for his holding.

(4) Tenants-at-will have no power of alienation, or of cutting trees ; but they are entitled to their own refuse heaps as manure.

(5) There are no recognized liabilities other than rent.

Clause 17 : Dues of village servants.

453. In paragraph 128 of the Report, an account has been given of the village artizans and menials, of the tasks to be performed by them, and of the dues that they usually receive. These will be found fully recorded for each village under this clause, as they were ascertained at the time of attestation ; but I would remark that the agreements between the proprietors and their *kamíns* on these points are apparently, notwithstanding the fact of their being entered in the Administration paper, liable to revision at any time. On the one hand an undertaking by a *kamín* to perform a certain task for the next thirty years could scarcely be recognized as capable of being enforced against him and his heirs ; and, if this view is correct, then the proprietor can scarcely be called upon to pay the dues under a one-sided agreement. The truth is that the entries are little more than statements of what tasks are performed by the *kamíns*, and what they receive from the proprietors at the present time ; and this is the way in which they have been recorded in many cases. On a claim being made by either party, it would be open for the other to show that the terms of the agreement had been altered in practice. I think that the true foundation of the agreement is this, that, in return for the privilege of being allowed to reside in the village, the *kamín* agrees to perform certain tasks, and the proprietor makes certain allowances to him for his work. The performance of the tasks is an incidence of the residence, and not a personal liability of the *kamín* ; and the *kamín* could free himself at any time by leaving the village.

APPENDICES

TO THE

LUDHIÁNA SETTLEMENT REPORT.

NOTE.

Of the following Appendices Nos. I—VI contain information for the whole district similar to that already submitted for each tahsíl with the Assessment Reports. They correspond to Forms A to D prescribed by the Rules under the Land Revenue Act (C. V.)

Nos. VII and VIII are statements of land tenures in the forms of Statements XXXIII and XXXIV accompanying the Revenue Administration Report.

Nos. IX—XI show the Gazette Notifications, conferring powers on the Settlement officials, the case work disposed of by them, and the expenditure from all sources on the Settlement.

Nos. XII—XV are not specially prescribed, but give information on several subjects of general interest, which could not conveniently be included in the body of the Report.

APPENDIX I.

STATISTICS OF AREA, IRRIGATION, GENERAL RESOURCES AND ASSESSMENTS.

APPEN

1	2	3	4	5	6	7	8
			Number of Villages.				
Serial number.	Name of tahsil.	Former and present statistics compared.	Khálsa.	Shared.	Jágír.	Total.	Total area.
1	Samrála.	Former ...	197	9	67	273	1,84,593
		Present ...	214	18	41	273	1,84,589
2	Ludhiána.	Former ...	355	20	82	457	4,40,157
		Present ...	366	16	77	459	4,34,039
3	Jagráon.	Former ...	161	8	6	175	2,63,203
		Present ...	168	5	2	175	2,63,539
4	Total.	Former ...	713	37	155	905	8,87,953
		Present ...	748	39	120	907	8,82,167

DIX I.

9	10	11	12	13	14	15	16
SECTION I.—AREA AS ARRANGED FOR ASSESSMENT.							
MINHAI OR UNASSESSED.		MALGUZARI OR LIABLE TO ASSESSMENT.				DETAIL OF CULTIVATED AREA.	
						Artificially irrigated.	
Forest and Government property.	Unculturable.	Culturable.		Cultivated including fallow of less than 2 years.	Total liable to assessment.	Chahi (irrigated from wells) Dhaia.	
		Culturable waste.	Fallow of 2 to 4 years.			Niái (1st class).	Khális (2nd class).
16	16,534	21,461	4,083	1,42,499	1,68,043	20,016	24,329
2,760	17,260	14,138	1,461	1,48,970	1,64,569	16,802	29,349
478	37,060	67,425	8,360	3,26,834	4,02,619	17,052	23,341
3,475	26,650	50,909	2,979	3,50,026	4,03,914	27,548	13,990
32	15,398	35,208	4,058	2,08,507	2,47,773	7,470	6,104
1,916	14,433	15,748	1,429	2,30,013	2,47,190	11,850	3,423
526	68,992	1,24,094	16,501	6,77,840	8,18,435	44,538	53,774
8,151	58,343	80,795	5,869	7,29,009	8,15,673	56,200	46,762

APPENDIX

Serial number.	Name of tahsil.	Former and present statistics compared.	17	18	19	20	21
			SECTION I.—AREA AS ARRANGED FOR				
			Detail of cultivated				
			Artificially irrigated.			Not artificially	
			Chahi Bét.	Other irrigation.	Total.	Bet.	
						Dofasli (1st class.)	Ekfasli (2nd class.)
1	Samrála.	Former ...	111	197	44,653	6,391	12,887
		Present ...	350	144	46,645	13,172	5,943
2	Ludhiána.	Former ...	2,172	1,414	43,979	10,232	46,414
		Present ...	4,593	462	46,593	12,442	43,212
3	Jagráon.	Former ...	328	107	14,009	1,702	7,467
		Present ...	1,331	53	16,657	4,388	5,743
4	Total.	Former ...	2,611	1,718	1,02,641	18,325	66,768
		Present ...	6,274	659	1,09,895	30,002	54,898

I.—*(Continued.)*

22	23	24	25	26	27	28
ASSESSMENT.—(*Concluded*)			SECTION II.—RESOURCES AND CAPABILITIES CONSIDERED IN DIFFERENT ASPECTS.			
AREA.			AREA AND PERCENTAGE (ON COLUMN 13).			
irrigated.						
Dhaia.		Total.	Irrigated.	Held by tenants-at-will paying in cash.	Held by tenants-at-will paying in kind.	Under sugarcane.
Dakhar and Rousli (Loam.)	Bhur (sandy soil.)					
54,599	23,969	97,846	44,653 31P.C.	...	...	8,479 6P.C.
55,947	27,263	1,02,325	46,645 31P.C.	12,375 8P.C.	16,058 11P.C.	9,256 6P.C.
1,93,293	32,916	2,82,855	43,979 13P.C.	...	...	3,012
1,97,788	49,991	3,03,433	46,593 13P.C.	22,364 6P.C.	33,964 10P.C.	3,960 1P.C.
1,28,758	56,571	1,94,498	14,009 7P.C.	...	...	...
1,29,943	73,282	2,13,356	16,657 7P.C.	14,200 6P.C.	22,913 10P.C.	51
3,76,650	1,13,456	5,75,139	1,02,641 14P.C.	...	...	11,491 2P.C.
3,83,678	1,50,536	6,19,114	1,09,895 15P.C.	48,939 7P.C.	72,935 10P.C.	13,267 2P.C.

APPEN

Serial number.	Name of tahsil.	Former and present statistics compared.	29	30	31	32	33
			SECTION II.—RESOURCES AND CAPABILITIES				
			DETAIL OF AREA NOW UNDER THE VARIOUS				
			Irrigated or unirrigated.	Rabi or Spring harvest.			
				Crops on which kind rents are paid.		Crops on which cash rents are paid.	Total rabi.
				1st class (wheat.)	2nd class (other crops.)		
1	Samrála.	Former ...	.....	...	...	...	...
			Irrigated ...	20,439	7,635	1,322	29,396
			Unirrigated	26,118	23,020	287	49,425
		Present ...	Total ...	46,557	30,655	1,609	78,821
2	Ludhiána.	Former ...	.....	...	...	...	...
			Irrigated ...	24,020	9,969	3,003	36,992
			Unirrigated	37,004	1,38,159	1,643	1,76,806
		Present ...	Total ...	61,024	1,48,128	4,646	2,13,798
3	Jagráon.	Former ...	...	...	...	...	...
			Irrigated ...	10,970	3,436	1,499	15,905
			Unirrigated	6,191	1,33,889	255	1,40,335
		Present ...	Total ...	17,161	1,37,325	1,754	1,56,240
4	Total.	Former ...	...	...	...	...	...
			Irrigated ...	55,429	21,040	5,824	82,293
			Unirrigated	69,313	2,95,068	2,185	3,66,556
		Present ...	Total ...	1,24,742	3,16,108	8,009	4,48,859

DIX I.—*(Continued.)*

34	35	36	37	38	39	40	41

CONSIDERED IN DIFFERENT ASPECTS.—*(Continued.)*

CLASSES OF CROPS. (*See* APPENDIX IV.)						DETAIL SHOWING AGREEMENT OF AREAS CULTIVATED & CROPPED.	
Kharíf or Autumn harvest.					Total of both harvests.	Total area cultivated and fallow (columns 12 and 13.)	Total area of crops.
Crops on which kind rents are paid.		Crops on which cash rents are paid.		Total kharíf.			
1st class (maize and cotton.)	2nd class (other crops.)	1st class (sugar, indigo and vegetables.)	2nd class (other crops.)				
...	...	...	...	...	...	...	...
16,749	1,353	6,381	2,788	27,271	56,667	...	...
7,162	30,338	3,229	15,417	56,146	1,05,571	...	...
23,911	31,691	9,610	18,205	83,417	1,62,238	1,50,431	1,62,238
...	...	...	...	...	...	...	...
23,676	1,057	3,159	3,212	31,104	68,096	...	...
10,277	72,636	1,188	45,162	1,29,263	3,06,069	...	...
33,953	73,693	4,347	48,374	1,60,367	3,74,165	3,53,005	3,74,165
...	...	...	...	...	...	...	...
9,936	644	170	1,515	12,265	28,170	...	...
1,698	64,283	15	9,180	75,176	2,15,511	...	...
11,634	64,927	185	10,695	87,441	2,43,681	2,31,442	2,43,681
...	...	...	...	...	...	...	...
50,361	3,054	9,710	7,515	70,640	1,52,933	...	...
19,137	1,67,257	4,432	69,759	2,60,585	6,27,151	...	...
69,498	1,70,311	14,142	77,274	3,31,225	7,80,084	7,34,878	7,80,084

APPEN

Serial number.	Name of tahsil.	Former and present statistics compared.	42	43	44	45	46	47
			SECTION II.—RESOURCES AND CAPABILITIES					
			Detail showing agreement of area cultivated and cropped.					
			Deductions.				Area of columns 12 and 13 actually cropped.	Ditto not cropped.
			Cultivated after measurement.	Twice areacropped three imes.	Area cropped twice.	Total.		
1	Samrála.	Former ...	...	...	...	...	...	...
		Present ...	211	90	18,093	18,394	1,43,844	6,587
2	Ludhiána.	Former ...	...	...	...	...	...	...
		Present ...	250	1,080	34,018	35,348	3,38,817	14,188
3	Jagráon.	Former ...	...	...	...	...	...	...
		Present ...	722	711	16,576	18,009	2,25,672	5,770
4	Total.	Former ...	...	...	...	...	...	...
		Present ...	1,183	1,881	68,687	71,751	7,08,335	26,545

DIX I.—*(Continued.)*

48	49	50	51	52	53	54	55	56

CONSIDERED IN DIFFERENT ASPECTS.—(*Continued.*)

System of cultivation.					Classified statement of Masonry wells.			
					Niái.			
Dofasli Harsálá.	Dofasli Dosálá.	Ekfasli Harsálá.	Ekfasli Dosálá.	Total.	One bucket.	Two buckets.	Three and four buckets.	Total.
...	...	...	...	...	...	...	...	...
41,737	80,072	20,052	7,109	1,48,970	633	475	...	1,108
...	...	...	...	...	...	...	..	...
42,427	2,35,713	67,750	4,136	3,50,026	1,422	693	38	2,153
...	...	...	...	...	...	...	...	...
16,891	1,38,280	73,997	845	2,30,013	430	439	81	950
...	...	...	..	...	...	...	...	...
1,01,055	4,54,065	1,81,799	12,090	7,29,009	5,485	1,607	119	4,211

APPEN

Serial number.	Name of tahsil.	Former and present statistics compared.	57	58	59	60
			SECTION II.—RESOURCES AND CAPABILITIES			
			Classified statement of			
			Khális.			
			One bucket.	Two buckets.	Three and four buckets.	Total.
1	Samrála.	Former ...	...	...	...	...
		Present ...	957	608	...	1,565
2	Ludhiána.	Former ...	...	...	...	...
		Present ...	648	262	5	915
3	Jagráon.	Former ...	...	...	...	...
		Present ..	148	107	25	280
4	Total.	Former ...	...	...	...	...
		Present ...	1,753	977	30	2,760

DIX I.—*(Continued)*

61	62	63	64	65	66	67

CONSIDERED IN DIFFERENT ASPECTS.—*(Continued.)*

MASONRY WELLS.

Bet.			Total.			
One bucket.	Two buckets.	Total.	One bucket.	Two buckets.	Three and four buckets.	Total.
...	...	...	1,778	769	...	2,547
81	2	83	1,671	1,085	...	2,756
...	...	...	2,210	966	57	3,233
745	3	748	2,845	958	43	3,846
...	...	...	503	464	113	1,080
121	4	125	698	551	106	1,355
...	...	...	4,491	2,199	170	6,860
947	9	956	5,214	2,594	149	7,957

Serial number.	Name of tahsíl.	Former and present statistics compared.	68	69	70	71
			SECTION II.—RESOURCES AND CAPABILITIES			
			WATER CAPACITY OF WELLS.			
			Average depth wells in feet to the water.	Average cost of construction of a well.	Number of yoke of oxen required per bucket.	Average of crops irrigated annually by each well.
1	Samrála.	Former ...	.....	Rs. ...	...	...
		Present ...	Bet 10 feet ...	100	2	9
			Dhaia 38 feet ...	350	4	21
2	Ludhiána.	Former ...	.....	...	...	...
		Present ...	Bet 10 feet ...	100	2	11
			Dhaia 30 to 50 feet	300 to 550	4	19
3	Jagráon.	Former ...	.....	...	...	...
		Present ...	Bet 10 feet ...	100	...	...
			Dhaia 30 to 50 feet	300 to 550	2 4	20 21
4	Total.	Former ...	.....	...	...	...
		Present ...	.....	...	...	B. 12 D. 20

DIX I.—*(Continued.)*

72	73	74	75	76	77	78

CONSIDERED IN DIFFERENT ASPECTS.—(*Continued.*)

Cattle.		Number of ploughs.	Population.			Average population per square mile of cultivation.
Number of plough and well cattle.	Other cattle.		1854.	1868.	1881.	
30,833	26,663	14,621	1,31,218	1,42,351	...	...
35,370	55,663	16,031	...	...	1,52,509	655
53,921	87,428	21,766	2,42,584	2,86,718	...	...
66,214	98,743	29,655	...	...	3,07,559	560
28,819	51,785	11,283	1,17,895	1,48,317	...	...
35,491	51,428	16,369	...	...	1,58,767	442
1,13,573	1,65,876	47,670	4,91,697	5,77,386	...	...
1,37,665	2,05,834	62,055	...	...	6,18,835	543

Serial number.	Name of tahsil.	79	80	81	82	83
		SECTION III.—SUMMARY & REGULAR SETTLE				
		Regular Settlement of 1842 and Summary Settlement of 1847.			Assessment for the whole district of the Regular Settlement (1850-1853).	
		Number of villages assessed.	Summary assessment.	Regular Settlement assessment for these villages.	Amount given by the revenue rates.	Sanctioned assessment.
1	Samrála.	205	2,50,872	1,99,317	2,96,346	K. 2,62,034 M. 3,821
		...	...	...	...	Total 2,65,855
2	Ludhiána.	349	3,38,185	3,25,811	5,07,358	K. 4,31,842 M. 16,187
		...	...	...	...	Total 4,48,029
3	Jagráon.	167	2,39,001	2,32,086	2,79,710	K. 2,34,659 M. 10,238
		...	...	...	...	Total 2,44,897
4	Total.	721	8,28,058	7,57,214	10,83,414	K. 9,28,535 M. 30,246
		...	...	...	...	Total 9,58,781

DIX I.—*(Continued.)*

84	85	86	87	88	89
MENTS COMPARED.		SECTION IV.—ASSESSMENT NOW FIXED IN THE REVISED SETTLEMENT AS WORKED OUT FROM THE REVENUE RATES & PRODUCE ESTIMATES & AS FINALLY ANNOUNCED.			
Assessment of the year of our survey (1879).	Rate on cultivation of the sanctioned assessment.	ASSESSMENT RATES.			
		Irrrigated.			
		Niái Cháhi.	Khális Cháhi.	Cháhi Bét	Other irrigation.
2,61,871	1 13 10	.....	.....	...	...
...	...	3 0 0 to 4 12 0	3 0 0 to 3 8 0	4 0 0 to 4 8 0	3 0 0
4,30,281	1 5 11	.....	.....	...	...
...	...	1 6 0 to 4 8 0	1 6 0 to 3 4 0	3 12 0 3 12 0	3 12 0
2,33,525	1 2 10	.....	.....	...	...
...	...	3 0 0 to 3 12 0	2 8 0 to 3 0 0	3 12 0	3 12 0
9,25,677	1 6 8	...	...	...	...
...	...	...	...	...	...

APPEN

Serial number.	Name of tahsíl.	90	91	92	93
		SECTION IV.—ASSESSMENT NOW FIXED IN THE PRODUCE ESTIMATES AND			
		ASSESSMENT RATES —(*Continued.*)			
		Unirrigated.			
		Dofasli Bét.	Ekfasli Bét.	Dákhar and Rousli.	Bhur.
1	Samrála.	...	...	...	...
		2 10 0 to 3 0 0	1 8 0 to 1 12 0	1 0 0 to 1 6 0	0 10 0 to 0 14 0
2	Ludhiána.	...	...	...	...
		1 10 0 to 2 12 0	1 4 0 to 1 12 0	0 11 0 to 1 6 0	0 8 0 to 0 14 0
3	Jagráon.	...	...	...	...
		1 10 0 to 2 0 0	1 4 0	1 0 0 to 1 3 0	0 10 0 to 0 12 0
4	Total.	...	...	...	...
		..	...	...	...

DIX I.—*(Continued.)*

94	95	96	97	98

REVISED SETTLEMENT AS WORKED OUT FROM THE REVENUE RATES AND AS FINALLY ANNOUNCED.—*(Continued.)*

ASSESSMENT ON THE VARIOUS SOILS GIVEN BY RATES AND THE PRODUCE ESTIMATES COMPARED.

Assessments by revenue rates and produce estimates.	Irrigated.			
	Niái Chábi.	Khálís Chábi.	Chábi Bét.	Other irrigation.
Assessment by rates ...	76,236	1,04,698	20	29
Produce estimate ...	85,362	1,03,248	2	604
Assessment by rates ...	1,15,833	42,628	17,224	1,423
Produce estimate ...	1,35,760	48,195	24,	102
Assessment by rates ...	44,326	8,547	4,478	...
Produce estimate ...	49,107	9,405	8,359	...
Assessment by rates ...	2,36,395	1,55,873	23,731	1,423
Produce estimate ...	2,70,231	1,60,848	35,	065