

The Settlement.

[Part II

same circumstance. The former is the "hail" of the plains, the soil which is directly irrigated from one of the torrents, the latter that which is dependent on the more precarious and scanty drainage from the slopes of hills, or plots of waste land above it.

225. The style of cultivation here is almost the same as in the Salt Range, the only difference being that the slope of the surface being, as a rule, more gentle, such high and strong embankments, except in the cases of fields immediately bordering on torrents, are not required. Owing to the same cause, fields are much larger; in short, cultivation is not so laborious or so expensive as in the hills above.

System of
agriculture.

3. THE "DUNDA" CIRCLE.

226. This circle is made up of the villages lying between the "Mohar" and "Thull," and partakes of the characteristics of both; that is to say, there is a certain extent of good culturable soil to the north, where it adjoins the former, while all the rest is poor and sandy, and with a few exceptional patches here and there, fit only for pasture grounds of cattle. To this general description there is, however, an exception in the few villages to the east, which are divided from the rest by the village of Nullee (settled in Mr. Ouseley's time as part of the Khoshab Talooqua). No part of their area bears any resemblance to the Thull, but is everywhere the same, an almost dead level of good stiff soil, with only just enough of slope to enable them to utilize the drainage water, which, after heavy rain in the hills, plentifully inundates the plains below. Owing to the large proportion of good culturable soil in these villages, and the favorable conformation of the surface, a much larger proportion of spring crops is grown here than in the estates lying on the other side of Nullee, and this circumstance has enabled the former to pay a much higher revenue.

Soil of the
"Dunda."

The charac-
teristics of the
eastern por-
tion.

227. The people inhabiting the western portion of this circle, owing to there being so large a proportion of "Thull" to culturable land, have always lived more by keeping large herds of cattle, than by cultivating the soil; nevertheless, the population here, and in the next, the purely Thull chuck, are in better circumstances than that of any other portion of the area which has come under assessment. This is easily explained. First, the security which our rule has conferred has enabled the population to turn their attention to agriculture for the first time, and enabled them to add a small, but ever increasing item to their other assets, and secondly, the difficulty of correctly ascertaining the wealth of

Those of the
western por-
tion.

Part II]

The Settlement.

a village in cattle, combined with the disinclination to over-tax a source of income uncertain in its nature, and liable to great fluctuations, led in the first instance, to the imposition of a light grazing tax; hence the villages have thriven and prospered.

System of
agriculture
the same as in
the "Mohar."

228. The cultivation in the upper part of this chuck is precisely of the same character as in the "Mohar" circle, and the same crops are grown in much the same proportions: cotton however is, strange to say, more plentifully produced here. Artificial irrigation is unknown here, except in Mitha Tiwana, which has the large number of twelve wells, and is thereby enabled to grow a good proportion of the more valuable crops including poppy. I pass on to

4. THE "THULL" CIRCLE.

The "Thull."

229. The general appearance of this tract has been minutely described in paras 16 to 20 of this report, and all that need be added here, is that whereas before the advent of British rule such was the unsettled state of the country, that any systematic attempts at cultivation was never thought of, now, patches of cultivation, aggregating several thousands of acres, are regularly brought under the plough, and the amount of land under tillage is rapidly increasing. The crops grown are chiefly "bajra," and "moth": water-melons are also extensively cultivated, thriving wonderfully on the sandy soil, and furnishing, for a great part of the year, an important ingredient in the ordinary food of the inhabitants. Rubbee crops are only grown in the villages situated in the "Putree," viz: Noorpoor, Rahdaree, and Rungpoor.

5. THE "RIVER" CIRCLE.

The River
circle.

230. This circle consists of only three villages, and as these have nothing beyond the well known features of estates elsewhere similarly situated, I will only say this regarding them, that the sailab land is generally inferior to that on the opposite bank of the river, and the greater part of the area not liable to inundation, is deeply impregnated with salts and unfit for cultivation.

231. I will now describe briefly the way I went to work in assessing the land, and grazing tax, and the data I had to work with.

Character of
the summary
settlement.

232. The first point to which I directed my attention was the determination of the general bearing of the existing assessment on the resources of the several tracts described above, whether it was light or heavy, equal or unequal. For this I

The Settlement.

[Part II

had ample time while the measurements were progressing. I found that the pressure of taxation was unequal throughout, but chiefly so in the Hill and "Mohar" circles: that in the former it was somewhat oppressive; that in the latter, it was on the whole, fair; and that in the Dunda and Thull circles it was decidedly light. These were general results of my observations and enquiries. The next thing was to discover which were the really fairly assessed estates in each circle. This information was also obtained without much difficulty, and thus the ground-work of the new assessment was laid.

233. I next set about grouping villages together, where from any superiority of soil or supply of irrigation, such classification was called for. This was by far the most difficult part of my task, and required a careful personal inspection of each village. The difficulty lay however almost exclusively in the Salt Range, for while it was known that great diversity in the productive powers of estates existed here, the distinctions were so fine that a practised eye was required for correctly discriminating between them, and assigning to each village its proper place. The greatest care was necessary in this operation, for, owing to the minute division of land, and little room for extension of cultivation in these estates, a mistake would have been more severely felt here than in the plains. I devoted a good deal of time and attention to this point, and the conclusions at which I arrived were, 1st, that a division into classes was required in three out of the five circles; the Hill, Mohar and Dunda chunks; 2nd, that, anxious as I was to avoid over refining, unless I divided the first of these into four classes, I should end in making as unequal an assessment, as that with which I had begun; 3rd, that there were three distinct classes of estates in the "Mohar," and two widely separate grades in the "Dunda" circle.

Estates how
classified for
revision.

General re-
sults.

234. The next step was to fix rates for each class. My mode of effecting this was as follows. I first selected the villages which I had previously ascertained to be fairly assessed, and divided the jummas by the cultivated areas in each. This gave a general rate; but something more than this was necessary, for in three of the circles there were soils of various degrees of fertility, for each of which a separate rate was required. I had therefore to ascertain the relative values of each description of soil. This was done in two ways, one by actual experiment, the other by enquiry of the people; and it is remarkable how closely the results obtained by the two methods tallied. The former consisted in selecting fields which were fair samples of each

Mode of fix-
ing rates.

Part II]

The Settlement.

kind of soil, measuring off a portion, cutting the crop, and then threshing out the grain. A number of these experiments were made, and some of the results were remarkable, so much so as to deserve to be placed on record, I therefore give them in a note.*

Description
of process con-
tinued.

235. From a collation of the results of repeated trials, averages for each kind of soil were struck, and from these again it was not difficult to deduce fair rates. In making the calculations, ample allowance was made for the uncertain nature of the cultivation; as regards the other mode of obtaining rates, it was rendered easier by the fact, that the people have always distributed the assessment among themselves, according to the classification adopted by me: and as no one could be better judges of the relative fertility of the several kinds of soil, so there was little chance of error in thus far acting on information derived from them.

Details of
rates adopted.

236. Rates having been obtained in this manner, their general suitableness was tested by working out the jummas of villages, in each class, by means of them. This led to a few modifications, but very few, and the rates as finally decided on were the following:—

Assessment circles.	Description of soils.	1st class.		2nd class.		3rd class.		4th class.	
		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	
HILL CIRCLE.	Hail,	2	...	1	8	1	4	1	...
	Maira,	1	8	1	4	1	...	...	12
	Rukkur, ... ..	...	12	...	10	...	8	...	8

* In Khubbukkee 5 poles of wheat grown in "hail" land yielded 284 seers, or 22 maunds 24 seers per acre.

In Kroofree 2 poles of the same crop in "hail" yielded 12½ seers, or 25 maunds 20 seers per acre.

In Dhudder 1 pole of ditto, ditto, gave 10 seers, or at the rate of 40 maunds per acre.

In Oochhalee 7 poles of ditto ditto, yielded 60 seers, or 34 maunds 11 seers per acre. But these trials were made in 1863, a very good year.

W. G. D.

The Settlement.

[Part II

Assessment circles.	Description of soils.	1st class.		2nd class.		3rd class.		4th class.	
		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	
MOHAR CIRCLE.	Naladar,	1	8	1		14			
	Rurheedar,	1		12		10			
	Boondee,		8	8		8			
DUNDA CIRCLE.	Naladar,	1	4	1	4				
	Rurheedar,	1		14					
	Boondee,		8	8					
	Thull,			6					
THULL CIRCLE.	No distinctions of soil or class,		4	4		4	4		
RIVER CIRCLE.	Chahee Sailab,	2							
	Sailab,	1	8						
	Barance,	1		Nominal					

237. Simultaneously, I caused very careful produce statements to be prepared, from which jummas were deduced in this manner. The produce per acre of each kind of crop was fixed by myself for each kind of soil, being the average for that particular soil in that class of village. The rate at which the produce was converted into money, was the average of the rates which had prevailed during the last five years, (reliable data for a longer period not being forthcoming) but, as owing to the fact that the famine year had fallen within that period, the result was probably somewhat too high, I reduced it by a fourth; for instance, if the average price of wheat

Produce
jummas how
obtained.

Part II]

The Settlement.

during the past five years was 40 seers, I adopted 50 seers as the rate for converting the produce of wheat-fields into money, and so on for each kind of produce. Having got the value of the whole produce by this means, I took from it, the proprietor's share of the produce according to the rate of buttai prevailing in the village (generally half), and after deducting from this half the chowkedar's pay, road and school funds, * and ten per cent for meerassee's dues, and other customary payments, I took from the balance or net produce *one-third* as the Government jumma. According to the general rule I should have taken half, but in demanding the smaller proportion, reference was had to the fact, that throughout the area undergoing assessment, the harvests were entirely dependent on rain. My object was to make liberal allowance for everything. †

* See instructions for the revision of the Saharunpore Settlement, Appendix No. XX of new edition of "Directions to Settlement Officers."

† The Commissioner, while approving generally of my proceedings in connection with the assessment, made the following remarks on this portion of my report:—"You appear to have laid a good deal of stress on the jummas worked out by you from produce statements, and you accepted as the gross rental the proprietor's share, according to the rate of buttai prevailing in the village. This would no doubt be a reasonable way of estimating the proprietor's share, if all the rent was taken in kind, but this is not likely to be the case; indeed, I imagine that the rent on but a small portion of the total cultivated area is paid in this manner. Unless therefore the buttai rate, which is not probable, varies exactly in accordance with the productive powers of the soil, this would be but a fallacious way of estimating the rent which accrued to the proprietors from their own cultivation. Rent is usually defined to be the difference between the produce of the worst and the better kinds of soil; on this principle, some soils would hardly pay any rent at all, while others would pay much more than would be represented by an uniform fixed share of the produce.* It follows therefore, that by a produce jumma thus estimated, inferior soils would be over-assessed, and very productive land much under-assessed." With all due deference to such an authority as Mr. Brandreth, I would urge in support of what I have done and written, that my object was simply to ascertain, what proportion of the produce remained over after deducting the *wages of the labor and the profits of capital*, and that experience in this country generally, and the system of revenue management under the Sikhs in particular, has clearly shown, that the occupant of the soil, whoever he may be, "can give up to the State half the gross produce without ruining himself and impairing the resources of cultivation." (See Mr. Temple's report on the Jullunder settlement, para. 149). Every day experience of every revenue official moreover shows that the net produce of our text-books is not the *rent of the Political Economists*, which latter pre-supposes a competition which does not exist in this country. Who ever knew of land that paid no rent in this country? The best land is certainly not leased to cultivators, and yet the proprietor will seldom take less than two-fifths of the produce from his *asamees*. The fact is, land generally is too plentiful relatively to the population, to render recourse to inferior lands necessary, and other conditions are wanting to create rent in the sense of the Political Economists; and practically we should not be far out if we said, that in this country *rent or net produce varies in a direct proportion with produce*, and that the land revenue is in reality an *excise on produce*. In support of the view here taken I quote a passage from Justice Phear's decision in the great Bengal "rent case." He says, talking of the

The Settlement.

[Part II]

238. I need scarcely say that the results obtained by these processes were not accepted as final, to be blindly followed, but were used rather as guages for testing and correcting the estimates formed independently by my subordinates and myself. These estimates were made first, by the Superintendent Bukhtawar Lal, after a very minute examination of each estate, generally with great judgment, and then by myself. Every village was visited for this purpose, and enquiries made into every point that could in any way affect their resources and capabilities. The information so acquired being noted down on the spot for future reference, the broader facts have been given in this report; the more minute circumstances will be found in the remarks at the foot of the No. III village statement. The Tahseeldars "doul" or estimate, was also valuable, on account of the intimate knowledge he had acquired of the condition of villages during a long residence in this Tahseel. When he erred it was generally on the side of severity.

Results obtained considered as general tests only.

239. As a final test, after determining in my own mind the sum to be taken for each group of villages, I collected together a few of the most intelligent and respectable of the zemindars, and got them to redistribute the amount over the component villages. This plan answered very well everywhere but in the Thull, where, owing to the state of parties, no useful result was obtained. I generally however found that the people distrusted their own judgment, and shrunk from the task, saying that they were more willing to abide by my decision than by the opinions of any Panchayet from among themselves.

Assistance obtained from people.

240. I will now say a few words regarding the assessment of the grazing tax. The plan followed was that referred to in para. 204. The people were informed through

Assessment of tirnee.

impossibility of ascertaining the true rent of land—"The various formulas of the Political Economists are but so many analyses of the results of free competition; at best they only express the amount of rent in terms of other elements, which are themselves the results of free competition. If the free competition never existed, or having once existed has in any manner been put an end to, the element depending on it cannot be ascertained. It has been attempted to estimate the rent payable by the ryot on the footing of its being a proper farming rent, such as is given birth to when there is a limitation of the demand dependent on the amount of profit got by the investment of capital, and no other limitation. But the condition and circumstances of the ryot, as I understand them, are not such as to give rise to a farming rent. His capital, when he has any, is so small, and his hereditary habits of life such that (speaking of him as a class) he seems generally to have no alternative but to cultivate the land." Lastly, from the wording of the preamble to Regulation XIX of 1793, it would seem that our revenue system is based on the principle of taking "a certain proportion of the produce of every beegah of land."

W. G. D.

Part II]

The Settlement.

the Tahseeldar, and made thoroughly to understand on several occasions by myself, that the land, and not their cattle, would be taxed, and that they would receive grazing land in proportion to the number of cattle enregistered by them. It might have been supposed that this would have led them to exaggerate their possessions, in order to obtain large pasture grounds, but such was not the case. The people of this country are everywhere suspicious, and here they seem to have thought that a trap was being laid to extract from them the real numbers of their cattle, in order that the information might be afterwards made use of, to raise the assessment; I had therefore to fall back upon a quiet enquiry to discover what I wished to learn; the state of feeling before alluded to, as existing throughout this part of the district, assisted me, and I was thus enabled to form, what I feel sure was, a very near approximation to the pastoral wealth of each village in the Thull and Dunda circles.

Grazing land
how allotted.

241. I had next to decide how much grazing land should be assigned to each village. To start with, I had Mr. Ouseley's rate for the "Bar," viz four acres per head of cattle. But this was obviously insufficient from the inferiority of the "Thull" as pasture grounds, when compared with the "Bar." I therefore first doubled the rate adopted for the latter, and ultimately, to be on the safe side, determined on giving ten acres all round, converting sheep and goats into large cattle at the rate of five of the former to one of the latter. This was indeed more than the villagers would have obtained had they honestly registered their cattle, but as I said before, they did not do this; and rather than they should do themselves a permanent injury by their short-sightedness, I fixed a liberal rate. In short, I allotted to each village all that it seemed to me they could fairly claim, and the remainder was marked off into Government preserves.

At what rate
assessed.

242. Again, from the information I had collected, I was enabled to deduce a rate at which to assess the area so allotted. Thus, if ten acres were required to support each head of cattle, for which the people paid tirnee, nominally, at the rate of four annas per annum, then every forty acres should pay one rupee. But here again I determined to incline to the liberal side, and ultimately fifty acres for the rupee was the rate adopted. I found also, that this was somewhat above the rate at which the people were actually paying, and I felt averse to raising the revenue much in an arid tract like the Thull, so entirely at the mercy of the seasons.

The Settlement.

[Part II]

✓ 243. The general fiscal results of the revision of this portion of the assessment will be seen from the following statement.

Results of
revision.

Number.	Circle.	No. of village.	Jumma of summary settlement.	Jumma of revised settlement.	Increase.	Decrease.
1	Hill,	32	44,920	40,703	...	4,215
2	Mohar,	13	26,558	26,200	...	358
3	Dunda,	13	21,676	21,770	94	...
4	Thull,	23	10,527	9,630	...	897
5	River,	3	2,620	2,450	...	170
	Total ...	84	1,06,301	1,00,755	94	5,640

Reduction was nominal, except in the Hill circle, where as before explained, the summary settlement jummas pressed very heavily in places, and the general character of the assessment in the Soon valley was decidedly oppressive; on the other hand, the assessment in the "Thull" and "Dunda" circles was a good deal raised. At first sight it would appear, that there had been a considerable reduction in the tirnee of the Thull, but in reality, the tax was raised, for it must be remembered, that thirty rukhs, containing an area of 2,20,000 acres, had been marked off, and the income from these at the rate of fifty acres for the rupee will eventually bring in Rs. 4,400, though it has not been thought proper in leasing them to demand so large a sum at first.*

✓ 244. The general result therefore of this revision has been, more to equalize the burden of taxation than to affect the sum paid into the Government Treasury. It is admitted that the subject was handled in a liberal spirit, but not so as to involve any undue sacrifice of revenue; in proof of which, I may be allowed to mention one telling fact, that

Revision
chiefly equali-
zes burden of
taxation.

* The Rukhs have been leased for two years as follows:—

Those of the Thull circle for Rs. 2,000

Ditto of the Dunda " for " 1,370

Total, ... 3,370

W. G. D.

Part II]

The Settlement.

during the two years the new assessments have been acted on, no less than 276 plots of land, have been released from mortgage, on payment of 6,754 rupees; nothing could perhaps be more strongly corroborative of the justice and good policy of the reductions then allowed.

Fiscal results
of both revisions.

245. All matters connected with the revision of the assessment having now been discussed, I give here the general fiscal results of the revisions made by Mr. Ouseley and myself, following the divisions of the district as finally adjusted :—

No.	Tahseel.	Summary settlement jumma.	Revised settlement jumma.	Increase.	Decrease.	REMARKS.
1	Bhera, ...	129,879	123,689	...	6190	The real decrease, after deducting the increase of Rs. 1702, is Rs. 11,725, which falls at about 3 per cent on the summary settlement jumma, but this does not take into account the income from rukhs (about 23,000 Rs.) which for the first time were created during this settlement.
2	Shahpoor,	109,215	110,917	1702	...	
3	Khoshab,	149,143	141,906	...	*7237	
	Total, ...	388,237	376,512	1702	13,427	

Maufees and
jageers.

246. There is yet one subject which requires passing notice here, before I pass on to the next stage of the settlement operations, the formation of the record of rights; I refer to grants of revenue in maufee and jageer.

Revenue so
assigned.

247. The amount of revenue so alienated amounts in all to 46,366 rupees, or rather more than twelve per cent on the jumma. Full details of jageers and maufees will be found in appendices Nos. VIII and IX, but the main facts are given here.

JAGEERS.

19 villages assessed at 18,222 rupees have been granted in perpetuity; and 14 villages, assessed at 4,073 rupees, have been granted on a life tenure.

The Settlement.

[Part II

MAUFEES.

Of a total of 383 plots:

51	plots,	assessed at Rs. 8,319,	have been released in perpetuity.
45	"	"	" 3,170, have been released for the maintenance of religious and charitable institutions; and
293	"	"	" 11,982, have been granted for the lives of the incumbents.

248. Claims to jageer* were all investigated in the Board's office soon after annexation. But claims to maufees, or small charitable grants for the support of individuals or institutions, were enquired into at different times on the spot. The greater part of this work was performed by the district officers, viz., Major Birch for what then constituted the Shahpoor district, Major Hollings for the tracts received from the old Leia district, and Major C. Browne for the talooquas received from Jhelum. During the progress of the settlement only 269 fresh claims were preferred, and these, after investigation by the subordinate judicial officers, were reported on by Mr. D. McNabb, in June 1861. Final orders, I am happy to say, have at last been received in all but 24 cases, and attention has been invited with a view to obtain speedy disposal of these also.

Investigations when and where made.

249. The enquiries into this latter class of cases were not conducted in a very liberal spirit, and the general result therefore was, that about two-thirds of the claims were rejected. Unfortunately, these included many cases technically known as "inams," and the zemindars, perceiving that the policy of the Government was adverse to the recognition of such claims, from that time ceased to urge them, at least on paper.

Results of enquiries.

Inams generally resumed.

250. One general principle appears to have guided the decision in this class of cases, viz., that the receipt of lumberdaree allowance was compensation in full for all claims of this nature, thus reducing the great and small all alike to one level. This was an undoubted mistake, and no attempt was made to remedy it till quite lately, for Mr. Ouseley, as would appear from his writings, was averse to

The cause.

* Excluding those granted for life, which with one exception were all given in recognition of services performed during the mutinies. W. G. D.

Part II]

The Settlement.

The mistake
since reme-
died.

the restoration of these grants, or rather was doubtful of our ability thereby to create a class that should be of real assistance in the administration. Not sharing these doubts myself, and strongly impressed with the impolicy, if not positive injustice, of debarring the leading zemindars of this district from sharing in the benefits conferred on their compeers in the surrounding districts, I brought the matter to the notice of the proper authorities, and obtained the sanction of Government to send up proposals to rectify the initial error. In accordance therewith, carefully considered recommendations have been submitted for the restoration of inams, varying in amount from fifty to two hundred and fifty rupees per annum, to fifty-five of the principal land-holders and men of influence in the district. The amount of revenue proposed to be alienated in this manner, is not five thousand rupees, or somewhat less than one and a half per cent. of the annual income from land; a small investment that I venture to predict will yield large returns.

Record of
rights, &c.

251. I will now let Mr. Ouseley explain in his own words, the principles, on which the more important questions which arose during the formation of the record of rights and liabilities, the khuteonee and khewut, were decided in the portions of the district of which he effected the settlement.

CONTINUATION OF MR. OUSELEY'S MEMORANDUM.

Tenures.

252. "The bhayachara tenure as a rule prevailed in this district. Possession, with few exceptions, prevailed according to custom or usage, and not according to ancestral shares, and the revenue was paid according to occupancy. The only large village that I know of, which was held in zemindaree tenure, was Chuckramdass, in the Bhera Tahseel. There are instances of small zemindaree tenures in the Kaloowâl Tahseel, but this is owing chiefly to the villages having been established, and brought under cultivation, within a recent period.

Tenant right.

253. "The term 'hereditary cultivators' was not understood in the district of Shahpoor for several years after the annexation of the Punjab, but enquiries showed, that there were parties, who, though they had no claim to proprietary title, asserted a claim to cultivate the land in their possession, subject to the payment of a rent more favorable than was demanded from the mere tenant-at-will. These men had acquired their rights by one of two ways. They had either broken up the waste land, (generally land on the banks of the river), and were called "Abâdkârân," or Bunjurshigâfân," or they had sunk a well on the land

Certain pri-
vileges* how
acquired.

The Settlement.

[Part II

"which they cultivated, or had cleared out and put into working order an old well, situated in the land they tilled.

254. "In either case, it was the custom to allow tenants of the above description a certain amount of indulgence, compared with ordinary tenants, in taking their rents by 'buttai' or 'kunkoot.' If the prevalent rate for 'buttai' was equal division between landlord and tenant, then the 'Abadkâr' or 'Bunjur Shigâf' was allowed to deduct, out of the crop, a certain portion, varying from one quarter to one-half of it."

In what they consisted.

255. "In dealing then with cases of this description I was guided by the following principles, which were fixed by Mr. Thornton, the Commissioner, who had given a great deal of thought to the subject, having seen different phases of it in the Jhelum and Goojrat districts.

Cases how dealt with.

256. "I first enquired whether the cultivator asserted any proprietary claim. As a rule, I found such a claim rarely raised. Among Mahomedans, the idea of hereditary property is very strong, and a man whose family has been all but one hundred years out of possession, is still popularly recognized as the owner of what once belonged to his ancestors. Generally speaking then, the cultivator at once answered that he was not the owner, but that such a person was.

Claim to proprietorship seldom preferred by tenants.

257. "I then enquired what were the privileges which either party possessed, and generally found that the cultivator, after paying his share of the revenue, enjoyed whatever profit was left on his cultivation, giving only five per cent. on his quota of the Government demand (ordinarily in grain or kind) to the nominal proprietor; but the cultivator was not allowed to transfer his rights by sale, or gift, or mortgage.

State of the case between proprietor and tenant.

258. "The circumstances which produced this condition of affairs had next to be considered, and if it turned out that the cultivator had been enjoying favorable terms, for such a length of time as to render it a matter of moral certainty that he must have reimbursed himself both the principal and the interest of his original outlay of capital or labor, then I settled, that for the future, he required nothing beyond a recognition of his right to occupy the land he held, subject to a fixed money payment, which in such cases I assessed at an increase of from 35 to 40 per cent.* on the jumma of the land, according

Cash rents fixed for tenants with rights of occupancy.

* This includes the extra cesses. Exclusive of these the highest rate of malikana paid by any cultivators is 25 per cent. on the jumma. W. G. D.

Part II]

The Settlement.

“to the revenue rates prevailing in the village; as these rates were supposed to give the landlord a margin of profit equal to 50 per cent. of the net produce, by the arrangement above indicated the tenant with a right of occupancy, paid at a fixed money rate, which was calculated to give him from 10 to 15 per cent. of the profits, while the remainder went to the landlord.

Certain cases specially provided for.

259. “In those instances where it was found that the expenditure incurred by the cultivator had not been made good to him, a certain number of years, varying with the circumstances of each case, were fixed, during which he was to pay at certain favorable rates, and after the lapse of the period so fixed, his rent was to be brought up to the standard of similarly circumstanced cultivators.

Arrangements made in regard to land irrigated from wells.

260. “But it was only in the ‘bela’ or ‘sailab’ land that an arrangement of the above nature could be made; where the land was dependent for its irrigation on a well, I was obliged to take into account, not only the original outlay, but the annual expenditure for wear and tear of the well and of its machinery; and as it is generally a very unsatisfactory arrangement to allow the landlord to undertake the repairs of the well, I always gave the cultivator the option of doing so, and, if he consented, then he was allowed to pay at revenue rates with an increase of from 12 to 18 per cent., which increase went to the proprietor as ‘hug-malikana.’ The difference between the 12 or 18 per cent., and the 50 per cent of profits, remained with the cultivator to enable him to make necessary repairs; the proportion of the profits thus made over to the cultivator, varying of course with the nature of the repairs which he would probably be called on to execute. If the cultivator refused to undertake the execution of his own repairs, he received but a small share of the profits, the bulk going to the landlord, who was, in future, to be responsible for keeping the well in fair working order.*

* I find by a careful analysis that out of 1132 hereditary occupants of well lands, 564, or about half, keep the well in repair themselves, the proprietors being responsible for the repair of the wells irrigating the lands held by the remaining 568 cultivators.

Out of the former—		In the latter case—	
215	asanees pay from 5 to 10 p. ct.	91	cultivators pay from 5 to 10 p. ct.
241	“ “ 12 to 18 “	88	“ “ 12 to 18 “
14	“ “ 20 to 25 “	21	“ “ 20 to 25 “
90	“ a lump sum in cash.	71	“ a lump sum in cash.
4	“ varying rates in kind.	297	“ varying rates in kind.

In addition to the above there are a few who with the consent of the proprietors are excused all payment on account of malikana. W. G. D.

The Settlement.

[Part II]

361. "A condition was inserted in the administration paper, authorizing tenants with a right of occupancy to sink wells, or make any other improvement for agricultural purposes that they might think fit, subject to the understanding that such improvements did not in any way damage the proprietary rights of the real owner.

Tenants with rights of occupancy allowed to sink wells.

262. "These remarks do not apply to the Kaloowâl Tahseel, or the Zyl Moosa received by transfer from Goojrât. In those parts of the district, the heavy assessments of the Sikh times had quite trampled out proprietary rights, and artizans, and village servants, and proprietors, all paid the Government revenue by an equal rate, levied, generally speaking, on the number of ploughs employed by each man. In these parts of the district, cultivators of long standing were recorded as owners of the land in their occupancy, and they paid their revenue at the village revenue rates.* They had of course no proprietary title in any of the village lands, except what was in their actual possession as cultivators.

In certain tracts recorded as proprietors of their holdings.

263. "The judicial work cost my subordinates and myself a good deal of trouble. I have no returns by me from which to speak positively on the subject, but to the best of my belief, it will be found that the number of cases and appeals, involving proprietary rights, decided in the Shahpoor settlement, equalled, if they did not exceed, the number of cases of a similar nature decided in any district with an equal population and paying the same amount of revenue; and it must be borne in mind that we did not reckon as judicial decisions cases regarding the status of cultivators, unless any such case from its intricacy involved the preparation of a regular record."†

Judicial work.

* There are fifty-six of these proprietors of their holdings (malik mukbooz) in the Moosa Choocha talooqua. W. G. D.

† It is difficult owing to the changes which have taken place in the limits of the district, and the breaking up of its tahseels since Mr. Onseley made the settlement, to institute a satisfactory comparison between the litigation of this and other districts. To show however that Mr. Onseley is quite right in saying that the judicial work of the Shahpoor settlement was very heavy, I may mention the following facts. The number of cases, original and appeal, appertaining to the tract settled by Mr. Onseley (still forming part of this district) were respectively no less than 14,742 and 1253, (for details see Appendix No. X), and this with a population of 2,94,119 souls, paying a jumma of 2,34,636 Rs.‡ while in the entire district of Goojrât, which contains a population of 5,00,167, and pays a revenue of 5,54,349 Rs. the litigation only amounted to, original suits 7727, appeals 775, or about half as many. Again, if the judicial work of both Mr. Onseley's and my settlement be taken together as a whole, and compared with that of Goojrât, the preponderance of the former becomes still more apparent, the figures being respectively 22,030, to 8,502. This will convey some idea of the litigiousness of the people of this district. W. G. D.

Part II]

The Settlement.

Account of
Judicial work
continued.

264. Here again the continuity of the extracts from Mr. Ouseley's memo. must be broken off, to enable me to complete the account begun by him of the judicial work of the settlement, otherwise repetition and confusion would inevitably result; and I take this opportunity to explain that the remaining subjects treated of in the same paper will require so much amplification, that it will be impossible to quote from it continuously any more; but I shall endeavour so to interweave my additions with what Mr. Ouseley has written as to furnish as far as possible an unbroken narrative of the steps by which the remainder of the work of the settlement was brought to a close.

Tenures in
tracts subse-
quently set-
tled.

265. The prevailing tenure throughout the tracts of which I have made the settlement, is what is commonly known as "bhayachara," where the extent of possession is the measure of each man's rights; and if reference be had to the past history of the country, and the system of revenue management under the Sikhs, to say nothing of the vicissitudes to which societies and families are subject, even under the best ordered Government, it will not be a subject for surprise, that such should have been the result.

Causes that
led to this state
of property.

266. On the dissolution of the Moghul empire anarchy for a long time prevailed, during which the country became the theatre of incessant fighting of tribe with tribe, varied by the incursions of the Affghans. To this succeeded the grinding rule of the Sikhs, when, as has been very truly remarked, "the tendency was rather to abandon rights, "symbols more of misery than of benefit, than to contend "for their exact definition and enjoyment," and if these causes of themselves were insufficient to weaken the strong ties that bind the peasant to the soil of his fathers, the occurrence at times of famines and other calamities would concur in bringing about this result. Nor are these the only causes that would tend to disturb the original equilibrium, even where this had ever existed. Our every-day experience tells us, that the several members of a family are not equally gifted. One is provident, another reckless; one is pushing and active, while another is altogether wanting in energy. It is needless to say, that while the former passes unscathed through ordeals such as have been described above, the latter is forced to succumb to them. Again, under such a rule as the Sikhs, the former would probably succeed in making a friend of the ruler for the time being, and with his assistance would extend his possessions at the expense of his weaker brethren; and be it remembered *there was ordinarily no redress* should he presume on his influence to do this.

The Settlement.

[Part II

267. These and such like causes combined to produce the state of things described, and the status, *as found to have existed for a long period*, was accepted as the basis of our future operations, both in our judicial decisions, and in the preparation of the record of rights and liabilities.* Pedigree tables had been drawn out in the first instance, but it was found, that although the genealogies of the village communities were well known, and there were often turufs and puttees, or as they are called "vurhees," yet these had not been acted on for several generations. Possession in no way corresponded with shares, and the lands of proprietors of one nominal division were often found mixed up with those of another. The State dues during the Sikh times were, as before explained, taken in kind by "kunkoot" or "buttai," while items of common income, such as "dhrut," "kumeeana," and in the Thull "peevee," were appropriated by the head men on the pretence of defraying village expenses. Since annexation the revenue has for the most part been paid on holdings by a beegah rate, or by a distribution on ploughs, &c.

Judicial decisions based thereon.

268. From the foregoing description of the conditions under which proprietorship had existed, for a period long anterior to the supervention of British rule, it will be understood that *possession* was the fact mainly relied on in the decision of disputes connected with the title to land. Suits of this kind may be reduced to three classes:—

Classification of suits.

I. That in which parties out of possession sued those in possession for whole villages or for particular plots of land.

* I know it is held by the leaders of one school in the Punjab, that it is our mission, and duty, to provide a remedy for all the injustices committed during the rule to which we succeeded, but they do not appear to consider sufficiently if the cure is not worse than the disease: whether it does not cause greater suffering, violently to disturb a state of things to which by the lapse of time men have grown accustomed: and they would also seem to forget, that when settlement officers have been armed with judicial powers, they have not been placed *above the law*, but are bound to administer it as they find it, and that if a law of limitation is required in a country which has long enjoyed a settled Government, it is far more necessary in one which has gone through all the phases of anarchy and misrule. I rejoice to see that in differing from the views held by this school I am supported by a goodly array of experienced revenue officials, with the highest authority in this department at their head, who in writing but very lately on this subject, says: "The status of old owners could not be restored in the Punjab without a more complete revolution than has been effected by any of the armed hosts who have either invaded the country or held power in it for a time. The difficulty of obtaining reliable evidence, which increases with the lapse of time, may also be urged not only in favor of a law of limitation, but for not extending it beyond the period now fixed by law." W. G. D.

Part II]

The Settlement.

II. That in which parties in possession of a certain portion of land sued a descendant of the common ancestor, in possession of a larger share, to obtain re-allotment in accordance with ancestral shares.

III. Claims by collaterals against widows, daughters or sons-in-law of a deceased sharer, either to obtain possession of the inheritance, or to restrain the parties in possession from alienating the same.

The classification might be extended further, but the above divisions comprehend the great mass of litigation; and a sufficient general idea will be conveyed of the latter by following this arrangement, and describing the arguments ordinarily put forward on both sides.

Claims of
Tiwana chiefs.

269. But before I speak of the petty litigation, it will be well to dispose of what, from the magnitude of the claim alone, must be considered as the "*cause celebre*" of this settlement. I refer to the claims preferred by the Mullicks of Mitha Tiwana.

270. These amounted to no less than the exclusive proprietorship of the Noorpoor Talooqua, consisting of twenty villages. The same of eleven out of twenty-two villages of the Mitha Tiwana Talooqua (the Dunda); and the superior proprietorship in the Sheikhooâl Talooqua, eighteen estates, and in the remaining eleven villages of the Mitha Talooqua;—a tract of country constituting in area about two-thirds of the Khooshab Tahseel, and paying a revenue of fifty thousand rupees.

Features of
these cases.

271. The facts of the case were fortunately very simple. During the period that elapsed between the gradual break-up of the Moghul empire and the conquest of the Punjab by Runjeet Sing, the Tiwana chiefs had obtained and exercised independent authority over the greater part of the tracts claimed. In A. D. 1816, Runjeet Sing made himself master of the whole of these, and from that time till the death of Hurree Sing Nulwa in 1837, * the exiled chief Mullick Khan Mahomed, and his sons, lived as pensioners on the bounty of the Maharaja. When this latter event occurred, Futteh Khan, one of the grandsons of the Mullick, obtained from his patron Raja Dhyen Sing the farm of the ancestral Talooquas, and these he retained on and off till his death in 1848, altogether for twelve harvests, or six years, during a period of eleven years.

* See the first part of this report, paras. 80 to 87.

The Settlement.

[Part II

272. The claims were clearly untenable; for these facts, which are not attempted to be denied, showed a dispossession of nearly fifty years. The claimants however urged, that their title had been kept alive by the farms which Futteh Khan had held, and by the receipt of a chaharum. But neither of these pleas were found to be good, for, as regards the farms, even if they had been held uninterruptedly, the tenure was but that of a revenue collector, and as such could not revive a title that had been absolutely extinct for nearly twenty years. And with respect to the chaharum, enquiry showed that the sunuds by which it had nominally been granted * had never been acted on. Further, admitting that the allowance was received for a season, it could only be looked upon in the light of the grant of so much revenue. And that the claimants did themselves so view it, is clear from the fact, that soon after annexation they based thereon a claim for an equivalent in the shape of a jageer, which, as I have related in para. 90, was given to them. On these and other grounds set forth at length in my judgment in the case, the claims were negatived as inadmissible.

Why considered inadmissible.

273. The remainder of the litigation, though simple in character, was, relatively to the population and revenue of the tracts out of which it arose, unprecedentedly heavy, the claims to proprietary right being no less than three fourths of the number decided in Mr. Ouseley's time, while the revenue was considerably less than a third of the revenue of the portions of the district settled by him. This will give some idea both of the extent to which property had risen in value, and of the tendency which our system has to foster litigation; and it may be added, with reference to this latter remark, that a large proportion of the claims preferred were shown to be utterly false and fictitious.

Petty litigation heavy.

274. Very strenuous efforts were made to recover possession of land of which the original proprietors had lost possession through accident, calamity, or as the result of their own improvidence, and fearful perjury was resorted to to obtain this end. Where the dispossession was beyond the period of limitation, it was generally alleged that the land claimed, had been either mortgaged or lent to the party in possession, but ordinarily no deed was forthcom-

Claims of the first class.

* I should say "they had been granted," for each of the claimants, Mullick Shere Mahomed and Mullick Futteh Shere, produce sunuds, the one dated only a month latter than the other, which virtually cancel each other, as I have shown in my judgment in the case. The fact is these sunuds were bribes to secure partisans when the State was split into parties and the effete ministry was seeking to strengthen itself against the army. W. G. D.

Part II]

The Settlement.

ing, and as in the majority of the cases this was only a device to obtain hearing for a very antiquated claim, and the defendant had admitted long possession on his side, the suit failed in its object. In other cases, the party in possession, mistrustful of the validity of his prescriptive title, would foolishly seek to strengthen it by the production of a fictitious deed of sale; of course, if he failed in establishing the genuineness of the deeds the plea was fatal, but I fear, that, in many instances, forged documents succeeded in passing for genuine ones, so carelessly were legal instruments of all kinds drawn up in former days. As often however as good grounds for believing that perjury or forgery had been committed, existed, a prosecution was instituted. In this way numbers paid the penalty of attempting to mislead the Courts, and I have reason to know that these proceedings were attended with the best results.

Those of the
second class.

275. The second class of cases were, as a rule, very simple, as enquiry everywhere showed, that, as far as the memory of living men carried them back, possession had been unequal, and had constituted the sole criterion for regulating each man's rights and liabilities. With few exceptions, therefore, claims to obtain re-allotment of land in accordance with ancestral shares were rejected. The exceptions were chiefly where land had been held undivided by the different members of one family, each having cultivated in accordance with his means and ability.

Third class.

276. The third description of cases were more embarrassing, because, while throughout the district, and more particularly among the Awâns, the feeling against landed property passing through females is very strong, the dictates of natural justice disincline from passing orders the effect of which will be suddenly to deprive a man of land which he has cultivated for many years, and has learned to look upon as his own. The voice of the country however was too strong to be directly opposed, and it was only by means of arbitration that, on the death of the widow, any portion of her deceased husband's inheritance could be reserved to her son-in-law. Attempts by the widow during her lifetime to effect the same object by means of a formal gift or fictitious sale of the property to the son-in-law, were invariably disallowed as opposed to local custom.

Claims to
irrigation
from hill tor-
rents.

277. Another description of cases peculiar to the Salt Range and the tract lying at its base, demands a passing notice, not so much on account of their number, as from the

The Settlement.

[Part II

keennets with which they were contested. I speak of claims to share in the water of the hill torrents. The two modes in which this right is exercised have been described in para. 213, and need not be repeated. The issue was much the same in either case, viz: whether the right to irrigate by either of the two recognized modes existed, and had been enjoyed continuously or not; or whether the claimant's land had only received water by accidental overflow (called "oochhâl") when the stream, bursting its banks, all came in for a share; and be it remarked that the distinction here indicated is a most important one, as those who have the right to divert the drainage into their fields benefit by every shower, however small, while those who are not included in this category only obtain water after heavy and continuous rain. Claims of this kind were as a rule decided *on the spot*. I insisted on this, as the evidence was often very conflicting, and in such cases an inspection of the features of the ground is usually of the greatest assistance towards arriving at a correct decision. When the orders came to be appealed to me I adopted the same rule.

278. Questions connected with tenant-right did not give much trouble, for the number of non-proprietary occupants of land here is very inferior to the number in the portions of the district of which Mr. Ouseley effected the settlement. The hills and the Mohar are the only tracts where cultivation is carried on to any large extent, and these divisions are held by brotherhoods of cultivating proprietors of the Awân tribe, with scarcely an outsider among them. The only exceptions are where whole villages belong to saintly characters, of which there are three in the Salt Range, and, in the Mohar, the villages owned by the Junjooha tribe. In the former, almost the entire cultivation is in the hands of non-proprietors, the proprietors taking their rents by "battai" at easy rates, usually a third of the produce. In the latter, the Junjooha proprietors, through apathy and indifference, have allowed not only rights of occupancy to grow up, but have given opportunity to men of other tribes to creep in and supplant them in the proprietorship of a greater part of the lands still left to them by the Awâns. Of course these last are proprietors of their own holdings only, and have no share in the common land or common profits.

Tenant questions.

279. I have now come to the khewut, but before entering into any details of the mode in which the revenue is distributed and paid, I will quote the few words that Mr. Ouseley has on the subject in his memo. He says—

The khewut.

Part II.]

The Settlement.

Extract from
Mr Ouseley's
memo.

280. "The preparation of a khewut is an easy matter if the measurement papers are correct, and the assessment light. No pains were spared to ensure the accuracy of the measurement papers, and I think I have said enough to show that the assessments were not heavy. Amongst other precautions for ensuring accuracy in the record of measurements, I may mention that every shareholder, and every tenant with a right of occupancy, was furnished with an extract from the khuteonee showing him every particular regarding the lands of which he had been recorded proprietor or tenant, so that every one had ample opportunity for satisfying themselves whether their interests had or had not been truly recorded. This proceeding cost a good deal of time, labor, and money, but it secured an accuracy in the settlement papers, which I feel certain could not have been otherwise attained amongst an ignorant people unacquainted with our revenue system."

General rule
for distribu-
tion of reve-
nue.

281. The tenures being as a rule "bhayachara," the jummas have been distributed primarily upon holdings, regard being had, wherever such distinctions exist, to the various qualities of soil, *e. g.* in the villages of the "Hethar" the distribution is on land subject to inundation ("sailab") and that artificially irrigated ("chahee"). In the nukka on irrigated, and unirrigated ("baranee"). In the hills on "hail," "maira" and "rukkr" &c. In zemindaree and purely putteedaree villages, the revenue is of course paid in accordance with ancestral shares, but as explained before, the number of estates held on these tenures is very small.

Special rule.

282. While however the general rule is as stated above, in some parts of the district peculiar modes of paying the revenue exist; these will now be described, and the causes that have led to their adoption.

The rule in
the "Bar" of
Bhera tahseel.

283. Past custom has had a large share in determining the mode of distributing the burden of taxation. In the Bar during the Sikh rule a house tax* of two rupees used to be collected from all the residents of the village, proprietors and non-proprietors, independent of the tirnee on cattle; and this custom has been kept up ever since, so that, of the jumma, a portion which falls at about the old rate is charged on houses, another and larger share on cattle, and the remainder is distributed rateably over the irrigated and unirrigated cultivated area, as recorded in the settlement papers. The two first sums are subject to annual "bach,"

* Called "Booha." This word is the Punjabee for "door."

The Settlement.

[Part II

the last is fixed for the currency of the settlement. The above rule however only obtains in the Bhera Tahseel. The distribution in the Bar villages of the Shahpoor Tahseels is chiefly on wells, such having been the practice during the Sikh times in the Ferooka * and Dera jara Talooquas, to which these estates mainly belong. Here, and elsewhere, wherever the primary distribution is on wells, payments are made according to *shares* in the wells.

Plan adopted in Shahpoor "Bar."

284. In the Thull the revenue is distributed partly on land, and the remainder on cattle. The former, as in the Bar, is a fixed sum distributed on recorded cultivation, irrigated and unirrigated, by far the greater part being of the latter class, which pays at an uniform rate of four annas an acre, the sum at which it was actually assessed. The quota charged on cattle, here also, is liable to re-allotment annually, camels for this purpose being rated at sixteen annas, buffaloes eight annas, cows four annas, and sheep and goats each one anna.

In the Thull.

285. In the tract called the "Dunda" the mode of payment is, in the main, the same; but there is this peculiarity in the distribution of the quota charged on land, that the *whole area included in separate holdings* bears a share of the burden, the uncultivated portion being assessed at from a fourth to an eighth of the rate payable on the area actually under cultivation. The reason for this will be found in the first part of the report, where I have described the system of agriculture in force in each natural division, and where, as regards this tract, it is shown that the site of cultivation is periodically changed, so as to allow long intervals of rest to the abandoned land. This arrangement further obviates the necessity of re-measurements, and re-distribution of assessment should great changes take place hereafter, *relatively*, in the extent of land cultivated by the several members of the village communities. The absence of some such compensating element was much felt during the currency of the summary settlement, and in some villages led to serious inconvenience.

In the "Dunda."

286. In the Mohar, the whole of the burden falls on land. In the best villages, which enjoy the monopoly of the drainage from the Salt Range, and in which the distinctions in quality of soils are very strongly marked, the distribution is by soils. In the remainder, where the same differences do not exist, the revenue is divided uniformly over the area

In the "Mohar."

* The Ferooka Talooqua prior to annexation was attached to Jhung, and formed part of the territory held in fann by Sawun Mull and his son.

Part II]

The Settlement.

under tillage as measured at settlement. At first it would appear as if this were scarcely fair to the owners of the inferior "rarheedar" land, but enquiry has shown, that where this rule of distribution has been adopted, the difference in quality of the inferior land has been made good to these, by the possession of waste land in larger quantities than that attached to the superior "naladar" land; and, be it remembered, the waste land *here* is not charged with any portion of the revenue.

The rule in
the Salt
Range.

287. Throughout the Salt Range, the revenue is distributed by soils, and so great is the difference in the productive powers of land in the best villages, that the zemindars have for this purpose carried the distinction of soils so far as to sub-divide the "hail" and "maira" lands each into two classes. In only a few of the very inferior estates has an uniform rate been adopted. I would here add, that the values assigned by the people themselves to the several kinds of land, to form the basis of the "bach," bear the strongest testimony to the correctness of the rates fixed by me, the ratios between the values and rates spoken of being almost identical in the great majority of cases, the difference, where such exists, being in favor of the *best* lands, whereas my rates were in favor of the *inferior* soils.

Revenue in-
stalments.

288. The revenue is paid in four instalments after the gathering in of the two harvests, that is, in the months of June and July for the spring, and December and February for the autumn harvest. The only exception is in the hills, where, owing to the rubbee crops ripening a month later than in the plains, special sanction has been obtained to postpone the collections on account of this harvest till the 15th July and 15th August.* The proportions however in which payments are made during the year, vary, to suit the circumstances of each natural division. In the Thull and Bar, where the major part of the revenue is contributed by the owners of the cattle, collections are made in four equal instalments; in the Salt Range "Hethar" and "Nukka;" where the rubbee is the principal crop, the division is three and two-fifths respectively for the spring and autumn harvest; lastly, in the "Mohar" and "Dunda" the reverse of this is the rule.

Appointment
of lumberdars.

289. This would appear to be the proper place for explaining the principles on which the appointment of lumberdars has been made in this settlement. On this subject Mr. Ouseley has the following remarks:—

* See this office No. 77 of 7th August 1865, and Financial Commissioner's No. 4316 of 24th October 1865.

The Settlement.

[Part II

290. "It was the aim of the settlement officer to appoint only one lumberdar for every five hundred rupees of revenue in each large village, but whenever, owing to internal disputes and enmities, it seemed necessary to have a separate lumberdar for each puttee, this rule was departed from. My impression is that on the whole the number of lumberdars throughout the district was diminished. Some villages (Jhawryan was one) used to have as many as eleven and fourteen lumberdars, now I think no village has more than six or seven."

Extract from
Mr. Ouseley's
memo.

291. For once Mr. Ouseley's memory has betrayed him into error; the number of lumberdars in the tracts settled by him was actually increased, and this was probably the result of leaving the determination of questions connected with the office to the subordinate judicial officers. The result, as regards the tahseels of Bhera and Shahpoor was, that the number of office bearers of this class rose from 969 to 1,126, and the average emoluments sunk to only ten rupees a year.

Number of
lumber dars
increased in
Bhera and
Shahpoor tah-
seels.

292. A different course was pursued in the remaining portions of the district. During the progress of the measurement, and while I was collecting data for the assessment, it became known to me, that when the first summary settlement was made, the old Sikh head-men, never having paid revenue in cash before, and fearing that they might be held liable in their persons and property on every, even the slightest, occasion of default, thinking to strengthen their position thereby, had associated with themselves a number of their relatives, and in fact any one who would join them in bearing an unknown and much dreaded responsibility. Enquiry also showed that during the Sikh rule, while each principal section in a village might have its managing head, yet there was usually but one man who was recognized by the local authority as the head-man of the village, and who received the lion's share of the "inam" allowed as a deduction from the collections. Under these circumstances it seemed to me that good policy and justice alike counselled a restoration of the former status, for it is clearly our object to have, in these men, a class which shall be possessed of some weight and authority in the country, and for this an income, which shall place each individual above the necessity of himself tilling the ground is a *sine qua non*, at the same time there were no long established rights to induce me to hesitate before applying the axe to an evil which was of comparatively recent growth.

In tracts
subsequently
settled differ-
ent system
pursued.

Reasons for
the change.

293. After discussion with the Commissioner this plan was adopted. The orders in each case were passed by

Settlement
officer selects

The Settlement.

[Part II

296. I have now to describe the paper which professes to be a code of rules for the internal economy of each estate, or as it is technically styled in the language of the Courts, the "wajib-ool-urz." Agreeably to the plan hitherto observed, an extract from Mr. Ouseley's memo. will be first given, after which will follow an analysis of the contents of these important papers.

The administration paper.

297. "The administration papers were to a certain extent drawn out on a standard plan; it could not be otherwise, but it was my constant endeavour to impress on all the officers under me, that the record for each village was to be prepared so as to meet the requirements of each particular village. I did my utmost to keep all redundant matter out of these papers. Native settlement officials are prone to make a "wajib-ool-urz" a resumé of all the revenue regulations with which they are acquainted. I endeavoured as much as possible to keep the regulation law out of it, and to introduce instead, as much as I could of the local customs, and the *lex loci* of each village."

Extract from Mr. Ouseley's memo.

298. The following are the subjects regarding which rules and customs have been recorded in these papers. 1.—Division of common lands. 2.—Payment of revenue. 3.—Realization of balances. 4.—Transfers of land. 5.—Management of minor's property. 6.—Inheritance. 7.—Tenants with rights of occupancy. 8.—Tenants-at-will. 9.—Wells, Tanks, &c. 10.—Trees. 11.—Machinery, *e. g.* sugar and flour mills. 12.—Items of miscellaneous income. 13.—Village expenses. 14.—Jageers, maufees, &c. 15.—Absentees and revenue defaulters. 16.—Office of lumberdar. 17.—Office of Putwaree. 18.—Village servants. 19.—Chowkedars. 20.—Grazing rules. 21.—Manure. 22.—Alluvion and Diluvion. 23.—Hill streams. 24.—Miscellaneous rules. This is a complete list of all the matters treated of in the administration papers, but of course the papers of each section of the district, only comprise those rules which are applicable to the particular circumstances of the tract concerned. Some of these subjects have already been fully discussed, and others relating, as they do, to matters which do not depend on the wishes of the people, need not be entered into; I shall therefore confine myself to a recital of the principal rules under the remaining headings of the code.

Detail of headings in code of rules.

299. *I. Division of common lands.*—The rule for the division of the village common lands in villages held on the bhayachara tenure (in which division can be claimed) is everywhere the same, that each co-parcener shall receive a share proportionate to his interest in the estate, as repre-

Rules regarding division of shamilat lands.

Part II]

The Settlement.

the men him-
self.

myself, and as by the time this step in the settlement operations had to be taken, I had picked up all the necessary knowledge to enable me to work with confidence, I think I may say that few mistakes were made. Of course the removal of so many men from the office of head-man created a great deal of discontent, but the feeling was confined entirely to those immediately affected by the reductions, the population at large decidedly approved of what had been done. It is a source of much gratification to me to know that the measures adopted met with the hearty approval of my immediate superior, to whom I am deeply indebted for the manner in which he supported me in the performance of this invidious but most necessary operation.

Additional
payments re-
quired of cer-
tain classes.

294. I had almost forgotten to mention, in connection with this subject, that in all large villages where many outsiders had obtained a proprietary footing, an additional five per cent. has been imposed on these proprietors of their holdings, the proceeds going to the head lumberdar. Doubts were, at the time, expressed if the doubling of the allowance was legal, but it was explained that in reality there was nothing novel in the measure, that the extra allowance was in fact identical with the "warisana" imposed on the same class in the Jhelum and Rawul Pindee districts, but the amount being small, it was thought preferable to confer it on the only member of the community who under the Sikh revenue system had enjoyed proprietary rights, than to fritter it away by dividing it among the whole proprietary body. It was added that, viewed in the light of an additional allowance to the head-man, the Government was fully competent to sanction the arrangements made, seeing that it had already in its executive capacity sanctioned the ordinary five per cent. lumberdaree allowance, which, it was remarked, rested on no legislative basis.

Putwaree's
circles.

295. Putwarees' circles were carefully adjusted, as one of the last steps in the settlement operations. The results will be found in a tabular form in Appendix No. XI, from which it will be seen, that the rule of not charging at a higher rate than three per cent. on the jummas of villages included in the circle, has been observed in the majority of cases. It is only in the Bar and in the Thull that a higher rate of remuneration has been fixed, and there no option presented itself, owing to the enormous areas of villages as compared with the revenue paid by them. The average amount annually receivable by these village accountants is a little over one hundred rupees. The highest salary assigned to any one putwaree is one hundred and fifty rupees, the lowest eighty rupees a year.

Part II]

The Settlement.

as my Sheristadar for the greater part of the time I have been in the district. To a thorough knowledge of the work in all its details, he joins untiring industry, and his general intelligence, combined with a remarkably tenacious memory, render him a most useful public servant.

324. In conclusion, I trust that this report will show, that in the performance of my share of the whole work, of which it is a record, I have not spared myself, and that if defects should be discovered hereafter, it may be borne in mind that, during the whole time, I held administrative charge of the district also, a duty which is, of itself, sufficient to occupy the time and thoughts of one officer.

SHAHPOOR,
Settlement office,
The 17th September 1866.

W. G. DAVIES,

Settlement Officer.



Part II]

The Settlement.

In the records of villages forming part of the Bhera Tahseel, as constituted in Mr. Ouseley's time, from Rubbee Sumbut 1913 to Khureef Sumbut 1922.

" " " forming part of the Shahpoor Tahseel, as then constituted, from Khureef Sumbut 1913 to Rubbee Sumbut 1923.

" " " forming part of the Kaloowâl Tehseel, as constituted at the same period, from Rubbee Sumbut 1915 to Khureef Sumbut 1924.

" " " forming part of the Khoshab Tahseel, as now constituted (excluding the three pergunnahs of Girôt, Jowra, and Khoshab, which were settled with Shahpoor) from Rubbee Sumbut 1921 to Khureef Sumbut 1930.

It should be added that 109 of the Kaloowâl villages were transferred to the Jhung district in May 1861, and the remainder added to the Bhera Tahseel, as explained in para 11 of the introduction. Thus it will be seen, that the terms of all the settlements have expired with the exception of those of the villages of the Kaloowâl Tahseel added to Bhera, and of that portion of the district of which I have made the settlement. I must leave the Government to decide whether it will not be best to fix one date to which the settlement of every part of the district shall extend.

Subjects remaining for discussion.

316. There are still two subjects on which I wish to say a few words, before giving the concluding extract from Mr. Ouseley's memo., and winding up this long report with a notice of the Judicial officers who have worked under me. These are (1) irrigation works, and (2) the management of rukhs.

Applications for wasteland.

317. It has already been remarked that cultivation by means of inundation canals from the Jhelum is likely to be largely extended. I would now add that the officer who holds charge of this district during the next ten years, will have to exercise great discrimination in disposing of applications for waste land. He will be inundated with them, and he will often be at a loss to decide which to entertain favorably and which to reject. Having had some experience in dealing with such applications, I may be permitted to lay down this axiom for future guidance, that no application be entertained until the applicant has shown that he has both the required

How to be treated for the future.

capital for the proposed undertaking, and that he *honestly intends* to carry it out; that his real object is not under cover of a clearing-lease to obtain a grass preserve on easy terms for a long period. There are a number of small blocks of waste land within easy distance of the river, which only require a cut thence to be made into them, in order to convert them in a marvellously short time into sheets of cultivation, but for this a combination of local influence, energy, and capital are indispensable; where the applicant possesses these, there need be no hesitation, and all that remains to be done is to bind him down to complete within a moderate period, the most essential part of the undertaking, the canal, the rest will follow of itself as a matter of course. But to save useless expenditure of capital, it will always be well, whenever this can conveniently be accomplished, to have a few levels carried along the proposed line of excavation, remembering that the same area which might be reclaimed from waste in one season, at a comparatively small cost by means of a canal, would require the expenditure of a far larger amount of time, capital, and labor, to obtain the same result by means of wells, and that if the canal turns out a failure the enterprise is generally abandoned.

318. With regard to the management of rukhs, I would draw attention to a letter I wrote on the subject in 1864* in which I pointed out the evils of the system of annually putting up the grazing leases to auction. What I there wrote applies with tenfold force to the rukhs in the Noorpoor and Mitha talooqua, the leases of which, under that mode of realizing the revenues, would be annually purchased over the heads of the people by the wealthy mulicks of Mitha Tiwana, who thus having secured the monopoly of pasturage, might charge what fees they chose, and otherwise harass the people in a variety of ways. Under the sanction quoted in the note to this paragraph, the greater part of these Government preserves has been leased for periods of two and three years. The experience already obtained of the working of this system, warrants me in advocating its continuance; it saves those to whom the grazing is a necessity from much annoyance at the hands of an unprincipled set of men, and the time of the courts from being taken up with the decision of a most unsatisfactory class of cases; and under it, there need be no sacrifice of revenue, as the grazing in a certain number of the rukhs will probably always have to be put up to auction, and the bids at these sales will serve as an index

Management
of Rukhs.

* No. 50 of 7th May and subsequent correspondence, ending with Financial Commissioner's No. 2065 of 20th June 1864.

Part II]

The Settlement.

to the value of grazing for the time being, and a guide in fixing the sum to be demanded for the leases of the remainder.

Extract from
Mr. Ouseley's
memorandum.

319. I must now give a very characteristic paragraph with which Mr. Ouseley winds up his memorandum, if only to refute that portion in which he modestly disclaims all credit for the work carried out under his orders: he writes as follows—"It does not become me to assume credit for the goodness of work which was done by the officers over whom I was placed, and I feel that I ought to be cautious in claiming credit for the working of a settlement which, if it has worked well, is mainly owing to the care and skill of those officers who have had to nurse and watch it; but still making due allowance for this care and skill, I must make bold to say, that the work that was done by the staff placed under me, must by this time have borne testimony for good or evil. If the work, for which I was responsible, has turned out badly, it is to little purpose that I should explain how I unconsciously fell into error; but if the work has stood the test of time, I hope that circumstances may be allowed to weigh in the balance against the meagre and tardy way in which I have recorded the mode in which that work was performed, and the labor and pains which it cost." I cannot allow this passage to go forth, without placing on record my conviction, derived from four years study of all the details of his work, that there are few settlements in India which have owed more to the officers who have presided over them, than has the settlement of the Shahpoor district to Mr. Ouseley. Entirely devoted to the task, keenly alive to the large interests at stake, with a strong sense of justice, which if it often led to great delays, seldom ended in miscarriage, and with indomitable perseverance and self sacrifice, he carried out the work to a most successful issue, making his presence felt in every branch and at every stage of its progress; no one, who has not had the opportunities which I have had of close scrutiny, can tell how literally true this is, but even a slight acquaintance with the district and its inhabitants, would be sufficient to convince any one, how much the latter are indebted to his thoughtful care for their welfare, for to this, the people themselves bear witness, his name is always in their mouths, and is never mentioned but with marks of respect and affection; indeed, it is not too much to say that the name of Ouseley has passed with them into a household word.

The excellence of the work mainly attributable to him.

Notice of officers en-

320. Of the officers who worked with him, Mr. Ouseley writes to the following effect: "It is now almost too late

The Settlement.

[Part II

"for me to record what the district of Shahpoor owes to the exertions of the officers who served in the settlement department. If anything good is to be seen in the *general principles* on which the work was conducted, or in the mode in which difficult questions connected with conflicting interests have been dealt with, the credit is due to Mr. E. Thornton, who, as Commissioner of the Division, exercised a thoughtful and untiring supervision; whatever in the *details* of the settlement may appear worthy of praise, is owing to the experience, intelligence, and industry of Pundit Motee Lal; two better men for settlement work could not I think be found than Bukhtawar Lal Tahseldar of Bhera, and Ramsahae formerly Peshkar of the Saiwâl Tahseel."

ployed under
Mr. Ouseley.

Pundit Mo-
tee Lal.
Bukhtawar
Lal and Ram-
sahae.

321. To the above I must add my acknowledgments also for great assistance received from Bukhtawar Lal. On the conviction of the acting Superintendent, Goolab Rae, of malpractices in July 1863, Bukhtawar Lâl was transferred from his substantive appointment as Tahseldar of Bhera, to the settlement then going on in the Khoshab Tahseel, and from that time till his removal to the Goojrat settlement, he worked very hard. Bukhtawar Lâl is a painstaking, conscientious officer, and bears a high character for integrity. Having now served in this department in different capacities for fifteen years, it is needless to say that he possesses a most intimate knowledge of all the details of the work. I trust that Bukhtawar Lâl's services in the settlement of this district will receive the reward which they deserve.

Services of
officers em-
ployed under
Captain Da-
vies.

Bukhtawar
Lal Superin-
tendant.

322. Subordinate to Bukhtawar Lâl, but in no way his inferior in the qualities that go to make up a good Judicial officer, was Hurbuns Lâl, now Naib Tahseldar of Shahpoor. For some time Hurbuns Lâl served as a Sudder Moonserim, or head of the establishment employed in supervising the measurements and preparation of the record, and in that capacity gave me every satisfaction. On an opportunity afterwards occurring, he was promoted to his present post, still however continuing to serve in the settlement, and soon after, (July 1864,) on my recommendation he was invested with Judicial powers. In the exercise of these powers Hurbuns Lâl has shown excellent judgment, and a patient desire always to arrive at the truth, in fact, with one exception, there is not a better Judicial officer in the district.

Hurbuns Lal
Naib Tahseel-
dar.

323. Lastly, I would wish briefly to acknowledge the assistance I have invariably received from Meer Golam Hosein, one of the writers in the office, but who has acted

Meer Golam
Hosein set-
tlement She-
ristadar.

The Settlement.

[Part II

incurred, with remarks on one or two matters not yet touched upon.

314. The total expenditure, it will be seen by referring to appendix No. XII, has been no less than 1,75,240 rupees, or about 42 per cent on the revenue of the tracts settled. This is very high, but it will not fail to be noticed, that while the rates of cost to jumma of the first part of the settlement was 53 per cent, that of the second did not exceed 12 per cent. This is not said with a view to taking credit for the superior economy of the latter operations, but as a preliminary to explaining the causes to which the difference is due. For the settlement conducted by Mr. Ouseley special establishments on a large scale were entertained, and for some time two Extra Assistants were employed under him, whose pay was of course charged to the settlement; by referring to the details in the statement of expenditure, it will be seen, that nearly half the entire expenditure consisted of the salaries of officers and their amla. On the other hand, nearly the whole of the work in the settlement effected under my orders, was performed by the existing district establishments. The best Tahseldar was invested with the powers of a Superintendent for the time, and subsequently a Naib Tahseldar, who had, up to that time, done the work of a sudder moonserim, received judicial powers also; a few writers were entertained for each of these, and with the staff of supervisors spoken of in para 209, formed the only establishment specially kept up for the settlement. The rest of the work was done by putwarries. I must not omit to mention, however, that the hodbust operations had been completed every where but in the Noorpoor Talooqua, when I took charge. One result of this way of doing work, has been that the work had been spread over a longer period, but this is not to be regretted if, as I believe, the quality of the work has been improved thereby.

Expenditure
on the whole
high.

315. In the beginning of this part of the report, the causes that led to a partial suspension of settlement operations were explained, but one result of the desultory manner in which the work has been carried on and of the lengthened period over which it has in consequence extended, has still to be noticed; I speak of the want of coincidence in the periods fixed for the duration of the settlement in different parts of the district. These, as entered in the settlement records, are as follows:—

Term of settle-
ment not
uniform
throughout
the district.

Part II]

The Settlement.

land how to be
decided.

forced itself on my notice, owing to a custom, prevailing on the Jhelum river, having been ignored in a dispute of this kind, decided a short time before my arrival in the district. The case was much talked of, and was the immediate cause of my making a reference, which resulted in my obtaining permission both to revise the erroneous decision referred to, and to add, after due enquiry, a clause to this section in the administration papers defining the usages for the decision of such claims on both rivers. * The custom, which from time immemorial has been in force on the Jhelum, is that locally known by the name of "wârpâr-bunna." The words literally mean a boundary on either side, but the phrase is commonly accepted to mean, that the river is not considered as a boundary at all; that the original area of the estate is *alone* looked to, and, whether in the bed of the river or out of it, the lands comprised within those limits remain for ever a part of the estate. The rule probably had its origin in the fickle nature of the stream, and was devised by the original settlers on both banks for their mutual protection. However this may be, there is no doubt of the existence of the custom; this was clearly established by enquiry of the zemindars of villages on both banks of the river, and is further attested by the fact that a large proportion of estates so situated *haveland on both banks*. Nothing can be theoretically fairer than the rule, and no great difficulty is experienced in its practical application, now that a regular survey and settlement of the estates on both banks have been made. On the Chenab, on the other hand, enquiry showed that in such cases the usage known as the "sikundree hudd" law has always prevailed. This rule is precisely that prescribed for observance in sections IV and V of Regulation XI of 1825, viz.: that where land is gained by gradual accession, it shall be considered an increment to the estate to whose land it is thus annexed, but not when the river by a sudden change of course transfers a portion of land from one estate to another, without destroying the identity of the land so removed. These two different customs have been duly recorded in the administration papers of all river villages, each, where it was found to prevail. ✓

Cost of the
settlement.

313. I have now, I think, described each successive step by which the settlement operations in this district have been completed, and there only now remains for me to add, in conclusion, a few lines explanatory of the cost

* See this office No. 17 of—July 1863, Commissioner's No. 2085, of 4th August, and Financial Commissioner's No. 3080, of 11th August, of the same year.

The Settlement.

[Part II

ten per cent rule, and the other, declaring the village custom in regard to the payment of revenue of land carried away, in cases where no remission of revenue is allowed. To these a third has been added, since my incumbency, defining the principles on which claims to lands recovered from the river shall be adjudicated. Each of these requires notice, the last more particularly.

310. The ten per cent rule may be very good, and is the means doubtless of saving a great deal of trouble where, as on the Ganges, villages are held by single proprietors; but where, as in the Punjab, land is very minutely divided, the rule is altogether inapplicable. For example, there is a village not far from Shahpoor, called Jhawryan, of which the revenue, nearly 5,000 rupees, is paid by 406 separate proprietors. Now, under the rule spoken of, no remission could be obtained by this estate, until it had lost land paying 500 rupees, which is equivalent to saying, until forty khewutdar's had been brought to the verge of ruin! The harsh bearing of the rule was brought to Mr. Melvill's notice in 1863, and he made, I believe, a reference on the subject to the Financial Commissioner, but up to the present time nothing has resulted; in the meantime, as such a rule could not be acted on, it has been systematically ignored, at least, as long as I have held charge of the district.

As this affects
the Govern-
ment demand.

311. In regard to the second point, by far the most sensible and humane custom is to be found in the villages lying along the Chenab river. In their papers it is provided, that should the land of any co-sharer be carried away and no remission of revenue follow, the loss will be borne rateably by the whole of the proprietary body, until the land is recovered, when it will be restored to the former proprietor. But in the administration papers of the villages on the Jhelum, it is ruled that the proprietor shall continue to pay the quota of revenue assessed on the lost land, *as long as he remains in the village*, and it is only on the fulfilment of this condition that he will be entitled to receive possession of the land when recovered from the river. The rest of the proprietors will only pay the revenue, if he executes a deed resigning all claim to the land when required. This is a very harsh rule, and of course renders the bearing of the ten per cent regulation still harder than it would otherwise be, yet the people, including even those suffering from its operation, have repeatedly refused to modify their recorded custom.

As this affects
the proprie-
tary bodies.

312. The necessity for some recognized principle on which to decide claims to large tracts of alluvial land, early

Claims to
newly farmed

Part II]

The Settlement.

dars when employed on business connected with the village. These items to be entered, as incurred, in the putwaree's journal, failing which, the lumberdar shall not be entitled to recover. The total expenditure not to exceed five per cent. on the jumma. But this system was found not to work well; constant disputes took place between the headmen and their co-sharers, and the materials for a satisfactory decision were seldom forthcoming; and as repeated applications were made to me to commute the fluctuating charge to a fixed annual sum, I determined to adopt this principle in the tracts of which I was making the settlement; accordingly, a fixed per-centage on the jummas has been entered in the administration papers of all those villages, the scale adopted being that prescribed in Financial Book Circular No. 4 of 1860. I may say that this is much preferred to the other plan by the people themselves.

Provisions
for payment of
dues to vil-
lage servants.

307. *XVIII. Village Servants.*—These consist of the village carpenter, blacksmith, shoemaker, potter, barber and sweeper. Each has his appointed work, and in return for his services, receives certain fixed dues from the proprietors at each harvest, which dues of course vary in proportion to the work that is required of each servant; for instance, in the tracts where tillage is mainly dependent on wells, the potters receive from 3 to 4 pais, equivalent to from 20 to 25 seers of grain, at each harvest; on the other hand, in the regions where artificial irrigation is unknown, they receive nothing. In the same way, the rates of remuneration to the other village servants vary according to the demand on their labor, influenced by the peculiar circumstances of each division of the district. A statement containing a list of the village servants, the service required of each, and the rate of remuneration to which they are severally entitled, forms part of the record of each village.

Grazing
rules.

308. *XX. Grazing Rules.*—These are only required in the Bar and Thull villages, and are generally to the effect, in the former tract, that the cattle of outsiders, grazing in the village common lands, will be included in the annual distribution of the sum assessed on cattle, and in the latter, that such cattle, if allowed to graze in the village pasture grounds, will be charged at certain fixed rates specified in this section of the wajib-ool-urz, the proceeds being devoted to reducing the quota payable by the cattle of the village itself.

Action of
rivers.

309. *XXII. Alluvion and Diluvion.*—On this important subject there were originally only two clauses in the papers of villages bordering on the rivers. One, the ordinary

the field on the higher level; the reason for this is obvious, as the high embankments in these parts of the district, rendered necessary by the requirements of the peculiar system of irrigation in vogue, are raised at the expense of the owner of the land benefitting by them. Under this heading is also to be found the stipulation, entered by Mr. E. Thornton's orders, requiring each proprietor of a well to set apart a certain portion of the area as a nursery for trees, and annually to plant them out along the water-courses, and on the ridges of fields.*

305. *XII. Items of miscellaneous income.*—These consist of the following: 1.—Kumeeana. 2.—Fees on Saltpetre manufactories. 3.—Dhurut. 4.—“Peevee.” Each of these require a few words to be said in explanation. Kameeana is, as its name imports, the fund formed of fees paid by village artizans and other non-proprietors for the privilege of residing and exercising their calling in towns and villages. It is paid everywhere except in the Bar, where, as before stated, a portion of the revenue is distributed over houses. In towns the proceeds are appropriated by Government; in villages they are at the disposal of the proprietary communities, and are devoted either to paying the chowkedar or defraying village expenses. In villages within the boundaries of which “ahlis,” or saltpetre mounds, exist in favorable situations, parties manufacturing the salt pay a fee of one rupee per pan for the privilege of digging earth. The proceeds of this source of common income is divided by the proprietors rateably on their revenue liabilities. Dhurut is the sum which is paid for the monopoly of weighing by the party who succeeds in obtaining the appointment of village “dhurwai,” or weighman, he himself taking something, as his wage, from both seller and buyer. During the Sikh times this was one of the many perquisites of the village representatives; now, where taken, it goes to defray some portion of the village expenses. “Peevee” is the income from fees paid by travelling merchants for watering their cattle at the wells in the *Thull*. The fee is nowhere else levied, the proceeds as in the case of Dhurut go to reduce the “mulba.” The amount is never very great.

Division of
common per-
quisites.

306. *XIII. Village expenses.*—In all the papers of villages settled by Mr. Ouseley, one uniform condition, to the following effect, has been recorded, that the following items only shall be chargeable to the village, viz:—tulabana on dustuks; the putwaree's writing materials; cost of feeding indigent travellers; expenditure incurred by lumber-

“Mulba.”

* See Commissioner's letter No. 107 of 24th March 1855.

Part II]

The Settlement.

Non-hereditary cultivators,

302. *VIII. Tenants-at-will.*—Regarding these, it is generally stipulated that should any change be made in the terms on which they hold land, written leases and kaboolements must be executed, and notice given to the putwaree, that should the land-holder desire to eject his tenant, he must give notice of his intention at the beginning of the agricultural year. In some few villages, it is added, that this notice must be given at least two months before that period. It is needless to say that they have no other rights.

Rules for the use of wells and tanks.

303. *IX. Wells, Tanks, &c.*—Under this heading is specified, whether the proprietors or cultivators are responsible for keeping the well in gear. It is also generally laid down that the proprietor must repair the well as soon as it falls in, or sink a new one, and that he will not be excused payment of his quota of revenue on the occurrence of an accident of this kind. Regarding irrigation the general rule is, that each sharer in the well shall be entitled to water his fields continuously for twenty-four hours. In some villages this interval ("waree") is only twelve hours. Provision is also made for making good to the sharer, during whose turn an accident may happen, the time lost in repairing it, and for securing to out-siders associated in cultivation their fair share in the irrigation. Rules regarding tanks are only required in the arid plains of the Khoshab Tahseel, including the tract at the foot of the Salt Range, where little other water for drinking is obtainable. Here the use of the public and private tanks is strictly regulated, but the provisions on this subject need not be entered into further, than to say, that as long as water remains in the public tanks, which are usually close to the village, the village cattle are not allowed to be taken to the private tanks for water.

Rights in trees.

304. *X. Trees.*—The rules on this subject are few and simple. As a matter of course, trees growing in lands held in severalty belong to the shareholder in whose land they stand, and the same with regard to trees within the village site, with exception to such as are to be found within the courtyards of houses inhabited by any of the village servants, who have only rights in trees of their own planting. It is provided that proprietors may plant groves, and lay out gardens, but that doing this will not excuse them from paying the revenue assessed on the land so treated. The rule regarding trees growing on the boundaries of two adjacent fields, everywhere, except in the Salt Range and Mohar, is, that they shall belong half to the owner of each field, but in the tracts named it is laid down that trees in such positions are the exclusive property of the owner of

The Settlement.

[Part II

Qoorayshees, Hindoos, and in some parts, Khokhurs, where owing to widows not being allowed to remarry, all restrictions on their power to dispose of the property of their deceased husbands have been removed.

301. VII. *Tenants with rights of occupancy.*—The rights and liabilities of this class are defined, with more or less fullness, in the administration papers of all villages where they are found. The following are the general rules. That the rent demandable from them having been fixed for the term of settlement, and entered in the khuteonee, proprietors will limit their demands accordingly. If the rent is payable in kind, and the tenant make away with the produce, or wilfully grow inferior crops, the proprietor will be entitled to a decree for damages. Should the tenant extend his cultivation beyond the fields, in respect of which he is recorded as having the right of hereditary occupancy, he will, with regard to the excess, be on the footing of an ordinary tenant-at-will. He cannot sell or mortgage his rights, but may associate others with himself in tillage, or cultivate the land entirely through others. He may not cut trees growing on the fields in his occupancy, even for agricultural purposes, without the permission of the proprietors, nor may he sink wells. He is entitled to the exclusive use of the refuse, and manure of his own house, but he may not carry it to another village. The above may be said to be the lowest scale of rights enjoyed by this class. But in some parts of the district, as in the Bar, where land is of little value, and tillage is abandoned to the village servants; also in particular villages, where either the original proprietors have sunk into tenants, or where, as in "Wuddhun" near Bhera, Khutrees and others have succeeded in over-bearing the rights of the owners of the soil, vastly superior privileges have been accorded to the hereditary occupants, so that there is little but the terminable nature of the tenure, to distinguish them from full-blown proprietors, for they can sink wells, form gardens, cut wood, and in places even transfer their rights. There is, however, the saving clause, to which Mr. Ouseley alludes in his memo., everywhere attached, that the exercise of these rights shall not convert the occupancy of the tenant into a proprietary holding, and that, should he give up or lose his right of occupancy, he will not be entitled to any compensation for improvements effected by him. In those parts of the district, as in the "Dunda," where a portion of the revenue is distributed on uncultivated land, the hereditary cultivator may extend his cultivation without being called to pay anything additional, unless, indeed, he pays rent or malikana in kind.

Hereditary
cultivators.

Part II]

The Settlement.

sented by the quota of revenue recorded against his name in the khewut. But where land is held jointly by one or more sharers, the uncultivated portion of such separate holding is divisible in accordance with the ancestral shares of the parties. In zemindaree and putteedaree estates the division would of course be according to law and not custom. In the above general rule, the clause in parenthesis was necessary, because in the "Thull" and "Mohar," the only lands held in commonalty, are those reserved for grazing, and these the communities of those parts have agreed not to divide; and in the Salt Range, the hill slopes, (the only areas included in the same category) have been specially reserved as the property of the State.* Under this heading are also given the terms as to payment, on which parties may sink wells in, and cultivate portions of, the village shamilat, the proceeds being rateably divided among the whole proprietary body.

Transfers
and inheri-
tance.

300. *IV. Transfers, and VI. Inheritance.*—The rules under these two headings can best be given together. The general rule, in regard to inheritance, is that known as "pugvund," where all the sons of one father inherit alike. The contrary custom of "choonda-yund," or equal division between the issue of each wife, is the exception, and is chiefly found in villages held by Syuds, Qooreyshees and Puthans, tribes in which polygamy is more commonly practised. Another generally recognized rule is, that female children shall only obtain a share in the inheritance when the father by the execution of a formal deed during his life-time has transferred to them a specific portion. Illegitimate children, and the issue of former husbands ("pichhlug"), are altogether excluded. In default of male issue, widows may inherit on a life tenure only, but they have no power to alienate any portion of the property by sale, gift, or mortgage, unless with the concurrence of the next of kin. In some few villages, provision has been made for the case, when the next heirs refuse to contribute towards such necessary expenses as the marriage of the deceased shareholder's daughters; in such cases the widow is allowed to raise money by selling or mortgaging the whole, or any portion, of the estate. During their life-time proprietors can of course, subject to the exercise of the right of pre-emption on the part of the remainder of the coparcenary, dispose of their land as they will. The only exceptions to the above rules as they affect widows, are in estates owned by Syuds,

* On this subject see Commissioner's No. 3218 of 10th October 1864, with its enclosure from Secretary to Government, and this office No. 66 of 12th December 1864. W. G. D.

APPENDICES
TO
SETTLEMENT REPORT
OF THE
SHAHPOOR DISTRICT.

APPENDIX No. I.

LIST OF FERRIES ATTACHED TO THE SHAHPOOR DISTRICT.

Number.	Tahseel to which attached.	Ferries.	SUMS REALIZED DURING FIVE YEARS.					Average of five years collections.
			1862-63.	1863-64.	1864-65.	1865-66.	1866-67.	
1	Bhera, ...	Kohlian, ...	348	351	348	240	312	320
2	Ditto, ...	Boonga Soorkhroo,	216	255	252	192	384	262
3	Shahpoor,	Sudda Kumboh,	120	216	152	180	300	194
4	Ditto,	Dhâk, ...	228	252	264	216	312	254
5	Ditto,	Châchur, ...	252	279	336	348	492	341
6	Ditto,	Shahpoor, ...	180	174	144	108	114	144
7	Khoshab,	Khoshab, ...	1,884	1,944	1,944	1,596	2,052	1,884
8	Ditto,	Tunkeewala, ...	120	150	132	108	156	133
9	Ditto,	Humoka, ...	108	87	120	60	204	116
10	Ditto,	Sheikhowâl, ...	150	150	168	144	168	156
11	Ditto,	Thutthee Hurgun,	192	162	180	132	228	179
12	Ditto,	Lungerwala, ...	570	600	540	540	696	629
13	Ditto,	Teytree, ...	312	276	188	240	228	249
14	Ditto,	Jowra, ...	384	468	504	516	600	494
15	Ditto,	Majoka, ...	220	192	204	192	240	210
TOTALS, ...			5,284	5,556	5,476	4,812	6,486	5,523

Shahpoor, Settlement Office, }
The 17th September 1866. }

W. G. DAVIES,
Settlement Officer.

APPENDIX No. II.

STATEMENT, IN ACRES, OF AGRICULTURAL PRODUCTS OF SHAHPOOR DISTRICT.

Number.	Name of Tahseel.			
1	2	3	4	5
		Shahpoor, ...	Behra, ...	Khoshab, ...
647	No. of villages.	236	269	142
3,34,658	Total cultivated area.	1,08,514	99,117	1,27,027
53,542	Minhai, bahun & judeed.	31,054	8,852	13,636
2,81,116	Remaining cultivated.	77,460	90,265	1,13,391
1,31,224	Wheat.	39,046	44,252	47,926
9,739	Barley.	3,188	4,847	1,704
10,005	Gram.	5,448	2,636	1,921
639	Mussoor.	382	103	154
1,004	Tobacco.	278	665	61
403	Cheena.	397	...	6
151	Onion.	138	9	4
126	Pease.	82	...	44
708	Poppy.	278	327	103
1	Mustard.	1	...	...
10,501	Turnips.	5,221	4,471	809
2,033	Sweet Melons.	295	...	1,738
1,466	Tara Meera.	33	189	1,244
35	Carrots.	32	3	...
124	Vegetables.	39	6	79
434	Linseed.	22	405	7
509	Miscellaneous.	...	415	94
1,69,102	Total.	54,880	58,328	55,894
15,802	Joar.	6,761	6,448	2,593
21,879	Bajra.	7,120	8,552	43,743
21,879	Cotton.	7,120	7,126	7,633
2,155	Moong.	900	813	442
191	Mash.	60	119	12
2,696	Till.	546	1,588	562
5,099	Moth.	602	3,184	1,313
394	Paddy.	11	383	...
602	Mukkee.	8	373	221
6	Red Pepper.	6	...	...
204	Sawak.	204	...	...
3,835	Cheena.	1,492	1,839	504
160	Vegetables.	18	35	56
1,033	Sugar-cane.	...	1,033	...
36	Mehdee.	...	36	...
806	Miscellaneous.	...	408	398
1191,94	Total.	22,580	31,937	57,477

RUBEE.

KHURF.

Shahpoor, Settlement Office,
The 17th September 1866.

W. G. DAVIES,
Settlement Officer.

APPENDIX

ABSTRACT CENSUS STATEMENT

Religion.	TRIBE.	NUMBER OF								
		AGRICULTURAL.							Non-	
		Adult.			Non-adult.			Total.	Adult.	
		Male.	Female.	Total.	Boys.	Girls.	Total.		Male.	Female.
1	2	3	4	5	6	7	8	9	10	11
M A N.	Syud, ...	1,528	1,206	2,734	870	758	1,628	4,362	698	607
	Quooreishee, ...	610	552	1,162	321	207	628	1,790	116	124
	Khokhur, ...	2,685	2,305	4,990	1,616	1,440	3,056	8,046	671	552
	Ranjha, ...	499	383	882	298	147	545	1,427	84	78
	Jhummut, ...	895	724	1,619	527	510	1,037	2,656	89	92
	Beloch, ...	1,151	990	2,141	651	529	1,180	3,321	1,712	1,338
	Gondul, ...	2,562	2,112	4,674	2,475	1,806	4,281	8,955	542	470
	Awán, ...	7,730	7,112	14,842	5,572	4,978	10,510	25,392	879	932
	Bhuttee, ...	1,099	897	1,991	773	739	1,512	3,503	340	321
	Mekun, ...	1,202	857	2,059	624	541	1,165	3,224	229	215
	Tiwana, ...	251	237	488	155	119	274	762	65	63
	Junjooa, ...	541	513	1,054	338	330	668	1,722	68	73
	Total, ...	20,748	17,888	38,636	14,220	12,304	26,524	65,160	5,493	4,865
M O O S U L M A N.	Mulyar, ...	1,228	1,064	2,292	778	618	1,396	3,688	394	295
	Machhee, ...	1,271	653	1,924	520	488	1,008	2,932	1,664	1,422
	Koomár, ...	849	613	1,462	442	431	873	2,335	2,065	1,759
	Mochee, ...	474	394	868	257	254	511	1,379	2,858	2,607
	Tirkhan, ...	926	733	1,659	538	467	1,005	2,664	1,316	1,289
	Naie, ...	666	446	1,112	435	272	707	1,819	1,166	977
	Padlee, ...	240	184	424	134	100	234	658	4,909	4,451
	Dhubba, ...	224	156	380	115	100	225	605	851	842
	Loohár, ...	413	335	748	373	339	712	1,460	868	753
	Total, ...	6,291	4,578	10,869	3,592	3,079	6,671	17,540	16,091	14,395
	Miscellaneous, ...	17,974	13,973	31,947	10,814	10,137	20,951	52,898	17,550	14,397
	Total Moosulman, ...	54,013	36,439	81,452	28,626	25,520	54,146	1,35,598	39,134	33,657
H I N D O O.	Khuthree, ...	699	494	1,193	341	293	634	1,827	5,482	4,947
	Brahmin, ...	203	145	348	85	73	158	506	1,423	1,203
	Arorá, ...	1,070	792	1,862	601	464	1,065	2,927	9,339	7,794
	Total, ...	1,972	1,431	3,403	1,027	830	1,857	5,260	26,244	13,944
	Miscellaneous, ...	92	46	138	33	29	62	200	1,026	812
	Total Hindoo, ...	2,064	1,477	3,541	1,060	859	1,919	5,460	17,270	14,756
GRAND TOTAL,		47,077	37,916	84,993	29,696	26,379	56,065	1,41,058	56,404	48,413

Shahpoor, Settlement Office,)
The 17th September, 1866.)

No. III.

OF THE SHAHPOOR DISTRICT.

PERSONS.					Grand Total.	Per-centage of men to women.	Per-centage of boys to girls.	Per-centage of total male to total female.	No. of houses.	Average No. of persons to each house.	No. of ploughs.	No. of bullocks employed in cultivation.
AGRICULTURAL.												
Non-adult.												
Total.	Boys.	Girls.	Total.	Total.	17	18	19	20	21	22	23	24
1,305	410	359	769	2,074	6,436	81	95	83	2,227	2.91	1,164	2,328
240	75	64	139	379	2,169	93	89	90	642	3.37	409	818
1,223	302	291	593	1,816	9,862	86	78	87	2,531	3.88	2,137	4,274
162	49	27	76	238	1,665	79	95	79	782	2.12	454½	909
181	61	50	111	292	2,948	82	84	87	961	3.7	729½	1,459
3,050	949	814	1,763	4,813	8,134	81	71	82	2,673	3.7	919	1,838
1,012	343	213	556	1,568	10,523	83	89	77	3,784	2.78	2,158	4,316
1,811	519	462	981	2,792	28,184	93	93	91	7,544	3.73	6,798	13,596
661	244	212	456	1,117	4,620	85	84	88	1,432	3.22	994	1,988
444	162	122	284	728	3,952	76	85	78	1,367	2.28	1,996	3,952
128	28	38	66	194	956	94	97	91	115	8.32	160	320
141	30	28	58	199	1,921	96	97	96	482	3.15	468	936
10,358	3,172	2,680	5,852	16,210	81,370	86	80	86	24,540	3.22	18,367	36,734
689	219	189	408	1,097	4,785	84	85	82	1,297	3.69	899	1,798
3,086	985	913	1,898	4,984	7,916	70	93	78	3,443	2.29	480½	961
3,824	1,214	1,114	2,328	6,152	8,487	80	92	85	3,508	2.41	377½	755
5,465	1,715	1,669	3,384	8,849	10,228	90	97	94	4,060	2.51	272	544
2,605	889	914	1,803	4,408	7,072	90	96	92	2,611	2.71	537	1,074
2,143	707	613	1,320	3,463	5,282	77	77	77	1,450	3.64	320	640
9,360	2,923	2,779	5,702	15,062	15,720	90	94	91	5,692	2.76	137	274
1,693	504	441	945	2,638	3,243	92	80	92	1,220	2.65	126½	253
1,621	507	413	920	2,541	4,001	83	85	85	1,101	3.62	264½	529
30,486	9,663	9,045	18,708	49,194	66,734	84	99	87	24,382	2.3	3,414	6,828
31,947	9,055	8,644	17,699	49,646	1,02,544	79	94	85	28,040	3.6	12,388	24,776
72,791	21,890	20,369	42,259	1,15,050	2,50,618	83	90	79	76,962	1.9	34,169	68,338
10,429	2,748	2,043	4,791	15,220	17,047	88	65	83	7,030	2.3	445	890
2,626	680	582	1,262	3,888	4,344	80	85	83	1,260	3.48	102½	205
17,133	3,503	3,996	7,499	24,632	27,559	72	108	89	11,370	2.42	576	1,152
30,188	6,931	6,621	13,552	43,740	49,000	84	93	87	19,660	2.4	1,123½	2,247
1,838	562	452	1,014	2,852	3,052	76	80	78	1,217	2.50	49½	99
32,026	7,493	7,073	14,566	46,592	52,052	83	92	83	20,877	2.49	1,173	2,346
1,04,817	29,383	27,442	56,825	1,61,642	3,02,700	73	91	92	97,839	3.62	35,342	70,684

W. G. DAVIES,
Settlement Officer.

No. IV.

ENOUS EDUCATION IN THE SHAHPOOR DISTRICT.

RECEIVING CASH.		Number of pupils.	NUMBER OF PUPILS ARRANGED ACCORDING TO CREED AND CASTE.						NUMBER OF SCHOOLS ARRANG- ED ACCORDING TO LANGUAGE.						NUMBER OF PUPILS STUDYING THESE LANGUAGE					
In grain, amount in maunds.	Equivalent value in cash.		Mahomedans.	Sikhs.	Hindoo.			Miscellaneous. Goormookkee.	Samsrit.	Hindee.	Persian.	Arabic.	Oordoo.	Goormookkee.	Samsrit.	Hindee.	Persian.	Arabic.	Oordoo.	
					Khuttree.	Brahmins.	Arora.													
...	...	1,554	1,388	18	120	23	65	...	5	1	2	6	72	1	31	55	25	89	1,324	30
...	...	1,199	1,008	28	28	12	123	...	9	1	3	1	70	...	131	10	50	15	993	...
...	...	1,263	1,044	100	35	4	80	...	7	...	...	2	53	...	212	...	...	48	1,003	...
...	...	4,016	3,380	146	183	39	268	...	21	2	5	9	195	1	374	65	75	152	3,320	30

W. G. DAVIES,
Settlement Office.

APPENDIX No. V.

LIST OF OBJECTS OF ANTIQUARIAN INTEREST IN THE
SHAHPOOR DISTRICT.

No.	Name of locality.	Name of object of antiquarian interest.	DESCRIPTION OF THE SAME.
1	Bhera, ...	Jâma Musjid,	A fine old Musjid of the time of Sher Shah, contemporary with the founding of the city, A. H. 947. The mosque has lately been restored.
2	Vijjhee, ... (Tahseel Bhera).	Subz Pind, (near Mianee),	One of the most conspicuous of the numerous mounds which abound in every direction throughout the district, and tell of a much higher state of prosperity than any now existing, and attest the truth of the Greek accounts of hundreds of large cities and a country teeming with population. (see Strabo Lib. XV Chapter I Section 33).
3	Tukht Hazara,	Tomb of Shah Rookun Alum,	The ruins show that once a very large town existed here. In the jumma bundee of the "Sircar Doaba Juch" given in the "Aieen-i-Akburee," the Mahâl of Hazara is stated to have had a brick fort, and to have paid a revenue of 46,89,136 dams, or 1,17,228 Rs. Among the ruins here, is the tomb of Rookun Alum. This place has obtained celebrity as the scene of a romance which rivals the story of "Laila and Mujnoo" in extravagance. Not a peasant in the province but knows the tale of "Ranjha and Heer."
4	Hadalee, ...	A bâolee, musjid and tank.	These works are all attributed to Sher Shah. The former is one of several such works called in the language of the country "Wân." The story goes, that the Emperor during a royal progress through the Punjab, caused one of these monster wells to be sunk at every stage. The tank covers about an acre of land—it is now however completely choked up; its name "Sur Moonara," evidently refers to the pillars (Moonara) the remains of which are still visible.
5	Goonjral, ...	Bâolee, ...	The same as the bâolee at Hadalee, and said to have been constructed at the same period. The two villages of Goonjral and Utterâh, separated from each other by about a quarter of a mile only, are commonly called "Wankyla" from this well.
6	Kutha gorge,	Sutghara, ...	The remains of a mighty dam for distributing the waters of the Vahee or Kutha torrent. The work is attributed to Sher Shah: some refer its construction to a more remote period.

Appendix No. V.—*Continued.*

No.	Name of localities.	Name of object of antiquarian interest.	DESCRIPTION OF THE SAME.
7	Kutha gorge,	Nur Sing, Phoár,	A very ancient Hindoo shrine, dating according to their tradition from one of Vishnó's Autars when he descended in the form of a lion ("Nur Sing"). Pilgrimages are made to it all the year round, and melas held on certain fixed dates. Maharaja Goolab Sing built a temple here some forty years ago.
8	Umb, ...	Hindoo ruin,	An imposing old ruin, with every appearance of being of Boodhist construction. Round the ruins are to be seen what are evidently the remains of an old fort. Tradition places the date of its erection at five hundred years prior to the Mahomedan era, but it is probably older.
9	Shah Eusof,...	Khangah, of Shah Eusof,	A mausoleum, said to have been erected in A. H. 900, or 368 years ago, by a holy man of that name, a stranger from the west, to whom the charity of the inhabitants of Mangowal assigned sufficient land for his support. His descendants still hold the land and reside on the spot. The building, through of elegant form, is of very moderate dimensions, and is ornamented outside with colored tiles.
10	Punj Peer, ...	Khangah, Nowguzza, (giant's tomb),	The graves here are of extraordinary dimensions, nine yards long, as the name imports. They are built on the ruined site of what must have been a large city, to which tradition assigns a fabulous antiquity, nothing less than five thousand years. The Hindoo story is, that this is one of the resting places of the exiled Pandoos, and hence call it Punj Pandoo; but the Mahomedans, according to their custom, while reverencing the site as holy, have changed its title to Punj Peer to make it harmonize with their language and religion.
11	Chuck Sanoo,	Chuck Sanoo,	This, like the last, is the remains of a once flourishing town, but probably of more modern date. It was founded by a once powerful tribe named "Toollah," of which a few impoverished members still reside on the spot. The town was burned and razed with the ground by Noor-ood-deen Bamizye, one of Ahmed Shah's generals.

W. G. DAVIES,
Settlement Officer.

APPENDIX

ABSTRACT OF GENERAL STATEMENT, IN

NAME OF TAHSEEL.	NUMBER OF VILLAGE.			Average jumma of past five years.	Jumma realized during the year pre- vious to settlement.	Proposed Jumma.	TOTAL	DETAIL		
	Khalsa.	Jageer.	Total.				AREA.	DEDUCT MINHAEE.		
							Acre.	Barren.	Lukheraj.	Total.
1	2	3	4	5	6	7	8	9	10	11
Bhera, ...	262	7	269	1,32,530	1,29,879	1,23,689	6,20,535	26,686	38,764	65,450
Khoshab, ...	127	15	142	1,48,726	1,49,143	1,42,131	10,83,044	2,72,880	2,573	2,75,453
Shahpoor, ...	228	8	236	1,11,051	1,09,215	1,10,917	2,90,049	12,703	9,841	22,544
Total, ...	617	30	647	3,92,307	3,88,237	3,76,737	19,93,628	3,12,269	51,178	3,63,447

Shahpoor, Settlement Office, }
The 17th September, 1866. }