payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit; and it is expected that the Collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the registers of intermediate mutations, resumptions, and other occurrences, in which the utmost accuracy is essentially necessary and the transactions entered in which being occasional only, the entries can be easily made by the Collectors themselves in the original registers.

Appointment and removal of native Officers.

XVII. On receipt of the reports required from the Collectors by the preceding Section, the Board of Revenue are to submit to the Governor-General in Council the necessary establishments of native officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they are to state the same to the Governor-General in Council for his determination. The officers so appointed, or who may be hereafter appointed for the purposes specified in the preceding Section, shall not be removable without proof of misconduct, to the satisfaction of the Governor-General in Council. They are to be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear; and after completing the register directed to be prepared for the current year, are, with the least possible delay, to complete the registers in arrear for former years: but the preparation of the current year's registers is not to be delayed for those of former years, unless the Collectors shall judge it advisable in any instance, from the forward state of their registers for past years, or otherwise; in which case they are to report the same to the Board of Revenue and to be guided by their instructions.

Further period for publication of badshahee grants, after which all unregistered land held free to be assessed.

XIX. By Section xxvi. Regulation XIX. 1793, Section xxi. Regulation XXXVII. 1793, and the corresponding Sections in Regulations XLI. and XLII. 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shown, to the satisfaction of the Governor-General in Council, for their not having been registered within the limited period. It appearing, however, that the publications directed in Section xxv. Regulation XIX. 1793, Section xx. Regulation XXXVII. 1793, and the corresponding Sections in Regulations XLI. and XLII. 1795, have not in every instance been made as therein directed (viz., the publication respecting lands held under badshahee grants, in the principal cutcherry of the holders of such grants; and respecting other exempted lands, in the principal cutcherry of every proprietor and farmer of land paying revenue to Government; and of every native Collector, in lands held khas by Government; or when the estate, farm, or khas land may consist of two or more whole pergunnahs, or portions of pergunnahs, in the principal cutcherry of each pergunnah or portion of a pergunnah comprised in such estate, farm, or khas land), the Collectors are hereby further directed, immediately on the receipt of this Regulation, to ascertain whether the publications above specified have been duly made, as prescribed, throughout their respective Collectorships; and if not, they are to cause the same to be made without delay, in the manner prescribed, as well as in their own cutcherries, and in the cutcherries of the Dewanny Courts situated within their respective zillahs; allowing the further period of one year from the date of such publications for the registry of the lands therein specified. After the expiration of such period, any unregistered land found to be held exempt from the payment of revenue is to be assessed, under the provisions contained in the above Regulations, whenever the same may be discovered; and the Collectors are to enter lands so assessed (together with all other lakhiráj lands which may be brought upon the public assessment) in their succeeding quinquennial register of estates paying revenue, as well as in their register of intermediate mutations.

Notice to Collectors of the establishment of new villages under certain penalties.

XX. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the Collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer, if the estate be let

in farm by Government, or the serberakar or khas-officer who may have the management of the estate, if it be a serberakarry or khas mehal, is to give notice to the Collector immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village or other portion of an estate subject to the payment of revenue has been wilfully omitted in the village statements which the Collectors are authorized to require for the purpose of preparing the public registers, the village, or other portion of an estate so wilfully omitted, shall be liable to forfeiture to Government, if the statement which ought to have contained it shall have been furnished by the proprietor; or if furnished by a farmer, serberakar, sezawal, or other officer, the person who may have furnished the same shall be liable to a fine to Government, in such amount as the Governor-General in Council, on consideration of the circumstances of the case, may think proper to impose. The Collectors are to report all cases of this nature to the Board of Revenue; who are to submit the same, with their sentiments, for the determination of the Governor-General in Council.

Notice to Collector by all persons succeeding to landed property by inheritance or otherwise.

XXI. That the Collectors may be regularly informed of all future changes in the property of málguzárry estates or lakhiráj tenures within their respective zillahs, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any málguzárry estate or lakhiráj tenure, whether by inheritance, purchase, gift, or otherwise, are required to notify such succession, immediately after the same may have taken place to the Collector of the zillah in which the estate or tenure succeeded to may be situated; and to furnish such information as may be necessary to enable the Collector to make the prescribed entries in the public registers. The Collectors, on receiving the notification, are to make such inquiry as may appear necessary to ascertain the truth of the alleged succession to, or transfer of the property: and if the same shall appear to have taken place, are to make the requisite entries in the intermediate pergunnah register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the Dewanny Adawlut, or otherwise. Any person succeeding to the property of a málguzárry estate or lakhiráj tenure, who may not give the notification above required to the Collector, or any person who may wilfully misrepresent to the Collector his having succeeded to the property of an estate or tenure, to which, on inquiry, it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor-General in Council on a report from the Collector, through the Board of Revenue, of the nature and circumstances of the case. When the person succeeding to the estate or tenure may be a minor, or otherwise disqualified from giving himself the notice required, his guardian, or whoever may act for him in the management of the estate or tenure succeeded to, is to give the information required, under the prescribed penalty.

Collector to enquire into the truth of such allegation.

Penalty for neglect of giving such notice, or wilful misrepresentation in giving it.

XXII.—[Canoongoe's records to be delivered to Collector.] *Extinct.*

RULES FOR KEEPING THE GENERAL, PERGUNNAH, AND MUTATION REGISTERS OF ESTATES.

PRESCRIBED BY THE BOARD OF REVENUE, L. P.

Introduction.

Sections 2 to 5, Regulation XLVIII. of 1793, prescribed the preparation of a General Register of Estates, to be arranged in alphabetical order, according to the English Alphabet; and Section 16 of the same law directed that a Register of intermediate mutations should be kept in the manner therein detailed. The intention was, that every fifth year the General Register should be re-written and all the mutations entered intermediately in the Mutation Register, embodied in it; to facilitate this, Section 19 prescribed that the Collector should insert in the existing General Quinquennial Register, in red ink, opposite the name of the Estate, the number of the page on the Mutation Register in which any alteration might be noted, and in the Mutation Register, the number of the page in the general Quinquennial Register in which the Estate might be registered.

As it was found that the specification in the General Registers of the villages contained in each Estate necessitated voluminous details and was productive of great delay in the preparation of the Registers, Section 2, Regulation VIII. of 1800 provided for the preparation of a "*Pergunnah* Register," showing all Estates and all the villages of each Estate, &c., &c., arranged by Pergunnahs, and Section 15 of that Regulation directed the preparation of "Intermediate Pergunnah Registers" to show all Pergunnah annexations or separations, all divisions or transfers, &c., &c., to be entered every fifth year in the Pergunnah Registers which were, at that short interval, to be, like the General Quinquennial Registers, entirely re-written.

It was, at the same time, provided by Section 11, that the General Registers should not any longer contain specification of villages, inasmuch as all particulars respecting villages and portions of villages could be obtained from the Pergunnah Registers; but as it was enacted that the Pergunnah Registers with such specification were also to be re-written every fifth year, it does not appear how the saving of trouble, which, according to the preamble, was one object in establishing these Pergunnah Registers, was effected.

In point of fact, the voluminous detail was such, that the Registers have never been kept up in such a manner as to be really useful in any district in Bengal.

It is obvious that the maintenance of correct Registers, showing the extent of each Estate, and in whom the proprietary right of each Estate is vested, is essentially necessary to efficient management as well as to the preservation of individual rights. The estate and village Registers, prepared by the Superintendents of Survey answer the purpose of such Registers, being in themselves very complete records of the state of property as ascertained by the Survey. But these records will, in course of time, lose much of their value, unless an accurate record is kept of the changes which may take place in the distribution and possession of landed property subsequently to the survey. The following Rules are therefore prescribed to secure this end:—

I. The General Register is to be kept up in Form No. 67 of the Revenue Forms. It is a mere list of Estates, or Rent Roll, based upon the Registers furnished by the Survey Department. In the column of Remarks is to be entered the prescribed note of the page in the Mutation Register in which any Mutation is entered.

II. The law says that this Register shall be re-written every fifth year, but it is evident that there can be no object in re-writing the Register till the alterations recorded in the Mutation Register shall be so many as to make reference to it, as well as to the General Register, continually necessary. When that time may arrive, intimation is to be submitted to the Board, and an establishment will be immediately allowed for re-writing the Register, with all the alterations entered in the Mutation Register.

III. Wherever the Survey has extended the Pergunnah Register (Form No. 68, Revenue Forms) is prepared originally from the Survey of estates' Register: columns being added for the number of the estate on the General Register, (to be inserted in red ink), and for the gross rental of each village. Separate Registers are eventually

to be kept of the Rent-Free Estates which are to be omitted from the chief Pergunnah Registers. In surveyed districts where the Registers adapted from the Survey Registers in the manner above described, are still in use, Collectors will be careful to attend to this Rule when the time for re-writing arrives.

IV. Only one Mutation Register is to be kept (Revenue Form No. 69.) In this Register all mutations will be entered immediately on being sanctioned. The entries in the last column are to be in sufficient detail to admit of the necessary alterations being made in the General and Pergunnah Registers, whenever these Registers may be re-written, without reference to any other documents.

V. As with the General Register, the law provides that a new Pergunnah Register shall be prepared every fifth year, but as this Register is to contain very voluminous details, it cannot be desirable to re-write the whole till the multiplication of entries in the Mutation Register shall make it difficult to discover what the existing state of the proprietary interests in an estate actually is: then it must be re-written.

VI. With methodical management and careful attention to the Mutation Registers, it is not expected that it will be necessary to prepare a new Pergunnah Register oftener than once in ten years, but the Commissioners will consider it their duty carefully to examine every year the Mutation Registers, and whenever they may be found to have increased to a considerable size, to recommend the preparation of new General and Pergunnah Registers, without reference to the length of the period which may have passed since the existing Registers were prepared.

VII. In unsurveyed districts the gradual preparation of Pergunnah and Mutation Registers has been prescribed. On completion of the Survey in these districts, the Register of Estates supplied by the Survey Department will be adapted to be the Pergunnah Register, and a new General Register will be prepared, as above directed, from the materials provided by the Survey.

Process of Mutation or Kharij Dakhil Cases.

VIII. Whenever, in case of alleged transfer by sale, application is made for registry of names in Register No. 69, the presiding Officer is invariably to summon the party alleged to have sold the property, his acknowledgment of the transaction or (should he not admit it) a full consideration by the Collector of his statement of denial with any proofs he may wish to advance, being looked upon as an indispensable part of the due enquiry prescribed by law.

IX. In all cases of transfer, Section 21, Regulation VIII. of 1800, confines the enquiries of the Collector to the ascertainment of the truth of the alleged succession to, or transfer of the property. It is, for instance, the *fact* of succession, as proved by actual possession, not the right to possess ultimately, which the Collector has to determine. The Courts of Justice alone can take cognizance of disputed claims of the *right* of succession by more heirs than one of an intestate person. If on enquiry, the Collector should be satisfied that one of the parties has entered upon possession, he may, without demur, register the name of such party, referring any other party or parties to the Courts.

X. Circular Order of the Court of Sudder Dewanny Adawlut, 5th October 1838, has restricted the practice of furnishing Collectors with copies of decrees affecting lands paying revenue, to cases in which those decrees are final, and of which execution has been taken out. Collectors will make alterations in their Registers on the receipt of copies of decrees only when the copy is accompanied by a direct order from the Court in execution thereof.

XI. The fees payable on registry under Regulation XV. of 1797 are not to be demanded until the registry has been made. On the registry of the names of purchasers at sales for arrears of revenue, fees are not to be demanded of them, but the Collector will give orders for making the transfer on the purchasers taking out the certificate prescribed by the Law.

XII. It is not necessary that the Collector's Registers should specify the share held by each proprietor in joint undivided estates. Neither Regulation XLVIII. of 1793 nor Regulation VIII. of 1800, authorizes such a course. By the 9th Section of the law of 1793, "the names of the proprietors of every estate are to be inserted opposite to the estate"; but the specification of the shares of the proprietors is not authorized, as it would have been if the law had intended that such

specification should be made. Collectors should refrain from going beyond the law in this matter. The specification of shares should never be registered except under precept from the Civil Court.

XIII. Registrations which have already taken place, however need not be interfered with. With reference to the rule in Section 31, Act XI. of 1859, it is desirable that where specific shares of joint proprietors have been recorded they should so remain, and mutations may be made for such shares; but where such specification is not already recorded, it must not be made in future, nor must any sub-division of recorded shares be made except under orders of the Civil Court.

XIV. The three Registers, prescribed in these Rules are to be paged and attested by the Collector of the District or a Covenanted Assistant.—The number of pages in each Register being entered in the hand writing of the Collector or Covenanted Assistant in the last page of the Register.

XV. In preparing the Registers, the arrangement of the English alphabet is to be followed. Uniformity of spelling Bengalí and Persian names in English may be attained sufficiently for all practical purposes, by observing the following table of representative sounds :—

English letters.	Bengalí letters.	Persian letters.	English letters.	Bengalí letters.	Persian letters.
A	অ আ (*initials*)	ع ا	L	ল	ل
B	ব	ب	M	ম	م
Bh	ভ	بهه	N	ঙ ঞ ন ণ (*initials*)	ن
Ch	চ ছ	چ			
D	ড দ	د	Ng	ঞ (*medial or final.*)	
Dh	ঢ ধ	دهه	O	ও	
E	এ	ے ي	Oo	ঊ	و *medial.*
Ee	ঈ		Oi	ঐ	
F	ফ	ف	Ow	ঔ	
G (*hard*)	গ	گ	P	প	پ
Gh	ঘ	غ	R	র	
H	হ	ح ه	S	স শ ষ	ث س ص
I	ই		Sh		ش
J	জ য	ج	T	ত	ت ط
Jh	ঝ	جهه	Th	ঠ থ	تهه
K	ক	ک ق	W		و (*initial*)
Kh	খ ক্ষ	خ	Y	য় য়া (*medial or final*)	
			Z		ذ ز ض ظ

XVI. The name of the Estate or Village should invariably be the leading word, and not such adventitious distinctions as Chak, Taraf, Kismat, Arazí, and the like, which should follow not precede, the name. The names, whether in English or the Vernacular, should be written in full, and all etceteras eschewed. The entries to be numbered in sequence.

TOWJÍH RULES.

Prescribed by the Board of Revenue, L. P.

I. The "Towjíh" is the Roll of demand of public revenue against every estate in a district, specifying the instalments in which the revenue of each estate is payable. It is founded on the General Register of Estates, and is susceptible of alteration in conformity with the entries in the Mutation Register. But the alphabetical arrangement prescribed by law having, it is believed, not been universally observed, the Towjíh numbers, being the numbers by which the estates have been long known and distinguished, and which could not be changed without producing great confusion, will not always correspond with the numbers of the General Register prescribed by the "Rules* for keeping District Registers."

* Note.—Where this is the case, the Towjíh number must be entered after the name of the Estate, in the General Register in Col. 2.

II. The "Towjíh Accounts" of a Collectorate consist of the above general Roll of demand, the "Zemindar's Account," of which the form approved by Government Orders is appended to these rules, and the Balance Sheet, which must be struck for each Estate on or after the latest days prescribed for paying in the revenue and shown in the form of a Jumá-wásil-báki, or Account of Demand, Collections, and Balances.

III. The "Towjíh Returns" of a Collectorate, which are made quarterly to the Commissioner and the Deputy Accountant General are an abstract of the contents of the Jumá-wásil-báki just described, with the necessary reconcilement of discrepancies, and explanations.

IV. The Towjíh Returns are divided into two departments. The Fixed Department comprises net revenue which is realizable, beyond any probable contingency of deduction, under engagements entered into by individuals. The Fluctuating Department comprises revenue in combination with rents, and depending in amount on the collection of the latter.

V. The subordinate arrangement of Estates in the Fixed Department of the Towjíh is in five Classes :—

1.—Permanently-settled Estates bearing demand above 100 Rupees.
2.—Permanently-settled Estates bearing demand below 100 Rupees.
3.—Temporarily-settled Estates including farms.
4.—Estates under the Court of Wards.
5.—Estates attached by Judicial Authorities.

VI. A similar classification must be made of Estates consisting of Police Thánádárí lands (where such lands exist) the accounts of which are to be shown separately in the Towjíh Returns.

VII. No transfer can be made of an Estate from the Fixed to the Fluctuating Department of the Towjíh within the year.

VIII. Alterations of jumá must be immediately entered in the prescribed Register (*vide* Revenue Form No. 61) which is to be kept in the Record Room, but of which a duplicate should be kept by the Head of the Account Department. In all cases in which the jumás of estates are re-adjusted by settlement, the former jumá will be replaced by that which may be fixed after summary or detailed settlement.

IX. Abatements of jumá or removals from the Towjíh require the sanction of the Board under the XIth and XIIth Rules of Practice.

X. The consolidation and entry on the Towjíh of distinct estates as a single estate, is prohibited, unless special sanction be previously obtained from the Board.

XI. The demand for the year is to be estimated in the case of all estates brought on the Fluctuating Department of the Towjíh. This estimate is to be approved by the Commissioner, and a statement of instalments payable in accordance with it, after the Commissioner's countersignature has been obtained, must be furnished to the Deputy Accountant General. Collections made from estates in excess of

this demand will be credited to "Profit and Loss"; all other collections from Estates in this and in the Fixed Department being credited to "Land Revenue."

XII. A detailed list of estates in both Departments is to be furnished to the Deputy Accountant General every seven years. Quarterly Statements of sanctioned abatements of jumá and of removals from the Towjíh are sent to him from the Board's office, and Quarterly Statements of additions to and alterations in the Towjíh made by Commissioners and Collectors under the Rules of Practice, (VI to IX), are to be similarly furnished by those Officers respectively.

XIII. Collectors when confirming or reporting for confirmation, settlements of estates belonging to the Fluctuating Department of the Towjíh must at once transfer such estates to the Fixed Department.

XIV. The Towjíh Returns are to be submitted by Collectors to the Deputy Accountant General quarterly, according to the forms prescribed by him. They are prepared in triplicate, two copies with explanations of the balances being sent to the Commissioner, who after recording on them his resolutions, returns one copy to the Collector. The third copy, to be furnished to the Deputy Accountant General, is to show figures only.

XV. The remarks expected from Collectors upon these Returns are to supply in a brief, precise, definite, and complete manner all such information upon each head, and upon every item of the Towjíh, as may be requisite to enable a revising authority to judge accurately of the merits and demerits of the local administration. All vague and indeterminate remarks which lead to no conclusion and supply no information, should be carefully avoided, and the whole should be presented in a brief and business-like, but clear and intelligible form, so as to render the Towjíhs accurate and complete statements of all particulars connected with the periodical collections of land revenue.

XVI. Collectors or other Officers signing Towjíhs, if not responsible for the period which they comprise, should, in transmitting them to the Commissioner, name the Officers who are so.

FORM

OF

ZEMINDAR'S ACCOUNT.

(To be kept in the Accountant's Department.)

No. 1, Pergh. Magoorah, Kismat Chithá, Talookdars, Ramcoomer Roy and others, ... } Sudder Jumá, ... 5,685 6 1

DEMAND FOR

May, ...	81 5 4	November, ...	241 5 4
June, ...	229 9 7	December, ...	1,202 15 0
July, ...	229 9 7	January, ...	1,163 3 2
August, ...	228 8 6	February, ...	404 4 9
September, ...	536 0 0	March, ...	156 4 4
October, ...	424 0 0	April, ...	788 4 6

COLLECTIONS.					DEMANDS.		
Date.	Amount.	Current.	Arrear.	Tulubana.	Months.	Current.	Arrear.
1st June 1852,...	232 13 0	167 13 0	65 0 0	0 0 0	May 1852, ...	81 5 4	1851-52.
					June, ...	229 9 7	278 10 4
						310 14 11	
						1st June 1852 167 13 0	65 0 0
						143 1 11	213 10 4

CHAPTER III.

SETTLEMENTS AND RESUMPTIONS.

CHAPTER III.

REGULATION VII. OF 1822.*

A REGULATION *for declaring the Principles according to which the Settlement of the Land Revenue in the Ceded and Conquered Provinces, including Cuttack, Puttaspore, and its Dependencies, is to be hereafter made, and the powers and Duties belonging to Collectors or other Officers employed in making, revising, or superintending Settlements; for continuing, with certain exceptions, the existing Leases within the said Provinces for a further Term of Five Years; for defining, settling, and recording the Rights and Obligations of various Classes and Persons possessing an Interest in the Land, or in the Rent or Produce thereof; and for vesting the Revenue Authorities with Judicial Cognizance in certain Cases of Suits and Claims relating to Land, the Rent, and Produce of Land:* PASSED *by the Governor-General in Council on the 8th August* 1822.

Preamble.

I. WHEREAS the existing settlement of the land revenue in the Ceded Provinces will expire with the present Fussily year, and it has therefore become necessary to declare and enact the principles and rules according to which the demand of the State is thereafter to be regulated; and the manner in which future settlements and revisions of settlements are to be conducted: and whereas a moderate assessment being equally conducive to the true interests of Government and to the well being of its subjects, it is the wish and intention of Government, that in revising the existing settlement, the efforts of the revenue officers should be chiefly directed, not to any general and extensive enhancement of the jumma, but to the objects of equalizing the public burthens, and of ascertaining, settling, and recording the rights, interests, privileges, and properties of all persons and classes, owning, occupying, managing, or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent or revenue payable on account of land, or the produce of land, or paying or receiving any cesses, contributions, or perquisites to or from any persons resident in, or owning, occupying, or holding parcel of any village or mehal: and whereas, with these views and intentions, the Governor-General in Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the existing assessment in all cases in which the settlement has been formed with zemindars or other persons acknowledged as proprietors or possessors of a permanent interest in the mehals for which they may have engaged, until a new settlement can be made, combining, with the revision of the Government jumma, and the deliberate investigation of the facts, by the determination of which its amount must be regulated, a full inquiry into, and a careful settlement of, the rights and interests of all classes connected with the land: and whereas the same principles are applicable to the district of Cuttack, the pergunnah of Puttaspore and its dependencies, of which the settlement will expire with the present Umlee year: and whereas it has appeared expedient to make special provision for the early settlement of the district of Goruckpore, the chukla of Azimghur, the pergunnah of Puttaspore and its dependencies: and whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces, and of the province of Bundlecund, pending the continuance of the existing leases: and whereas it is the desire of Goverment that the proceedings held, and the records formed by the Collectors, when making settlements, or otherwise specially employed in conducting inquiries of the above nature, should be such as that all demands, claims, and suits may be adjudged and determined according to the facts therein stated, until the same shall have been formally altered, or it shall be shown, by the result of a full investigation in a regular suit, that the proceeding or record of the Collector was erroneous or incomplete: and whereas it is necessary to declare and define the powers and

* By Act XIII, of 1848, it was enacted that, for the greater security of possessory titles in the Presidency of Bengal, derived from awards made by the Revenue Authorities under this Regulation and Regulations IX. of 1825, and IX. of 1833, no suit should be entertained in any Court, for contesting such award, instituted after expiration of the three years from passing of such order.

authority to be vested in Collectors in the conduct of the said inquiries, and the adjustment of the differences arising out of or made known by them; and whereas it further appears advisable that the revenue officers should in certain cases be vested with authority, judicially to receive, hear, investigate, and determine suits, claims, and demands of the above description; and whereas it appears to be expedient to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the sudder málguzárs, or persons admitted to engage for the payment of the Government revenue; and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as jagheerdars, and other owners or managers of lakhiráj lands; and it is particularly necessary, in the case of estates held in putteedarry or bhyachara tenure, to make further provision for protecting the sharers who have not been admitted to engagements with Government against the encroachments of the sudder málguzár, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former of the funds whence the Government revenue ought to be discharged.

For the purposes and objects above specified the following rules have been enacted, to be in force from the date of their promulgation, throughout the Ceded and Conquered Provinces, in the district of Cuttack, the pergunnah of Puttaspore, and its dependencies:—

Existing settlement in the Ceded Provinces to be extended in certain cases for five years.

II. *First.* The existing settlement of the land revenue in the Ceded Provinces, with the exception hereinafter specified, shall in all cases in which it may have been concluded with zemindars, or persons acknowledged as the proprietors or possessors of a permanent interest in the mehal for which they have engaged, continue in force until the expiration of the year 1234 Fussily, subject to the following provisions:

So also the settlement in Cuttack.

Second. In like manner, and subject to the same provisions, the existing settlement of the land revenue in the district of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the expiration of the year 1234 Umlee.

Proclamations notifying the proposed extension of the settlement, sanctioned and confirmed.

Third. The Board of Commissioner in the Ceded and Conquered Provinces, and the Commissioner in Cuttack, having, under instructions from the Governor-General in Council, caused proclamations to be issued in the several districts under their authority, declaring the resolution of Government to extend the existing leases as above, and requiring all zemindars and other persons aforesaid, who might be unwilling to continue their engagements for a further period of five years, to notify the same to the Collectors of the zillah, the said proclamations are hereby sanctioned and confirmed; and all zemindars and other persons aforesaid, who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years, viz., until the expiration of the year 1234 Fussily or 1234 Umlee, as the case may be, as may be demandable from them on account of the present year.

Goruckpore and Azimghur excluded from the operation of the foregoing Clauses.

Fourth. The districts of Goruckpore and Azimghur are excluded from the operation of the rules contained in the preceding Clauses of this Section: the zemindars and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the Mehals for which they may now be under engagements, subject to the payment of the jumma demandable on account of the present year, until the revenue officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such zemindars and other persons may have entered, or shall enter, with the local revenue authorities for continuing their present leases as aforesaid, are hereby confirmed.

The existing leases in Puttaspore, &c., to be similarly continued from year to year.

Fifth. In like manner the zemindars and other persons aforesaid within the pergunnah of Puttaspore and its dependencies, shall similarly be allowed to hold, from year to year, the mehals for which they may now be under engagements, until a proper settlement of the same can be made.

Sixth. Provided also, that it be hereby declared and enacted as a general rule, that if any zemindar or other malguzar as aforesaid, who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any mehal, shall be allowed by the revenue authorities to continue in the management of such mehal after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such mehal, or the settlement, assessment, or collection of the rents of such mehal, in or on account of any year subsequent to the term of such engagement, such zemindar or other malguzar aforesaid shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon: provided further, that it shall be competent for Collectors or other officers exercising the power of Collectors, with the sanction of the Board or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement to call upon the zemindars or other malguzars as aforesaid, to declare whether or not they are willing to continue their engagements for the ensuing year; and if such zemindars or other malguzars shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. Zemindars or other malguzars who may be allowed to hold on from year to year, shall not be chargeable with any additional revenue on account of any year, unless the Collector or other officer exercising the powers of Collector shall notify his intention to revise the assessment on or before the commencement of such year, unless where otherwise specially provided.

General rule relative to zemindars holding on, after the expiration of their leases.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor-General in Council may direct. A preference shall be given to the zemindars, or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms: provided also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements, on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such period, not exceeding twelve years, as the Governor-General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper: provided further, that if in any case it shall appear to the revenue authorities that the continuance or admission of any rajah, zemindar, talookdar, or other person who may have engaged, or may claim to engage, for any mehal or mehals in or to the management of such mehal or mehals, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor-General in Council, by an order in Council, to cause such mehal or mehals to be held khas, or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

Settlements how to be made.

IV. In admitting particular parties to engage, it was in no degree the intention of Government to compromise private rights or privileges, or to vest the sudder malguzars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged might be improved by the limitation of the Government demand, or otherwise by the resignation in their favor of rights previously vested in Government itself, or as it may have been found necessary, with a view to the punctual realization of the public dues, to vest the sudder malguzar, by special regulation, with authority of distraint, or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers, to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do

Admission of particular parties to engage for payment of revenue, not to bar revenue officers from interfering to adjust the rights of other persons or classes.

or shall be construed to bar the revenue officers, duly empowered in that behalf, from interfering to adjust the respective rights of the sudder malguzars and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf, but if such decision or order shall operate materially to reduce the profits derived by any zemindar or malguzar from the mehal owned or managed by him, it shall be competent for such zemindar or malguzar to relinquish his engagements, and the revenue officers shall in such case proceed to make a settlement of the mehal *de novo*.

Existing provisions relative to malikana and nankar rescinded.

V.* *First.* The provisions contained in the existing Regulations regarding the allowance to be made to zemindars and other malguzars who may be excluded from the management of mehals owned or claimed by them, whether as malikana or nankar, are hereby rescinded.

Malikana to be allowed to proprietors of estates farmed or held khas.

Second. The proprietors of estates let in farm or held khas, shall be entitled to receive an allowance of malikana, at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine, anything in the existing Regulations notwithstanding: the said malikana to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively: provided also, that the malikana allowance granted to the proprietor or proprietors of any mehal shall not in any case be less than five per cent. on the net amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor-General in Council; provided further, that if the said proprietors shall in any case be in the receipt of any perquisite, or the profits of any lands in lieu of the nankar formerly granted to them by the native governments, or otherwise, in consideration of their proprietary tenure the amount of such allowance shall be deducted from the malikana to which they are by this Section declared to be entitled: provided also, that this rule shall not apply to such zemindars as may continue in the occupancy of their tenures, whilst the mehal in which they are included is held khas, or farmed, or of any part of them,—that is to say, zemindars who may cultivate or lease their lands, and pay the revenue to the farmer or Government officer; nor, without the special sanction of Government to any malguzar, zemindar, or other proprietor or holder of land, who may directly or indirectly continue to draw any allowance from the ryots of the lands farmed or held khas: provided also, that malguzars not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as zemindars, talookdars, or the like, or being proprietors of a part only of such land, shall not receive the above allowance on the jumma of the estate, but shall receive such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign, in addition to the malikana to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy: and no malikana shall be granted to any sudder malguzar on account of lands, the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a Court of Justice, or to the satisfaction of the Board. But in such cases, such provision will be made for the intermediate support of the party, as the Governor-General in Council may, on the recommendation of the Board, see fit to direct.

Zemindars may be called upon to state the jumma for which they may be willing to engage.

Third. Provided also, that if any zemindar or sudder malguzar shall have been called upon by a Collector, or other officer exercising the powers of a Collector, to state the highest amount of jumma, for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such zemindar or sudder malguzar, and not the jumma ultimately realized by Government, shall form the basis on which his malikana allowance shall be adjusted; and in such case it shall and may be lawful for the revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said zemindar or sudder malguzar. Provided also, that if a zemindar or sudder malguzar, when so called upon, shall fail to specify or tender any sum as aforesaid, then and in

* *Vide* Sec. 11, Reg. IX. 1833, page 114.

that case the net revenue derived by Government from the mehal, on account of the year preceding that in which the Collector or other officer aforesaid may make the said requisition, shall be taken as the sum by which the amount of malikana (not being less than five, or more than ten per cent. on the same) shall be adjusted.

Revenue officers may revise settlement of estates of which the existing leases shall be extended under Sec. 2, during the continuance of such extended lease.

VI. *First.* In cases wherein the existing engagements may be continued under the rule contained in Section II. of this Regulation, it shall and may be lawful for the Collectors, with the sanction of the Board of Commissioners, to enter at any time in the course thereof on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands, and the amount of jumma properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges, and properties of the agricultural community, and to determine the same, with the same powers and authority as they now are or may hereafter be entitled to exercise in forming the settlement of estates open to re-assessment.

Revision of settlement how to be made.

Second. The said revision of the settlement shall be made village by village and mehal by mehal; and such number of mehals shall be revised in each year, as the Board, under the orders of the Governor-General in Council, may direct.

Revision of settlement shall not operate to alter amount of the jumma payable on account of lands included in existing engagements.

Third. Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Sec. II. of this Regulation in so far as such engagements relate to the amount of jumma demandable by Government; but the said engagements shall be held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and if on the revision of the settlement of any mehal it shall be found that there has been any material error, or concealment of lands belonging to such mehal, the Collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the revenue authorities, in the same manner and with the same powers as he would assess an unsettled mehal: provided also, that nothing in this or the preceding Sections shall be construed to prevent the revenue officers from passing and enforcing such orders, in regard to the rights and interests to be enjoyed by the different classes or persons connected with any mehal, during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce, when adjusting the assessment of an unsettled mehal.

Collectors in the Conquered Provinces to revise settlements during continuance of existing leases.

Fourth. It shall in like manner be competent to the Collectors in the Conquered Provinces, and in the province of Bundlecund, to enter on a revision of the settlement under the provisions contained in the preceding Clauses of this Section, during the continuance of the existing leases.

When revision of settlement be completed, prolonged leases to be granted in the Ceded Provinces and in Cuttack, Puttaspore, &c., for years subsequent to 1234.

VII. *First.* When a Collector in the Ceded Provinces, or in the province of Cuttack, shall have completed the revision of the settlement of any mehals under the rules contained in the preceding Section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such further term of years subsequent to the year 1234 Fussily or Umlee, as the Governor-General in Council may direct.

Jumma for years subsequent to 1234, how to be adjusted.

Second. The assessment to be demanded on account of the years subsequent to the year 1234 Fussily, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand: provided also, that the amount of such assessment shall not be raised above that of the present jumma, unless it shall clearly appear that the net profits to be derived

from the land by the zemindars, and others who may be entitled to share in the profits arsing out of the limitation of the Government demand, will exceed one-fifth of that amount; and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the zemindars and others aforesaid a net profit of twenty per cent. on the amount of the jumma payable by or through them respectively: no abatement on the existing jumma will be allowed, unless on the clearest grounds of necessity.

Pottahs granted on revised settlement only to cover lands specified.

Third. The pottahs granted on such revised settlements shall be held only to secure the malguzars from further demand during the term of their respective leases, on account of the lands specified in it, or described in the settlement roobakarry of the Collector, with such allowance for error as may be distinctly declared at the time of settlement. Zemindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the rukba of the mehals for which they may engage.

Grant of renewed leases in Conquered Provinces and Bundlecund.

Fourth. In like manner it shall and may be lawful for Collectors in the Conquered Provinces and in the province of Bundlecund, to grant renewed leases for a further term of years subsequent to the expiration of the existing settlement, subject to the same rules, restrictions, and provisions, as are enacted in the preceding Clauses relatively to the Ceded Provinces.

Cases where final settlement is postponed until expiration of current leases.

Fifth. If any zemindar or other sudder malguzar, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision the revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any mehals until the expiration of the current leases, it shall be competent to them to do so; and in such case, the several rules contained in Section III. of this Regulation, relative to estates of which the settlement will expire with the present year, shall on the expiration of the said leases be and be held applicable to such mehals.

Same rules applicable to estates in Gorruckpore, &c.

Sixth. The same rules shall also be applicable to the several mehals within the district of Gorruckpore, the chuckla Azimgurh, the pergunnah Puttaspore and its dependencies, as they may respectively become or be declared open for re-settlement.

Waste lands may be disposed of by Government under what conditions.

VIII. Where the waste land belonging to or adjoining any mehal is very extensive, so as considerably to exceed the quantity required for pasturage, or otherwise usefully appropriated, it shall be competent to the revenue officers to grant leases for the same, to any persons who may be willing to undertake the cultivation, in perpetuity, or for such periods as the Governor-General in Council shall determine; and to assign to the zemindars, or others who may establish a right of property in the lands so granted an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisities or privileges as by the custom of the country they may appear in such cases entitled to receive.

Detailed investigations to be prosecuted by Collectors and other officers making or revising settlements.

IX.* *First.* It shall be the duty of Collectors, and other officers exercising the powers of Collectors, on the occasion of making or revising settlements of the land revenue, to unite, with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests, and privileges of the various classes of the agricultural community. For this purpose their proceedings shall embrace the formation of as accurate a record as possible of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land, or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons

* *Vide* Sec. 9, Reg. IX. 1825, and Sec. 3, Reg. IX. 1833, pages 110 and 114.

may hold interests in the same subject-matter of different kinds or degrees. This record shall, in putteedarry or bhyachara villages, or the like, include an accurate register of all the co-parceners, not merely the heads of divisions, such as the puttees, thokes, or behrees, but also as far as possible of every person who occupies land, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing of its produce, or receiving the rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood, for the distribution of the profits derived from sources common to the co-parcenency where any such exist, and for determining the share of the Government jumma, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate putteedars and behreedars collect from the cultivators. A record shall likewise be formed of the rates per beegah of each description of land or kind of produce demandable from the resident cultivators not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the sudder malguzar, or other manager, and the cultivator, in lands cultivated, under kunkoot, bataie, or similar engagements, with a distinct specification of all cesses or extra collections made by the malguzar, or village manager, or other. The names of all the village putwarries and village watchmen shall also be registered, with a statement of the amount and nature of the allowance assigned them. And all lakheraj tenures shall be carefully recorded, with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate referenc, hereafter by the Courts of Judicature, it being understood and declared that all decisions on the demands of the zemindars shall hereafter be regulated by the rates of rent, and modes of payment avowed and ascertained at the settlement, and recorded in the Collector's proceedings, until distinctly altered by mutual agreement, or after full investigation in a regular suit; and all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government jumma shall be held illegal, and unauthorized, unless now or hereafter specially sanctioned by Government.

Collectors, &c., may grant pottahs to mofussil zemindars and ryots.

Second. Provided also that it shall be competent to Collectors and other officers as aforesaid (subject to the orders of the Board of Commissioners) to grant pottahs to the several mofussil zemindars and ryots, or other owners or occupants of land, for the land owned or occupied by them specifying the amount to be paid by them, and all the conditions attaching to their tenure; and a register of all pottahs so granted shall form a part of the roobakarry of settlement.

In what case engagements for revenue may be taken without detailed mofussil settlement.

Third. Provided, however, that if from the number of estates of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary, for the security of the Government revenue, to take engagements from any zemindar, malguzar, or farmer, without completing the detailed enquiries above directed, it shall be competent to the Boards of Revenue, or other authority exercising the powers of such a Board, to cause engagments for the revenue, to be taken in the manner heretofore in use, reporting the circumstance to the Governor-General in Council; but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of mehals, of which the existing leases have been extended under the provisions of Section II. of this Regulation, shall be equally applicable to estates for which such engagements shall be taken.

Cases where several persons holding interests of different kinds may have separate properties in the same land.

X. *First.* Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof, such properties consisting of interests of different kinds, it shall be competent to the Governor-General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue, due provision being made for securing the rights of the remaining parties. It is further hereby declared and enacted, that it is and shall be competent to the Governor-General in Council, in confirming the settlement of any mehal in perpetuity, or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand shall be distributed among the different parties possessing an interest in the lands appertaining to such mehal, or in the rent or produce of such lands or mehal.

Second. In cases wherein any land appertaining to a mehal hitherto recognized as the talooka, zemindarry, or the like, of one or more sudder malguzars, may be owned or occupied by other persons holding under the sudder malguzar, and possessing an heritable and transferable property therein, or an hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said sudder malguzar to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate malguzar or manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the zemindar, talookdar, or other hereditary intermediate malguzar, or the mehal be farmed or held khas, it shall be competent to the Collector, or other officer who may be employed in adjusting the jumma to be assessed on such mehal, with the sanction of the Board previously obtained, and subject to the orders and directions of that authority, to make a mofussil settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pottahs defining the condition on which they are to hold their land, whether subordinate to the sudder malguzar, or to the farmer or officer of Government employed in the khas management; and in all such cases, if engagements for the Government revenue of the mehal be taken from the intermediate hereditary malguzar, the particulars of the mofussil settlement, when approved by the Board, shall be indorsed on the pottah to be granted to the sudder malguzar, or shall be so incorporated with the engagement taken from him as to form part of the same.

Mofussil settlements to be made in cases where the title of an intermediate manager between Government and the proprietors or hereditary occupants of the soil may be maintained.

Third. In cases in which two or more persons may possess a joint property in any village, mehal, or parcel of land, or in the rent or produce of any village, mehal, or land, or in any part of such village, mehal, land, rent, or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases wherein such property in any mehal, village, land, produce, or rent, may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the Collector, or other officer exercising the powers of Collector, subject to the orders and direction of the Board and of the Governor-General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the mehal as sudder malguzars, due advertence being had to the wishes of all the co-parceners, and to the past custom of the village or villages comprised in the mehal.

Where several persons may hold a common property or properties subject to a common obligation.

Fourth. When it shall be determined to make a joint settlement for any village, mehal, or parcel of land, with the parties possessing therein a joint property as aforesaid, the Collector or other officer making the settlement shall give notice of his intention, by a written proclamation to be stuck up in some public place within the village, mehal, or land, and shall require all persons possessing therein a property as aforesaid to attend, either in person, or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jumma proposed to be assessed on the village or land.

When a joint settlement is to be made, parties how to be summoned.

Fifth. If any person or persons, when summoned as above, shall refuse, neglect, or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the jumma, and his or their interests and estate shall, unless othewise specially allowed, be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement.

Persons willfully failing to attend when summoned, to be bound by decision of the majority present.

Sixth. If any person or persons shall attend, and shall object to the jumma proposed to be assessed, then should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests as they would enjoy in the event of the mehal being farmed or held

Cases in which any of the parceners object to the jumma assessed.

khas; and in so far as regards the lands to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.

Proprietors cultivating lands of which the revenue may be collected khas or farmed, at what rates to pay rent.

Seventh. When any mehal, or portion of a mehal, held by a number of cultivating proprietors in putteedarry or bhyachara tenure, or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such mehal or portion of mehal, on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by ryots, or other resident cultivators not having an heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent. on account of malikana, or such other rate, not being less than five per cent., as Government may determine.

When settlement of a mehal held in common tenancy, &c., is made with one or more of the parceners selected as manager or sudder malguzar.

Eighth. When it shall be determined to make a settlement of a mehal of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as sudder malguzar, then and in that case the interests of the non-engaging parceners shall not be held answerable for the default of the sudder malguzars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the sudder malguzar at the rates and in the mode heretofore in use, excepting in so far as that usage may be affected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted, for vesting the sudder malguzars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as sudder malguzars, and the conditions under which they are to hold that title of management, will in each case be specifically declared at, or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements will also be similarly declared.

Lands separately owned and occupied, though hitherto held as one mehal, may be separately settled.

Ninth. Provided further, that in all cases wherein different parcels of land belonging to any mehal may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Boards of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made shall beheld exculsively responsible for the revenue assessed upon it. Provided also, that if the several parties possessing a joint property, or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a Collector, or other officer making or revising a settlement, to have separate possession of their several share or shares in such joint property or to be admitted to separate engagements, it shall be competent to such Collector or other officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the difierent parties according to their respective inerests, and to make a separate settlement with each of them or with such as may desire to enter into separate engagements.

Proprietors, though excluded from engagements, may have their names registered.

Tenth. In all cases wherein any proprietors may be excluded from engagements the Collector shall be careful to let it be known that all persons possessing a property in the mehal are entitled to have their names recorded in the roobakarry of settlement, with the amount or rate of the assessment demandable from each.

Collectors forming such registry to proceed on the basis of actual possession.

XI. *First.* The Collector's proceedings in forming the registry above directed shall be founded on the basis of actual possession, and that officer shall, in every instance, be careful to record the precise nature of the authority on which the entries in his books, may be made. In conformity with the above principle it shall be competent to the Collectors or other officers when making or revising

settlements, or otherwise deputed to investigate and determine the circumstances of any mehal, and the nature of the tenures connected with it, to correct the errors or omissions of former settlements by admitting to engagements, or entering on the public records, the names of the persons found in the bonâ fide possession of land or in the receipt of rent under a proprietary title; and in such cases the Collector will hold an official proceeding, explaining fully the grounds on which he may act.

In estates held under putteedary, bhyachara, or the like tenure, Collectors may in certain cases make a fresh allotment of the revenue and charges payable by the several parceners.

XII.* *First.* In cases in which the proportion of the Government jumma and village expenses payable by each proprietor, and by each body of proprietors comprised in the several puttees, behrees, and other divisions of an estate held under putteedarry or bhyachara tenure, or the like, may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the Collector or other officer making or revising the settlement shall be satisfied, by examination of the putwarries' accounts or otherwise, that the contributions paid by any proprietor, or body of proprietors as aforesaid, are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand; and in the performance of this duty to employ the canoongoe, and such person or persons as he may judge it advisable to appoint, and to settle the jumma payable by the different parties according to the award of such person or persons, or otherwise as shall appear to be just and equitable.

And in certain cases may make a fresh partition of the land.

Second. In like manner, in cases in which the several proprietors shall be entitled not only to an adjustment from time to time of the jumma payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village, with reference to the share recorded as belonging to each, it shall be competent to the Collector to cause a fresh partition of the lands and adjustment of the jumma, to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement as finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them, as may appear equitable: provided, however, that no such partition or adjustment shall be final until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board: provided also, that if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the Collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition of the lands comprised in the mehal to which he may belong, in any case in which the Collector may have refused to order it, it shall be competent to the said party to bring a regular suit in the Zillah Court† against the person or persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the Collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the Courts of Judicature to question the accuracy of the partition of the land, or adjustment of the jumma; and whenever the decision of a Collector for the partition of any land shall be set aside, it will of course belong to the revenue authorities to re-adjust the jumma with reference to the interests of the parties as defined and settled by the final decision of the Courts of Judicature, and to the conditions of the tenure, and to any general or special resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.

Collectors shall not disturb possession unless specially authorized.

XIII. Collectors, and other officers exercising the powers of Collectors, shall not, unless where specially authorized in the manner prescribed in this or some other Regulation, do any act tending to disturb possession, but shall leave the Adawlut to investigate in a regular suit all claims of persons not in possession, but deeming themselves entitled to be so.

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* *Vide* Sec. 2, Reg. IX. 1833, page 114.

† Within 3 years of passing of the Collector's order, *vide* note at the commencement of this Regulation.

XIV.* *First.* Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare in an official proceeding, to be incorporated in the roobakarry of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard to the nature of the interest, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination; so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under putteedarry, bhyachara, or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the Collector to decide the point in the first instance in his roobakarry of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the Courts, to try the right; but nothing herein contained shall be construed to authorize the Courts to interfere with the decision of the Collector in regard to the amount or proportion of jumma to be assessed on any parcel of land, or in respect to the quantity and description of land to be assigned in partition to the holder of any specific share of a joint estate.

Collectors making or revising settlements may declare nature and extent of interests possessed by persons occupying land.

Second. The above rule shall not be construed to empower Collectors, unless otherwise authorized, to take cognizance of any claim, to receive a larger portion of the common profits than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.

Collectors not to take cognizance of claims to larger profits, &c., than hitherto enjoyed.

Third. The decisions passed by the Collectors under the above powers if not altered or annulled by the Board or by Government, shall be maintained by the Courts, unless on investigation in a regular suit it shall appear that the possession held under such a decision is wrongful; and nothing herein contained shall be understood to authorize any Court to interfere with the decision of the revenue authorities relative to the jumma to be assessed on any mehal, or portion of a mehal, or to the extent and description of lands belonging to any mehal that may be assigned on the partition of the same to the several parceners concerned.

Decision of revenue officers to be maintained by Courts, unless proved to be wrong in a regular suit.

Fourth. If any person shall complain to a Collector, or other officer making or revising the settlement of any mehal, that he has been wrongfully dispossessed from any lands, premises, crops, orchards, pasture-grounds, fisheries, wells, water-courses, tanks, reservoirs, or the like, within such mehal, or of the rents, produce, or profits of such lands, premises, &c., the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the Collector, or other officer aforesaid, to inquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the Collector to restore or confirm him, recording the grounds of his determination in a roobakarry; and the opposite party shall in such case be left to bring a regular suit in Court to try the question of right. In like manner should a Collector, or other officer as aforesaid, find that there exist in any mehal of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises, or the like, which it may be expedient to adjust, it shall be competent to the Collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adawlut.

In what cases Collectors to take cognizance of complaints of wrongful dispossession.

Fifth. The above provisions will be held to apply to all cases in which a zemindar or under-tenant, whether farmer or ryot, having, by special deed or prescriptive title, a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents and profits of any land which were received by such dispossessed party in the preceding

The above provisions, to what cases to apply.

* *Vide* Sec. 3, Reg. IX. 1833, page 114.

year shall be withheld from him, without a legal award, or a voluntary act of the party involving the transfer, renunciation, or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

In settling resumed lakheraj lands, Collectors may take cognizance of claims to the property therein. And may give possession to parties appearing to have the best title.

XV. In the settlement of any resumed mehal held or pretended to be held under sunnuds from the ruling power, or from the amils or other officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the Collector or other officer making the settlement to hear, try, and determine all claims to the property and possession of the land comprising such mehal, or the rents or produce thereof, anything in the existing Regulations notwithstanding, and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with, the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the Zillah* or Provincial Court, by which, according to the value of the interest at stake, all decisions passed by the revenue authorities under this Section may, on such suit being fully heard, sued, and determined, and not otherwise, be revised, annulled, or altered.

The above rule shall not extend to lands held free of assessment under grants made by or at the request of the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

Governor-General in Council may grant to Collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.

XVI. It shall be competent to the Governor-General in Council to grant to a Collector making or revising the settlement of any mehal, whether the same may have been held by a lakheraj tenure resumed, or being malguzarry, may have become open to re-settlement in ordinary course, special authority to hear, try, and determine, as above, all claims to the property and possession of the lands lying within such mehal, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and further subject, as above, to the revision of the Zillah or Provincial Court on a regular suit; provided also, that whenever special authority may be given to any Collector as aforesaid, notice of the order of Government shall be published by a proclamation within the mehals to which the authority so given may extend; and it shall be the duty of the Collectors and the Boards to see that such proclamation is duly made. But no decision passed by a Collector under this or any other Section whereby such notification is required, shall be disturbed by any Court of Judicature, otherwise than after a full and regular investigation of merits, on the plea that proclamation was not made.

Collectors making or revising settlements in what cases to take cognizance of claims to property in lands held lakheraj, or at a mocurrery jumma, under valid tenures, and to make a settlement with the proprietors on behalf of the lakherajdar, or mocurrerydar.

XVII. It shall be competent to Collectors and other officers engaged in making or revising the settlement of any pergunnah, mouzah, or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mocurrery jumma, under unquestioned grants from the ruling power, or from the amils or other officers of Government, and situate within or adjoining to such pergunnah, mouzah, or other local division, to receive, try, and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess, an hereditary and transferable property in the land, or the produce or rent thereof, the Collector or other officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the

* *Vide* note at commencement of this Regulation.

lakherajdar or mocurrerydar, for such period as the Governor-General in Council may direct, and shall grant to each of the said proprietors pottahs, defining the conditions on which they are to hold their lands, subordinate to the lakherajdar or mocurrerydar.—It shall further be competent to the Collector, under the orders of the Board of Commissioners, to fix and declare the amount of malikana, or other proprietary allowance to be paid by such lakherajdars or mocurrerydars to the said proprietors, in the event of their being divested of the occupancy and management of their lands: provided, however, that either party who may be dissatisfied with the decision of the Collector as to the question of the right of property, shall be at liberty to contest the same in a regular suit in the Adawlut; but the Court shall not interfere to alter the terms on which the settlement may have been made by the Collector with proprietors, or the amount of malikana granted to such persons.

Collectors to be the judges to the question of jurisdiction.

XVIII. The Collector shall, in cases of doubt, be the judge of the question of jurisdiction, subject to the orders of the Board and of Government; and the Courts of Judicature shall not disturb possession given by the Collector, except on a regular suit, and on a decision as to the right.

Collectors authorized to summon witnesses and require production of accounts.

XIX.* *First.* It shall be competent to Collectors, when prosecuting the above inquiries, or hearing and trying the above suits, or otherwise when authorized in that behalf by the Board to which they may be subordinate, to require all sudder malguzars and other persons owning, occupying, managing, or cultivating any lands within or in the vicinity of the mehal to which their inquiries may extend, or gathering or disposing of the produce thereof, or collecting, enjoying, or appropriating any rent or revenue derived therefrom, as well as the gomastahs, or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce, or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent, or revenue, and to examine the said persons on oath, or hulufnamah, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent, or revenue of the mehal, or the rights and interests attaching to such lands, produce, rent or revenue: provided, however, that no person shall be compelled to answer on oath, or solemn declaration any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favor, or reward, or any corrupt bargain or agreement with another party.

Rules of Reg. II. 1819 applicable to processes issued by Collectors under this Regulation.

Second. The rules contained in Section XI. Regulation II. 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts under the provisions of that Regulation, shall be and be held applicable to processes issued by Collectors or other officers under the rules contained in this Regulation. In like manner, the provisions of Section XII. of the said Regulation shall be applicable to all putwarries, gomastahs, or other persons by whom the accounts of any lands, regarding which the said inquiries may have been instituted, may be kept, and who, after being duly summoned as aforesaid, may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath, or solemn declaration, when summoned and examined as aforesaid, or who may alter, fabricate, falsify, or mutilate the accounts which they may be required to produce: provided further, that Collectors and other officers employed in the settlement of the land revenue, or in any of the inquiries specified in this Regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by Collectors in cases depending before them under Regulation II. 1819; and the rules contained in Clause 3, Sections XIII., XIV., and XIX. of the said Regulation, shall be and be held applicable to all persons who may be summoned by any Collector or other officer aforesaid, or who may resist the process of a Collector issued under the rules of this Regulation, or who may refuse to take an

Also to putwarries and others summoned or examined in cases cognizable under this Regulation.

And to all other persons upon whom process may be issued.

* By Act XX. of 1848 a Collector may fine any proprietor or farmer Rs. 50 daily for not attending or producing documents when duly summoned so to do. A Collector is not to impose a fine exceeding Rs. 500 without authority from the Commissioner.

oath, or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath, or under a solemn declaration taken instead of an oath, or may cause or procure another to do so.

Powers ordinarily vested in Collectors making or revising settlements.

XX.* *First.* The powers specified in Sections XI, XII, XIV, XVI, XVII, XVIII, and XIX. of this Regulation, shall be ordinarily exercised by Collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprised in the pergunnah in which he may be so employed; but it shall be competent to the Government, by an order in Council to be publicly proclaimed in the district, to restrict the authority of Collectors and other officers making settlements in such manner, and to such extent, as he may from time to time judge expedient. In like manner, it shall be competent to Government to vest such Collectors as may from time to time be judged fit, with a special authority to receive, try, and determine in the first instance, subject to a regular suit in the Adawlut as above provided, all or any of the questions of the nature specified in the aforesaid Sections, though the said Collectors may not be engaged in making or revising a settlement of the land revenue, and to vest in such of the Collectors as may be thought proper, authority (either generally, or within such limits as may be from time to time determined) to receive, try, and determine by summary process all suits for rent which may be preferred by zemindars, talookdars, or other sudder malguzars or farmers of land, or by any person in their behalf, against any dependent talookdar, zemindar, under-renter, ryot, or other under-tenant of whatever denomination, as well as all applications by ryots and the under-tenants contesting the demand of a sudder malguzar or farmer; and all complaints preferred by ryots or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the management of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt, or payment of the rent of land, whether malguzarry or lakheraj, or with the rent of orchards, pasture-grounds, and fisheries, commonly denominated phulkur, bunkur, and julkur, or with any other asset of the land revenue, not included in the sayer abolished, together with all complaints of the non-delivery of pottahs when demandable under the Regulations, or complaints of the prescribed receipts not being given for actual payment of rent, and generally, complaints of any deviation from the Regulations, or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land, between landholders or farmers of land and their under-tenants, of whatever denomination.

Appointment of Collector to exercise the above duties, how to be notified.

Second. The appointment of the Collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by proclamation in the district, after such manner as the Governor-General in Council may direct; and after the publication of such notice, all summary suits, actions, applications, and complaints of the above nature, and referring to lands or the rents, produce, or accessions of land lying within the jurisdiction assigned to the Collector as above, which may be preferred in the Zillah or City Adawlut by any sudder malguzar, zemindar, talookdar, farmer, ryot, or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the Collector, to whom also all such summary suits depending at the time shall be transferred: provided also, that in such cases, parties having suits or complaints to prefer, of which the cognizance may be vested as above in the Collector, shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the Governor-General to fix, by an order in Council, the period at which the special powers given as above to a Collector, and the authority to be ordinarily exercised by those officers on the occasion of making settlements, shall cease and determine.

Third. No complaint or application of the nature specified in the preceding

* So much of this and the following Sections as apply to suits for rent, to complaints of excessive demand or undue exaction of rent, or of the non-delivery of pottahs or receipts, to suits against agents for money or accounts, or to any other suits or complaints respecting rent or occupancy of land, &c., was repealed by Sec. 1, Act X. of 1859, *vide* Chapter VII. Refer also to Sec. 3, Reg. IX. 1825, and Sec. 3, Reg. IX. 1833, pages 107 and 114.

Collectors not to take cognizance of complaints specified in above Clauses, unless preferred in one year.

Clauses shall be received by a Collector under the rules of this Regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

Collectors by what rules of practice to be guided, and what processes to issue.

XXI.* In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the Courts, the Collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the Zillah and City Judges. In other cases falling under their cognizance, according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded shall be to issue a notice, reciting the matter, and requiring the defendant or other party to attend in person, or by representative, at such time and place as may be made choice of by the Collector for conducting the investigation; should any party fail to attend after being served with a notice of the above description, or should the return of the nazir or person employed to serve the notice be, that after diligent search the party or parties cannot be found, proclamation shall be made in writing, to be stuck up at or near the ordinary residence of the party, stating that after fifteen days from the date of publishing the same, the case will be liable to be brought up for trial and judgment; and any party implicated, who having been served with the notice above described shall fail to attend, or who shall continue to absent himself, will be as much bound by the judgment that may be passed, as if he or they had been in attendance to plead.

XXII.—*Repealed by Sec. I. Act X.* 1859.†

Collector's cutcherry shall be held a Court of Civil Judicature; and his decisions shall be deemed to be judical awards.

XXIII. *First.* It is hereby declared and enacted, that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance before the Collectors of land revenue, or other officers, by virtue of the powers vested in them by this Regulation, or and other Regulation whereby Collectors are vested with judicial powers, their cutcherry or office for the time being shall he deemed and held to be a Court of Civil Judicature.

Second. Provided also, that the regular suits which may be brought to contest decisions passed by Collectors, under the powers vested in them by Sections XI., XII, XIV, XV, XVI, XVII, XVIII, XIX, and XX, shall be of the nature of an appeal to Court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the Collector or other officer of Government to be a party in the action.

Collectors authorized to execute awards made by them.

Third.‡ Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded; the Collector decreeing the same shall proceed to levy the amount for the party in whose favor it may be adjudged, by the process in use for the recovery of arrears of the Government revenue: provided, however, that he shall not sell any lands, houses, or other real property, in satisfaction of any judgment passed in favor of any individual, on a summary inquiry. In cases wherein possession of lands, houses, water-courses, or the like, may be adjudged, it may and shall be lawful for the Collector making the award to deliver over possession in the same manner, and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the Courts in giving possession to an auction purchaser; and the Zillah or City Adawluts shall support the Collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, sowars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

* For rules of practice and issuing of process under this Section, *vide* Act X. of 1859, Chapter VII.

† Act X. of 1859 (Rent Law) *vide* Chapter VII.

‡ By Act VIII. of 1835 the power of selling land in satisfaction of summary decrees for rent was transferred from the Judges of the Dewanny Adawlut to the Collectors of land revenue. All sales for recovery of arrears of rent or revenue to be made by the Collector, his deputy, or assistant, publicly after 10 days' notice. *Vide* Chapter VI.

Collectors authorized to depute native officers to make inquiries preparatory to settlement.

XXIV. *First.* It shall and may be lawful for a Collector, or other officer exercising the powers of Collector, preparatory to making or revising a settlement as aforesaid, to depute any tehseeldar, canoongoe, ameen, or other fixed or temporary officer, to any village or mehal, whether the same be managed by a zemindar or farmer, or be held khas, to inquire into the various matters which such Collector or other officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this Regulation. Any such native officer so deputed as above shall be deemed to be vested with the power of summoning and examining putwarries, gomastahs, or other persons by whom the accounts of the village or mehal may be kept, in the same manner and with the same powers as is provided for officers deputed under Section XXV. Regulation XII. 1817. Furthermore, in case the Collector or other officer may so prescribe, the said tehseeldar, or other person, shall be empowered to make a measurement of the village or mehal into which they may be deputed, and to summon any mocoddums, pudhans, ryots, or other residents, and to call upon them to point out the boundaries of such village or mehal, and to furnish information as to all matters relating to the land, and the rights and interest attaching thereto; and any person contumaciously withholding information from an officer deputed as aforesaid, shall be liable, on the same being established to the Collector's satisfaction, to the same penalty as is prescribed for putwarries refusing to attend or give evidence.

Resistance or obstruction of the process or order of a Collector, how punishable.

Second. Provided also, that any person who may by force or threats obstruct or resist the execution. of any legal process, requisition, or order of a Collector or other revenue officer, shall, in addition to the penalties prescribed by the existing Regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the Dewanny gaol for a period not exceeding two months, the said fine or other penalty to be adjudged by the Collector, after proceeding duly held and recorded, and the sentence to be immediately reported to the Board to which he may be subject.

Police officers to aid and support the execution of process and orders of Collector.

Third. Provided further, that all police officers shall aid and support the execution of all process and orders issued by a Collector or other officer aforesaid, on the responsibility of the officer issuing or executing the same; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made, or attempted to be made, to the legal process or order of a Collector or other revenue officer, the parties resisting or obstructing such process or order, shall be punishable for the affray or breach of the peace, and the revenue officer shall not be liable to any criminal prosecution on that account.

Parties in suits tried by Collectors may employ any vakeels or agents they think proper.

XXV. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the Collectors of Revenue, to employ any agent, vakeel, or representative, whom they may think proper to appoint, to act and plead in their behalf, provided such agent, vakeel, or representative, be duly empowered by the parties. The rate of remuneration to such agent or vakeel shall be left to be adjusted between himself and his constituent, but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed, than what may be deemed by the Collector a fair equivalent for the attendance of such agent.

What pleadings to be required.

XXVI. No other pleadings shall be required from the parties in such suits than a plaint and answer: provided, that if the parties should at any time wish to file an amended plaint or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

Stamped paper to be used.

XXVII. The mookhtarnamahs or vakalutnamahs, and the pleadings and final decree in such suits, shall be written on stamped paper of the value of eight annas, whatever may be the amount of the suit; and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stamped paper for the filing of such exhibits, or for the summoning of such witnesses.

XXVIII. It shall be competent to the Collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided that every hearing and decision be in public cutcherry, or in some other place open to the public and in the presence of the parties, or of their constituted agents or vakeels, if in attendance.

Collectors may try and determine suits in any part of their districts.

XXIX. *First.* The decisions of the Collectors on all such suits shall be appealable to the Board of Revenue, or other authority exercising the powers of that Board. The petition of appeal shall be presented either to the Collector or to the Board, at the option of the party, and shall be written on stamped paper of the value of two rupees; but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shown for the delay to the satisfaction of the Board: provided also, that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final roobakarry of the Collector, they may not see ground to consider the decision of that officer to be unjust, erroneous, or doubtful, or his proceedings in the case irregular or imperfect: provided also, that in all cases in which the Collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the Collector to proceed upon the inquiry into and determination of it.

Decisions how appealable to Boards.

Board how to proceed on such appeals.

In what cases Board may direct a new trial or interpose to correct neglect or delay.

Second. No pleadings, except the petition of appeal, shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.

What pleadings to be required in appeals to Boards.

Third. If the parties choose to employ in the pleading of such appeals the same agents or vakeels who were previously employed by them in the original suit, no further mookhtarnamah or vakalutnamah shall be required of them.

Fourth. The respondent shall receive notice of the appeal, but shall not be compelled to appear in person, or by vakeel; and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended.

Respondents to receive notice, but not to be required to appear.

Fifth. The decision of the Board shall be final in as far concerns the result of the summary inquiry of the Collector, and shall be rendered in a Persian roobakarry, written on stamped paper of the value of two rupees.

Board's decision to be final as to the result of summary inquiry.

Sixth. Any person, however, dissatisfied with the summary judgment of the Collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the zillah or other similar superior Court in which it may be cognizable. In such cases the summary judgment of the Collector, if not reversed or stayed by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.

But decision of Board and Collector may be contested by regular suit in Adawlut.

XXX. All persons having claims or complaints to prefer of the nature of those made cognizable by Collectors under the provisions of this Regulation, and not wishing to avail themselves of the summary process authorized in that Court, shall be at liberty to institute their claims or complaints, in the first instance, by a regular suit before the local moonsiff, or in the Zillah or City Adawlut, or Provincial Court of the Division, according as the suit may be cognizable in these Courts respectively, under the general regulations for the administration of Civil Justice.

Parties having claims cognizable by Collectors, and not wishing a summary trial, may in the first instance bring a regular action in the Adawlut.

On appeal to a Court against the decision of a Collector, the proceedings held by that officer shall be called for and filed in the case.

XXXI. *First.* Whenever a regular suit may be instituted in a Civil Court, with a view to set aside or alter a summary judgment passed by a Collector, the proceedings held on the summary inquiry shall be called for by precept from the Court, and filed on the record of the case.

No such appeal cognizable by, or referable to any register, ameen, or moonsiff.

*Second.** Provided also, that no such suit shall be cognizable by, or referable to, any register, sudder ameen, or moonsiff; and all registers, sudder ameens, and moonsiffs shall, in cases tried by them, be held and bound by the decisions passed, and records prepared, by Collectors or other revenue officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the Board, or by the zillah, or other similar or superior Court, on a regular suit.

Periodical reports to be furnished by Collectors to Boards.

XXXII. The Collectors shall transmit to the Boards such periodical reports of the causes decided by, or depending before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor-General in Council shall from time to time require.

Collectors authorized to refer certain cases to arbitration.

XXXIII.† *First.* It shall be competent to Collectors, or other officers exercising the powers of Collectors, to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land or the tenures therein, or the rights dependent thereon, that may come before them, provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the Collector shall be guided by the rules contained in Regulation XVI. 1793, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and shall be competent to vest in the arbitrators the same powers and authority in regard to the summoning and examination of witnesses, and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers, in the same manner as the Courts of Judicature are empowered to do; and all awards made on such references shall, when confirmed by the Collector, have the same force and validity as a regular decree of the Adawlut, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption, or gross partiality, or shall extend beyond the authority given by the submission of the parties; and such ground of impeachment shall be established in a regular suit in the zillah, city, or other superior Court wherein the case may be cognizable.

Force of awards passed on such reference.

Matter for arbitration to be distinctly specified in Collector's proceedings.

Second. In referring any dispute to arbitration, the Collector shall be careful to specify in his proceedings, and in the deed of arbitration to be executed by the parties, the precise matter submitted to the arbitrators; and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the Collector again to refer the matter to them, with directions to perfect their award.

Canoongoes and tehseeldars may be employed as arbiters.

Third. The pergunnah canoongoes and tehseeldars may be appointed arbitrators in any case referred to arbitration under the above rules; anything in the existing Regulations notwithstanding.

Collectors in what cases to interfere of their own motion in cases of disputed possession.

XXXIV. *First.* When a Collector, or other officer exercising any of the powers vested in Collectors by the rules of this Regulation relative to complaints of dispossession, or disturbance of the possession of lands or premises, shall learn, either by a reference from the Magistrate, or by a report from any other public officer or otherwise, that any disputes exist within the tract placed

* So much of this Section and Clause as lays down that no suit to set aside a summary judgment passed by a Collector shall be cognizable by, or referable to, any sudder ameen, or moonsiff, is repealed by Sec. 2, Act XXV. of 1837.

† See rules respecting arbitration in Secs. 5 to 10, Reg. IX. of 1833, page 114.

under his jurisdiction, relative to any lands, premises, crops, orchards, pasture-grounds, fisheries, wells, water-courses, tanks, reservoirs, or the like, likely to terminate in the breach of the peace, it shall and may be lawful for the Collector or other officer aforesaid, to require the contending parties to attend in person, or by representative at a stated time and place, and after investigating the case in the presence of the parties or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties; provided also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the Collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in Court; but no such decision shall be passed by any Collector until he shall have instituted a careful inquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed; provided further, that in such cases it shall be competent to the Collector to attach the disputed lands, premises, &c., as aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession.

And to give possession to one of the contending parties.

Collector may attach disputed lands, &c.

*Second.** Whenever any Magistrates or Joint Magistrates shall have before them any suit, complaint, or information relative to any dispute regarding lands, premises, crops, water-courses, or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or joint Magistrate, in cases in which the Collector shall be vested with the cognizance of such actions, to certify the case to that officer, and the Collector will then forthwith proceed to investigate and determine the case under the rules above prescribed: provided also, that in all cases of forcible disposession, or forcible disturbance of possession, the Collector shall invariably transmit to the Magistrate or Joint Magistrate a copy of the first proceeding held by him in the case, and also a copy of the roobakarry containing his final award.

Magistrates and joint Magistrates in what cases to refer disputes to Collector.

Third. The Collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Dewanny Courts are directed to do.

Collector to encourage arbitration.

XXXV. Whenever the term "Board of Revenue," or "Board of Commissioners," may occur in this or any other Regulation, the same shall be held and considered to apply to any Board, committee, or commission, and to any member of such Board, committee, or commission, that may be vested by the Governor-General in Council with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specially declared and provided. In like manner, all rules in this or any other Regulation, whereby any duties or powers may be prescribed for, or vested in Collectors, shall be held and considered to be equally applicable to any officer exercising the authority of Collector under the orders, or with the sanction of the Governor-General in Council.

Meaning of the term "Board of Revenue," &c., as used in this and other Regulations.

Rules regarding Collectors, to apply to any officer exercising authority of Collector under orders from Government.

* *Vide* cl. 4, Sec. 2, Reg. IV. of 1828, page 113.

REGULATION IX. OF 1825.*

A REGULATION *for extending the Operation of Regulation VII.* 1822; *for authorizing the Revenue Authorities to let in Farm Estates under temporary Leases, on the default of the Málguzárs, or to hold the same Khas for a Term of years; for modifying and adding to the Rules contained in Regulation II.* 1819; *and for making certain other Amendments in the existing Regulations:* PASSED *by the Governor-General in Council on the 5th May* 1825.

Preamble.

I. WHEREAS the provisions of Regulation VII. 1822, are in force only within the Ceded and Conquered Provinces, in the district of Cuttack, and in the pergunnah of Puttaspore and its dependencies; and whereas there are within the other provinces belonging to this presidency various mehals and tracts for which a permanent settlement has not yet been concluded, and it appears to be advisable that the revenue authorities should be vested, in regard to such mehals and tracts, with the same powers as belong to the like officers within the Ceded and Conquered Provinces; and whereas the principle of the rules contained in the said Regulation, relative to lands held free of assessment, or at a mocurrery jumma under special grants, is equally applicable to such tenures in all parts of the country; and it appears to be likewise expedient to make provision, for the occasional exercise, by the revenue officers in the Lower Provinces, of the powers specified in the said Regulation, for the summary trial of certain suits between individuals, subject as therein provided to an appeal to the Adawlut by a regular suit; and whereas a frequent recourse to the sale of lands, for the recovery of arrears of revenue in districts of which the assessment has not been fixed in perpetuity being inexpedient, it appears to be necessary and proper that the revenue authorities should be empowered to let in farm for a term of years the estates of defaulters under temporary leases, or to hold the same khas for the purpose of making a ryotwar settlement, where that measure may be deemed advisable; and whereas it has appeared to be expedient to modify and to add to the provisions contained in Regulation II. 1819; and whereas the rules prohibiting the collection of sayer duties, and the provision contained in Section xxxix, Regulation IX. 1810 having been considered applicable to several items of sewaee collections of cesses levied by the málguzárs and others for local purposes, and according to ancient usage, which it would be injurious to abolish, it appears to be expedient to provide for the continuance of such collections when sanctioned by Government, the following rules have been enacted to be in force from the date of their promulgation, within the provinces belonging to the presidency of Fort William.

Certain provisions of Reg. VII. 1822, extended to all lands not included within the limits of estates for which a permanent settlement has been concluded.

II. *First.* The provisions contained in Clause Sixth, Section ii, and in the thirty-three following Sections of Regulation VII. 1822, are hereby extended to all lands (including jageers, mocurreries, and other tenures held free of assessment or at a quit-rent under special grant) not included within the limits of estates for which a permanent settlement has been concluded in the manner prescribed by Regulation VIII. 1793, and Regulations II. and XXII. 1795, as far as the same may be applicable.

To be in force in all estates held khas.

Second. The said provisions shall likewise be in force in all estates which may now or hereafter be held khas, during the period for which they may be so managed.

And to be applicable to the Sunderbuns, &c.

Third. The provisions aforesaid shall also apply to the Sunderbuns, the hill lands of Bhaugulpore, and other extensive forests and wastes, not included within the limits of pergunnahs, mouzahs, or other revenue divisions, specified at the time of settlement as belonging to the mehals then assessed; as well as to all estates bordering on such forests or wastes.

* *Vide* note at commencement of Regulation VII. of 1822, page 87.

III. It shall be competent to the Governor-General in Council to vest any Collector or other officer exercising the powers of Collector, within the provinces of Bengal, Behar, Orissa, and Benares, with the several powers specified in Section xx. Regulation VII. 1822, in the manner specified in the second Clause of that Section, within such local limits as may, from time to time, appear to be advisable; and the several provisions contained in Section xxi. and the fourteen following Sections shall apply to the several pergunnahs or other local divisions so placed under the jurisdiction of the Collector, or other officer aforesaid.

Governor-General in Council may vest any Collector, &c., with the several powers specified in Sec. xx. Reg. VII. 1822.

IV. Whenever an arrear of revenue shall accrue on account of any mehal for which an engagement may have been taken by the proprietors or persons recorded as proprietors, not being an estate of which the assessment has been fixed in perpetuity, and the málguzárs shall fail to discharge the same within one month of the date on which it became due, then if there shall appear to be any objection to the sale of the estate, and the arrears cannot otherwise be recovered (on which points the decision of the revenue authorities is to be held conclusive), it shall be competent to the Collector or other officer exercising the powers of Collector, with the sanction of the Board, and subject to the orders of Government, to annul the existing engagements with the málguzárs, and to let the mehal in farm for such period, not exceeding fifteen years, as the Governor-General in Council may appoint, or to hold the mehal under khas management for a like period. In such cases, if the mehal shall yield a higher jumma than that for which the málguzárs may have engaged, the excess shall in the first place be appropriated to the liquidation of the arrear due on account of it or such portion thereof as the farmer may not have separately agreed to discharge or as may not otherwise have been recovered, and, out of any surplus remaining, the málguzárs shall receive such malikana, not being less than five per cent. nor more than 10 per cent. on the assessment of the last year of their engagement, as the Governor-General in Council may direct.

Rule of proceeding when arrear of revenue on account of mehals not permanently assessed may not be paid within one month after it becomes due, and objections appear to a public sale.

V.* *First.* The following rules are enacted in modification of Sections v. vi. viii. x. xi. xiii. xv. xxii. and xxx. of Regulation II. 1819.

Rules in modification of certain Sections of Reg. II. 1819.

Second. Whenever a Collector, or other officer exercising the powers of Collector, shall visit or be about to visit any mehal for the purpose of making a settlement in the manner prescribed in Regulation VII. 1822, it shall be competent to him, by a notification to be stuck up in some conspicuous place within such mehal, and each village thereof, if consisting of several villages, to require all persons holding lands free of assessment, or at a fixed jumma, within or adjoining to the village or villages in which the lands of such mehal or any part thereof may be situate, to appear before him either in person or by vakeel within a reasonable time, not being less than one month from the date of such notification, at such place within the mehal as he may select for holding his office, and to attend him from day to day while he may continue within the mehal, with all sunnuds or other writings in virtue of which they may possess the lands, or under which the lands may have been or may be claimed to be held free of assessment or at a fixed jumma, together with any evidence they may desire to have taken in support of their claims.

Collector, &c, employed in making a settlement of lands to issue a notification and to require the appearance before him of all persons holding lands free of assessment.

Third. It shall likewise be competent to Collectors and other officers aforesaid, when engaged in the settlement of any mehal under the rules of the Regulation above-mentioned, or preparatory thereto, to measure or cause to be measured, without a previous reference to the Board of Revenue, all lands, whether málguzárry or lak-

May cause lands to be measured.

* *Vide* Sec. ii. and Cl. 3, Sec. x. Reg. III. of 1828.

hiráj, belonging or adjoining to the village or villages in which such mehal or any part thereof may be situated.

Fourth. When the Collector or other officer aforesaid shall have commenced the settlement of any mehal, in regard to which he may have issued a notification as aforesaid, and shall propose to hear the claims of persons holding lands free of assessment or at a fixed jumma, and to receive their sunnuds and other writings as aforesaid, or any of them, the period fixed in the notification for the attendance of such parties being arrived, he shall, on the day preceding that on which he may intend to hold proceedings in the said cases or any of them, notify such intention by an ishtahár, stuck up in his office and in some place open to the public within the mehal.

To give public notice one day previous to that on which it is intended to hold proceedings.

Fifth. If any person holding land free of assessment, or at a fixed jumma as aforesaid, shall fail to attend either in person or by vakeel, after notice being given in the manner above prescribed, the Collector shall be competent to proceed *ex-parte* to investigate the title of such party to hold the land in his possession free of assessment, and with the sanction of the Board of Revenue to resume the said lands, if they appear to be held on an invalid title. Nor shall any person defaulting as above, or neglecting to appear and give answer when required to do so, in the manner prescribed in Regulation II. 1819, be entitled to stay the resumption and assessment of his lands under the rule contained in Section xxii. of that Regulation. Provided further, that the rule contained in Clause Second, Section xiii. Regulation II. 1819, shall be and be held applicable to such persons, as well as to persons who may appear when summoned under the provisions of that Regulation, or in the manner hereinbefore provided.

Procedure by Collectors if persons fail to attend after due notice given them.

Sixth. It shall be competent to Collectors, and other officers making settlements as aforesaid, either to complete the investigation of the claims of persons holding land free of assessment, or at a fixed jumma, under the rules of the fifteenth and following Sections of Regulation II. 1819, with the modifications hereinafter provided, during the progress of the settlement, or to limit their proceedings to the ascertainment of the land actually held under such tenures, and the record of the title-deeds produced by the parties, postponing the further investigation of the case to a future period. When any Collector or other officer may postpone the investigation of any case as aforesaid, he shall at the same time notify to the party the time and place at which the further investigation is to be held, or if circumstances prevent him from doing so, he shall, before resuming the inquiry, give the party one month's notice to attend, and on the failure of any party to attend when so warned, the Collector, or other officer aforesaid, shall be competent to proceed to try the case *ex-parté*, and with the sanction of the Board to resume and assess the lands.

Collectors, &c., may either complete the investigations of claims under the rules in force, or limit their proceedings to certain points.

Seventh. Collectors or other officers who may proceed to investigate claims to lakhiráj lands during the progress of a settlement, shall follow the rules of the fifteenth and following Sections of Regulation II. 1819, in all cases wherein the parties may attend and deny the liability of their lands to assessment, subject to the modifications hereinafter provided.

Collectors, &c., in investigating claims to lakhiráj lands to be guided by what provisions.

Eighth. No lands shall be resumed by a Collector, even though the parties may confess that they are liable to assessment, without the sanction of the Board of Revenue, save and except as hereinafter provided; but on such confession duly attested, which will of course supersede the necessity of any further inquiry, it shall be competent to the Board forthwith to direct the lands to be assessed, unless the same be held by village or zemindarry servants in lieu of wages, which shall not be resumed without the sanction of Government. Provided also, that in all cases wherein it may appear to the Board that the resumption of lands held free of assessment would occasion serious distress to the holders, it shall be their duty to submit a report of the circumstances to the Governor-General in Council.

Prohibited from resuming lands without sanction of Board of Revenue.

Procedure by the Board.

Ninth. The provisions of Clause First, Section xxiii. Section xxv. and Section xxviii. Regulation VII. 1822, shall be applicable to cases investigated by Collectors, under the rules of Regulation II. 1819, or under the provisions of this Regulation.

Regulations applicable to cases investigated by Collectors.

Tenth. It shall not be necessary to use stamped paper for the proceedings held or exhibits filed before the revenue authorities in cases originating with a Collector or other officer of Government claiming to assess land held free of assessment; but the said authorities are authorized in the said cases, as in all other cases wherein they may exercise judicial powers under the provisions of the existing Regulations, to award to witnesses their reasonable charges, and to levy the same, as well as all costs adjudged by them, by the process in force for the recovery of arrears of the Government revenue.

Use of stamped paper not necessary. Award of reasonable charges to witnesses.

Eleventh. Persons claiming to hold lands exempt from revenue shall, with their petitions of plaint, deliver to the Collector, or other officer to whom the same may be preferred, all sunnuds and other writings on which their claim may be founded: and shall insert in the said petition a full specification of the several particulars required to be registered by the rules in force relative to the registry of rent-free tenures, and of the grounds on which their claim is founded. If the claim shall involve only the interests of Government, the Collector shall proceed without delay to investigate the case, giving, however, eight days' previous notice to the party, of the day on which he may propose to bring it to a hearing in the mode prescribed for the Civil Courts. If the claim shall be against any individual singly or jointly with Government, the Collector shall serve him with a notice containing a statement of the demand, and requiring his attendance in person or by vakeel duly authorized, within the period of one month, with any papers or evidence he may desire to produce in denial of the claim; and on the appearance of such defendant, the Collector, after allowing him to inspect and examine the claimant's petition of plaint, and the writings therein referred to, shall call upon him to deliver, within the period of seven days, a statement of the objections he may desire to urge against the claim. In such cases no other pleadings shall be required from the parties than a plaint and answer, but it shall and may be lawful for the Collectors to receive and record such subsidiary pleadings as may appear requisite for the elucidation of the merits of the claim. Collectors shall proceed to investigate every such case as soon as possible after the answer of the defendant shall be received; giving, however, as aforesaid, eight days' previous notice to the parties, of the day on which he may propose to bring it to a hearing. Provided, that in cases wherein the parties concerned, or their authorized representatives, shall desire or consent (the same being signified in a written petition or ikrárnamah to be filed with the proceedings) to have an immediate decision, whether the case shall originate in a claim on behalf of Government, or in the suit of an individual, and whether the proceedings of the Collector shall be held under the provisions of Regulation II. 1819, or under those of this or any other Regulation touching the matter, it shall be competent to the Collector to proceed forthwith to the investigation and decision of the case, without issuing any formal summons or notice.

Procedure in petition of plaint being preferred.

Twelfth. Whenever a Collector, or other officer exercising the powers of Collector, shall be of opinion that any tract of land belongs to Government, and that no individual has *bonâ fide* possession thereof, it shall be competent to him, by a notification to be stuck up in his cutcherry, in the Zillah Court, and in the cutcherry of the canoongoe, moonsiff, or thannahdar, to whose jurisdiction the land in question may belong or adjoin, to require all claimants to the same to appear before him within a reasonable time, to be fixed by the Board of Revenue, not being less than six weeks from the date of such notification; and on the appearance of such claimants, to proceed to investigate their claims in the manner prescribed by Regulation II. 1819, for investigations relative to the liability of lands to be assessed as herein modified. Provided further, that if the Collector or other officer aforesaid, shall decide that none of the claimants have *bonâ fide* possession of the lands in question, and his decision shall be affirmed by the Board of Revenue, the

Procedure if Collectors, &c., be of opinion that any tract of land belongs to Government and that no individual has *bonâ fide* possession thereof.

said lands shall be at the disposal of Government, until the same shall be adjudged to be private property by a decree of Court on a regular suit. Provided also, that all such suits, if preferred by one of the claimants before the Collector, shall be dismissed with costs, unless instituted within six weeks of the date on which the Board may affirm the decision of that officer, and that the rule contained in Clause Second, Section xiii. Regulation II. 1819, shall be strictly applied to such suits: nor shall any such suit be admitted on the part of any person who may not have appeared before the Collector pursuant to notice, unless he shall be able to show good and sufficient cause for his non-appearance, and shall apply for permission to sue within six weeks of his being informed of the Board's decision: provided further, that if the party shall not prosecute his suit within six weeks of being permitted to sue, the suit shall be dismissed with costs.

Governor-General in Council may vest any Collector, &c., deputed to hold a local inquiry within the limits of any mehal with the same powers and authority in regard to lands held free of assessment in all villages adjoining such mehal.

VI. It shall be competent to the Governor-General in Council, by an order in Council, to vest any Collector or other officer who may be deputed to hold a local inquiry within the limits of any mehal, with the same powers and authority in regard to all lands held free of assessment within or adjoining to the village or villages in which the lands of such mehal, or any part thereof may be situated; and for the investigation of all claims touching such lands as by the foregoing provisions are vested in Collectors making settlements in the manner prescribed by Regulation VII. 1822; and also from time to time to depute Collectors or other officers aforesaid, for the purpose of ascertaining, recording, or investigating the said claims in the manner above prescribed.

Lands held free of assessment to be specified in the proceedings of the Collector, &c.

VII. The particulars of all lands held free of assessment within all villages and mehals, of which the settlement may be made under the provisions of Regulation VII. 1822, shall be fully recorded in the proceedings of the Collector or other officer making the settlement.

Saving of certain Regulations.

VIII. Nothing contained in Regulation II. 1819, or in any other regulation in force, shall affect, or be considered to affect, the provisions contained in Section x. Regulation XIX. 1793, Section xi. Regulation XXXI. 1803, and in the corresponding enactments applicable to Benares and the conquered Provinces, relative to grants illegally made subsequently to the dates specified in the said rules respectively: and in all cases in which it shall be established to the satisfaction of the revenue authorities, that any lands now held free of assessment were subject to the payment of the revenue at the dates aforesaid or subsequently thereto, and that they have not been thereafter exempted from the payment of revenue under the authority of the Governor-General in Council, nor adjudged to be exempted from payment of revenue under a regular decree of Court, it shall and may be lawful for the said authorities forthwith to resume and assess the said lands; save and except in cases wherein the revenue of the same may belong to a zemindar, talookdar, or other málguzár with whom a permanent settlement has been concluded; nor shall the provisions of Section xxii. Regulation II. 1819, apply to such cases.

Rules relative to the abolition of the sayer duties, &c., applicable to what cesses.

IX. It is hereby declared and enacted, that the rules relative to the abolition of sayer duties, and the provision contained in Section xxxix. Regulation IX. 1810, are not and shall not be held to be applicable to any item of sewaee collections or cess levied by málguzárs and others according to ancient custom, which has been or shall be sanctioned by a Collector or other superior revenue authority, not being a tax on the transport, export, or import of goods or merchandize, or other tax or duty specifically prohibited: but after the settlement of any village or mehal shall have been made in the manner specified in Section ix. Regulation VII. 1822, the rules and provisions aforesaid shall be applicable to all cesses and collections not sanctioned in the manner specified in that Section.

REGULATION XI OF 1825.*

A REGULATION *for declaring the Rules to be observed in determining Claims to Lands gained by Alluvion, or by Dereliction of a River or the Sea :* PASSED *by the Governor-General in Council on the 26th May* 1825.

Preamble.

I. IN consequence of the frequent changes which take place in the channel of the principal rivers that intersect the provinces immediately subject to the presidency of Fort William, and the shifting of the sands which lie in the beds of those rivers, churs or small islands are often thrown up by alluvion in the midst of the stream, or near one of the banks, and large portions of land are carried away by an encroachment of the river on one side, whilst accessions of land are at the same time, or in subsequent years, gained by dereliction of the water on the opposite side; similar instances of alluvion, encroachment and dereliction also sometimes occur on the sea-coast which borders the southern and south-eastern limits of Bengal. The lands gained from the rivers or sea by the means above-mentioned, are a frequent source of contention and affray, and although the law and custom of the country have established rules applicable to such cases, these rules not being generally known, the Courts of Justice have sometimes found it difficult to determine the rights of litigant parties claiming churs or other lands gained in the manner above described. The Court of Sudder Dewanny Adawlut, with a view to ascertain the legal provisions of the Mahomedan and Hindoo laws on this subject, called for reports from their law officers of each persuasion, and on consideration of the reports furnished by the law officers in consequence, as well as of the decisions which have been passed by the Court of Sudder Dewanny Adawlut in cases brought before them in appeal which involved the rights of claimants to lands gained by alluvion, or by dereliction of rivers or the sea, the Governor-General in Council has deemed it proper to enact the following rules for the general information of individuals as well as for the guidance of the Courts of Judicature ; to be in force, as soon as promulgated, throughout the whole of the provinces subject to the presidency of Fort William.

Claims and disputes relative to alluvial lands to be decided by immemorial and definite usage when such shall be clearly recognized and established.

II. Whenever any clear and definite usage of shekust pywust, respecting the disjunction and junction of land by the encroachment or recess of a river, may have been immemorially established, for determining the rights of the proprietors of two or more contiguous estates divided by a river (such as that the main channel of the river dividing the estates shall be the constant boundary between them, whatever changes may take place in the course of the river, by encroachment on one side and accession on the other), the usage so established shall govern the decision of all claims and disputes relative to alluvial land between the parties whose estates may be liable to such usage.

Where no such local usage may be established, claims to be decided, according to the following Section.

III. Where there may be no local usage of the nature referred to in the preceding Section, the general rules declared in the following Section shall be applied* to the determination of all claims and disputes relative to lands gained by alluvion or by dereliction either of a river or the sea.

Lands gained by gradual accession from the recess of a river or the sea, to be considered an increment to the tenure of the person to whose estate it may be annexed.

Proviso.

IV. *First.* When land may be gained by gradual accession, whether from the recess of a river or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government by a zemindar or other superior landholder, or as a subordinate tenure, by any description of under-tenant whatever. Provided that the increment of land thus obtained shall not entitle the person in possession of the estate or tenure to which the land may be annexed, to a right of property or permanent interest therein beyond that possessed by him in the estate or tenure to which the land may be annexed, and

* See Acts IX. of 1847, and XXXI. of 1858, pages 116 & 118.

shall not in any case be understood to exempt the holder of it from the payment to Government of any assessment for the public revenue to which it may be liable under the provisions of Regulation II. 1819, or of any other Regulation in force. Nor if annexed to a subordinate tenure held under a superior landholder, shall the under-tenant, whether a khoodkast ryot, holding a mouroosee istimraree tenure at a fixed rate of rent per beegah, or any other description of under-tenant liable by his engagements, or by established usage, to an increase of rent for the land annexed to his tenure by alluvion, be considered exempt from the payment of any increase of rent to which he may be justly liable.

When a river by a sudden change of its course may break through and intersect an estate, the lands so separated being clearly recognized, shall remain the property of the original owner.

Second. The above rule shall not be considered applicable to cases in which a river, by a sudden change of its course, may break through and intersect an estate, without any gradual encroachment, or may by the violence of stream separate a considerable piece of land from one estate, and join it to another estate, without destroying the identity, and preventing the recognition of the land so removed. In such cases, the land on being clearly recognized, shall remain the property of its original owner.

Churs or islands thrown up in a large and navigable river (the channel between the island and the shore not being fordable) to be at the disposal of Government. But if fordable, to whom they shall belong.

*Third.** When a chur, or island may be thrown up in a large navigable river (the bed of which is not the property of an individual), or in the sea, and the channel of the river, or sea, between such island and the shore may not be fordable, it shall, according to established usage, be at the disposal of Government. But if the channel between such island and the shore be fordable at any season of the year, it shall be considered an accession to the land, tenure, or tenures, of the person or persons whose estate or estates may be most contiguous to it, subject to the several provisions specified in the first Clause of this Section, with respect to increment of land by gradual accession.

Claims to churs, &c., thrown up in small and shallow rivers, how to be determined.

Fourth. In small and shallow rivers, the beds of which, with the julkur right of fishery, may have been heretofore recognized as the property of individuals, any sand-bank, or chur, that may be thrown up, shall, as hitherto, belong to the proprietor of the bed of the river, subject to the provisions stated in the first Clause of the present Section.

Disputes relative to lands gained by alluvion or by dereliction of a river or the sea, not provided for by the provisions of the present Regulation, how to be adjusted.

Fifth. In all other cases, viz., in all cases of claims and disputes respecting land gained by alluvion, or by dereliction of a river, or the sea, which are not specifically provided for by the rules contained in this Regulation, the Courts of Justice, in deciding upon such claims and disputes, shall be guided by the best evidence they may be able to obtain of established local usage, if there be any applicable to the case, or if not, by general principles of equity and justice.

Encroachments on beds of navigable rivers and other obstructions to their free navigation prohibited.

V. Nothing in this Regulation shall be construed to justify any encroachments by individuals on the beds or channels of navigable rivers, or to prevent zillah and city Magistrates, or any other officers of Government, who may be duly empowered for that purpose, from removing obstacles which appear to interfere with the safe and customary navigation of such rivers, or which shall in any respects obstruct the passage of boats by tracking on the banks of such rivers, or otherwise.

* See Sec. vii. Act. IX. of 1847. page 118.

REGULATION IV. OF 1828.

A REGULATION *to declare and extend the powers to be exercised by Collectors when making or revising Settlements under the Provisions of Regulation VII.* 1822 : PASSED *by the Governor-General in Council on the 7th August* 1828.

Preamble.

I. WHEREAS it appears to be expedient that the powers specified in Section 16, Regulation VII. 1822, should be generally vested in Collectors and other Officers performing the duties of Collectors, when employed in making or revising settlements according to the provisions of that law, and that the jurisdiction of the said officers in such cases should not be barred by summary decisions passed by Magistrates or Joint Magistrates, under the rules of Regulation XV. 1824, the following rules have been enacted to be in force from the date of their promulgation, throughout the provinces subject to the presidency of Fort William.

II. *First, Second,* and *Third, Rescinded by Sec.* 5, *Reg. IV.* 1833.

During what period Collectors are to be considered to be engaged in making and revising settlements.

Fourth. To prevent doubts as to the period for which Collectors and other Officers aforesaid are to possess the powers vested in them by this Regulation, and by Regulation VII. 1822, in regard to any mehals of which the settlement may have been, or may be about to be made or revised, it is hereby declared and enacted that they shall be held and considered to be engaged in making and revising such settlement from the date on which they have issued or may issue orders for adjusting the boundaries, for measuring any of the lands, or for making a census of the inhabitants of any village or portion of a village belonging to such mehal, of which intimation shall be given to the Magistrate or Joint Magistrate within whose division the village shall be situated, up to the day on which they may be informed that the settlement, as made and revised by them, has been finally confirmed by Government. During the aforesaid period, the powers vested in Magistrates and Joint Magistrates, by Regulation XV. 1824, shall be suspended in regard to all mehals of which the settlement may be so in progress ; and the said officers shall be guided, in respect to such mehals, by the provisions of Clause Second, Section xxxiv. Regulation VII. 1822, by which they were required to refer to the revenue authorities, disputes regarding lands, premises, crops, water-courses, and the like. And all police officers are required to give immediate and efficient support to Collectors and other revenue officers in the execution of their duties.

REGULATION IX. OF 1833.*

A REGULATION *to modify certain portions of Regulation VII. of* 1822, *and Regulation IV. of* 1828 ; *to provide for the more speedy and satisfactory Decision of Judicial Questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations ; for enforcing the Production of the Village Accounts ; for the more extensive Employment of Native Agency in the Revenue Department ; and to declare the Intent of Section V. Regulation VII. of* 1822, *touching Claims to Malikana :* PASSED *by the Governor-General in Council on the 9th September* 1833.

Preamble.

I. EXPERIENCE having demonstrated the expediency of modifying certain enactments of Regulation VII. of 1822, and Regulation IV. of 1828, also of providing a more speedy and satisfactory mode of deciding such judicial questions as may be cognizable by officers of the revenue department under those Regulations, and of declaring the intent of the rules regarding malikana promulgated by Section V. Regulation VII. of 1822 ; it having been found expedient likewise that measures should be adopted for enforcing the production of the village accounts, and for rendering them accessible to all persons concerned having occasion to examine them ; also, that natives of respectability should be employed in more important trusts connected with the revenue administration ;

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* *Vide* note at commencement of Reg. VII. of 1822, page 87.

the following provisions have been enacted, to be in force from the date of their promulgation.

Provisions of Reg. VII. 1822, in regard to the mode of determining the amount of jumma to be demanded from any mehal, rescinded.

II. So much of Regulation VII. of 1822 as prescribes, or has been understood to prescribe, that the amount of jumma to be demanded from any mehal shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the costs of production and value of produce, is hereby rescinded.

Provisions of above Regulation in regard to the simultaneous prosecution of judicial investigations and determination of the Government demand, rescinded.

III. So much of the above Regulation as prescribes, or has been understood to prescribe, that the judicial investigation into, and decision on, questions of disputed private claims shall be conducted simultaneously with the ascertainment of, and determination on, the amount of the Government demand, is hereby rescinded. The Governor-General in Council will hereafter determine the order in which the above matters shall be respectively disposed of.

Parts of Reg. IV. 1828 rescinded.

IV. Clauses First, Second, and Third of Section II. Regulation IV. of 1828 are hereby rescinded.

Collector, or other officer employed in making settlements under Reg. VII. 1822, to fix a period for production of award.

V. In addition to Section XXXIII. Regulation VII. of 1822, it is hereby enacted, that whenever any judicial question may be depending before a Collector, or other officer employed in making settlements under the provisions of Regulation VII. of 1822, in which the interests of justice may, in the opinion of such officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the superior revenue authorities, a period within which the parties must produce the award.

If parties neglect to do so, Collector may summon punchayet for trial of the matter; punchayet, how to be composed.

VI. In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the Collector, or other officer, to summon a punchayet, to be composed of three or five impartial and otherwise competent persons, of good repute, for the trial of the matter at issue.

Punchayet how to proceed to a decision.

VII. After duly considering the statements and evidence offered by the parties, or, in case of the default or recusance of either, the statements and evidence produced by the party in attendance, the punchayet shall declare their opinions, and judgment shall be recorded according to the sentence of the majority. The superior revenue authorities will from time to time issue such rules of practice for the guidance of the officers employed on this duty, or the punchayets, as they may consider necessary.

What appeal to lie from decisions of punchayet.

VIII. No appeal shall be allowed from such decisions, which shall be immediately executed and maintained, unless the Commissioner, subject to the control of the Sudder Board of Revenue, should think proper, for any special reason, to direct that the case shall be submitted to another punchayet for decision.

Suit brought to set aside such decision to be nonsuited with costs.

IX. Any suit brought before any Court of justice, to set aside a decision made in conformity with the above rules, shall be nonsuited with costs.

Also suits against arbitrators.

X. In like manner, any suit brought before any Court of justice against the arbitrators, collectively or individually, appointed in conformity with the rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be nonsuited with costs.

Declaration of the intention of the rules concerning malikana in Sec. V. Reg. VII. 1822.

XI. It is hereby declared that the rules concerning malikana, contained in Section V. Regulation VII. of 1822, were intended to have a prospective effect only, and to be applicable solely to settlements made under that Regulation, and to recusance tendered at the completion of such settlements.

Village accounts how to be kept, and how many sets prepared.

XII. It is further enacted, that the village accounts, which are required to be kept in such manner and form as has heretofore been the custom, or in such other mode as may hereafter be prescribed by the Boards of Revenue, shall be prepared in duplicate sets; one for deposit in the office of putwarry, and one for deposit in the office of Collector of the district in which the respective estates or tenures may be situated, and wherever the office of a canoongoe may be established, a third copy shall be prepared and deposited in that office.

Accounts how and when to be furnished, &c.

XIII. The several accounts required for deposit in the pergunnah and zillah revenue offices, as above stated, instead of being delivered at the expiration of every six months, as prescribed by the rules at present in force, shall be furnished in such mode and at such periods as the Boards may direct. They shall be open to the inspection of every person concerned, desirous of examining them.

What disabilities to attach to zemindars, &c., neglecting to conform to above rules regarding village accounts.

XIV.* Any zemindar, farmer, or other description of landholder, who, after the promulgation of this Regulation, may refuse or neglect to conform to the above rule, shall be deemed incompetent to oust any ryot or other tenant from the land occupied by him for non-performance of the conditions of his tenure or lease, or on any other pretext, or to distrain the property of any ryot or tenant, or sue him in any Court of justice for an arrear of rent, or the breach of any agreement that may have been contracted by him.

Suits to recover arrears &c., by a landholder not having conformed to those rules to be nonsuited, with costs. Penalty for such landholder ousting a tenant, &c.

XV.† Any such suit instituted in a Court of justice by a zemindar, farmer, or other landholder, who has not conformed to the above rule, shall be nonsuited with costs; and should he proceed to oust a ryot or other tenant from the land occupied by him, or distrain his property, he shall be liable to damages on account of such illegal acts, to such amount as the Court awarding the restitution of such land or property may deem adequate.

Appointment of Deputy Collectors.

XVI. It shall be competent to the Governor-General in Council to appoint to any revenue jurisdiction a Deputy Collector, with the powers hereinafter specified.

Persons eligible to the office, and how to be appointed.

XVII. The office of Deputy Collector shall be open to the natives of India of any class or religious persuasion. The persons selected shall be appointed by the Governor-General in Council, and shall receive their commissions from Government in the usual mode, under the signature of the Secretary in the revenue department.

Their monthly allowance, how to be fixed, and in what manner susceptible of increase.

XVIII. The Deputy Collectors will receive a monthly allowance, to be fixed by the Governor-General in Council, and to be susceptible of increase, from time to time, as their conduct may appear to entitle them respectively to such consideration.

Declaration to be made by the Deputy Collectors so appointed.

XIX. Every person appointed to the office of Deputy Collector under this Regulation shall, previously to entering upon the execution of the duties of his situation, make and prescribe before the Collector of the district in which he may be employed a solemn declaration in the form of the oath required under Section XXVI. Regulation V. 1804, to be taken by persons employed in the Collection of the public revenue.

Deputy Collectors to be subordinate to the Collector under whom they are placed.

XX. The Deputy Collectors appointed under this Regulation are to be in all respects subordinate to the Collector under whom they may be placed, and are required to perform all duties assigned to them by that functionary.

Duties in which the Collectors may employ them.

XXI. It will be at the discretion of the latter officer to employ them in settlement duties under the provisions of Regulation VII. 1822, in the superintendence of the Government khas mehals, and generally in the transaction of any other part of the duties of a Collector.

* *Vide* Section 1, Act X. of 1859, Chapter VII.
† *Vide* Sec. 1, Act X. of 1859, Chapter VII.

Their proceedings, how to be recorded and how appealable.

XXII. All proceedings held by a Deputy Collector appointed under this Regulation shall be recorded in his own name and on his own responsibility, subject to the revision and control of the Collector, and appealable to the superior authorities in the usual course.

Collector may resume the duties committed to them.

XXIII. Provided always, that the Collector is competent to resume the duties which he may have committed to the Deputy, assigning his reasons for so doing for the information of the Commissioner.

Interference by Commissioners with arrangements of Collectors for the employment of Deputy Collectors.

XXIV. Provided also, that the Revenue Commissioners, whenever they think proper, may interfere with any arrangements made by the Collectors for the employment of the Deputies, or the distribution of business to be assigned to those functionaries, subject to the general control vested in the Sudder Board of Revenue or the Government, as the case may be.

Rules regarding the dismissal of the Deputy-Collectors.

XXV. A Deputy, appointed under this Regulation, shall not be removable but for misconduct, and with the sanction of the Governor-General in Council. Whenever there may be reason to believe that a Deputy is disqualified by neglect, incapacity, or corruption, for continuance in office, a report shall be submitted by the local authorities, through the channel of the Sudder Board of Revenue, for the consideration of the Governor-General in Council, who shall be competent to suspend him, and order a further enquiry into the conduct of such deputy, or to direct his immediate dismissal, as may appear just and proper.

ACT IX. OF 1847.

(*Received the assent of the Governor General on 8th May* 1847.)

AN ACT *regarding the assessment of lands, gained from the Sea or from Rivers by Alluvion or Dereliction, within the Provinces of Bengal, Behar, and Orissa.*

Future Assessments of new alluvial lands to be made under this Act.

I. IT is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act, cease to have effect within the Provinces of Bengal, Behar, and Orissa; and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

Limitation of the expression "Province of Orissa."

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

Where a Revenue Survey is made, Government may every ten years order a new survey and new maps.

III. And it is hereby enacted, that within the said Provinces, it shall be lawful for the Government of Bengal, in all districts or parts of districts, of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

Dates of the approval of the Survey of certain Districts.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, *viz.*—

Of the district of Chittagong on the Sixth day of September, 1842.

Of the district of Behar on the Ninth day of November, 1844.

Of the district of Patna on the Twenty-second day of June, 1844.

Of the district of Shahabad on the Twenty-eighth day of November, 1846.

Of the district of Sarun on the Eighteenth day of February, 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the Nineteenth day of September, 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October, 1842.

Of the central division of the Province of Cuttack on the Twenty-second day of February, 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October, 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the Twelfth day of September, 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the Fifth day of October, 1842.

Of the district of Cachar on the Fifth day of February, 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the Fifth day of February, 1844.

Of the district of Gwalparah on the Twenty-fourth day of December, 1842.

Of the district of Luckimpore on the Tenth day of November, 1845.

Of the district of Seebpore on the Eighth day of May, 1843.

The approval of subsequent Revenue Surveys to be deemed to have taken place when announced in the Government Gazette.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

Rules for the reduction of the Sudder jumma of a rent-paying Estate when land has been washed away from it.

V. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been washed away from, or lost to, any Estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the Sudder jumma of the said Estate equal to so much of the whole Sudder jumma of the Estate as bears to the whole the same proportion as the Mofussil jumma of the land lost bears to the Mofussil jumma of the whole Estate; but if the Mofussil jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder jumma of the Estate equal to so much of the whole Sudder jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate. And this deduction, with the reasons thereof, shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

An increment to such an estate to be assessed with revenue.

VI. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

When the map of a new survey shows an Island to have been thrown up, authorities to take possession, assess and settle the same.

VII. And it is hereby enacted that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon, in regard to the assessment, shall be final. Provided, however, that any party aggrieved by the act of the Revenue Authorities in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

This Act not to affect suits regarding alluvial lands, now pending in, or open to, appeal.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment, or for establishing the right of Government to the ownership, of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are, at the date of the passing of this Act, open to appeal to the Court of the Special Commissioners, according to the Laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to Islands, no suit or action in any Court of Justice shall lie against the Government, or any of its Officers, on account of anything done in good faith in the exercise of the powers conferred by this Act.

ACT XXXI. OF 1858.

(Received the assent of the Governor General on the 24th August, 1858.)

AN ACT *to make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal.*

Preamble.

WHEREAS, for the removal of doubts respecting the course proper to be followed in the settlement of land added by alluvial accession to estates paying Revenue to Government, it is expedient to lay down certain rules to be observed in the settlement of such land; It is enacted as follows:—

In what case the Revenue assessed upon alluvial land may be added to the jumma of the original estate.

I. When land added by alluvial accession to an estate paying Revenue to Government becomes liable to assessment, if it be so agreed on between the Revenue authorities and the proprietor or proprietors, the Revenue assessed upon the alluvial land may be added to the jumma of the original estate; and in such case a new engagement shall be executed for the payment of the aggregate amount, and that amount shall be substituted in the Collector's rent-roll for the former Jumma of the original estate. If the proprietor or proprietors object to such an arrangement, or if the Revenue authorities are of opinion that a settlement of the alluvial land cannot properly be made for the same term as the existing settlement of the original estate, the alluvial land shall be assessed and settled as a separate estate with a separate jumma, and shall thenceforward be regarded and treated as in all respects separate from and independent of the original estate, whether the separate settlement be made with the proprietor or proprietors, or the land be let in farm in consequence of the refusal of the proprietor or proprietors to accept the terms of settlement. The separate settlement may be permanent, if the settlement of the original estate is permanent.

In what cases there shall be a separate settlement.

Rights of under-tenants in alluvial land.

II. Nothing contained in the preceding Section shall affect the rights of any under-tenant in any alluvial land under the provisions of Clause I. Section IV. Regulation XI. 1825. It shall be the duty of all Officers making settlements of such land, whether the land be settled separately or incorporated with the original estate, to ascertain and record all such rights according to the rules prescribed in Regulation VII. 1822; and to determine whether any and what additional rent shall be payable in respect of the alluvial land by the person or persons entitled to any under-tenure in the original estate. The provisions of the said Regulation, so far as the same may be applicable, are hereby declared to extend to all settlements made under this Act.

Separate settlements of alluvial lands heretofore made.

Proviso.

III. Every separate settlement of alluvial land heretofore made shall be as good and effectual for the purposes specified in Section I. as the same would have been if made subsequently to the passing of this Act. Provided that nothing contained in this Act shall be held to affect the rights which any person may have acquired, under a judicial decision or otherwise, before the passing of this Act.

SURVEY MANUAL.

PREPARED BY THE BOARD OF REVENUE L. P.

1. The chief design of the Survey is to ascertain the position, boundaries and extent of every village and estate.

2*nd*. The demarcation of villages and estates preparatory to survey is conducted by an officer styled "Superintendent of Survey" aided by Deputy Collectors, and an Establishment of Peshkars and Ameens.

3*rd*. Every Superintendent, prior to appointment, is expected to pass an examination in surveying with the ordinary and prismatic compasses, chain, and offset rod; in computing areas, and in preparing maps with aid of the protractor, scale, and compass.

4*th*. The Superintendent must instruct some of his Ameens in the work which they have to perform, in order that they may be able in their turn to instruct others; and no Ameen should be employed on any duty till he is found, on examination, to be properly qualified for it. The Ameens are paid full salary during the field season (or from 5 to 7 months of the year) and half salary during the recess.

5*th*. The work preparatory to the professional survey, consists in demarcating the boundaries of villages and estates, and settling boundary disputes. The demarcations are required to be a whole season in advance of the survey: that is, the tract demarcated in one field season, should be in all respects complete, and ready to be surveyed in the next.

6*th*. One year before commencement of the demarcation of a District, the Superintendent must call on the Collector for lists of the estates and villages in the District. On receiving these, the Superintendent will assign a portion of the District for demarcation to each Deputy Collector, who will take the field with a statement prepared from the Collector's lists of the several villages and estates within his assigned circuit.

7*th*. About two months before the field season, each Deputy Collector will send one or more of his Ameens to prepare the preliminary rough sketch called the *khám mujmali*, the use of which is to enable the Deputy Collector to subdivide his circuit among his Peshkars, and to enable each Peshkar to distribute the villages to his subordinate Ameens, so that each Ameen may have contiguous villages assigned to him, and proceed continuously with his work.

8*th*. The plan of operations being arranged, each Ameen is to be provided with a Perwanah authorizing him to call upon the Zemindars, ryots or other occupants of villages to point out the boundaries; and with an extract from the Collector's lists to enable him to inquire into and account for all discrepancies between the actual state of things and that recorded in the Collector's office. The Peshkar should test the work of the Ameens on the spot, and compare the village plans one with another.

9*th*. To ensure regarding the condition of estates, as well as to guard against detailed (khasrá) measurements when not really necessary, officers are required to take the depositions of the parties residing on the spot. These should shew the names by which the villages are known in the interior, whether identical with those entered in the office records, or not; whether any portion of the village under measurement is included in any other village appertaining to the same or a different estate; or, *vice versâ*, whether the village under measurement includes lands of any other village belonging to the same or a different estate; and, in the case of two or more villages included in one circuit, whether the lands are intermixed, or ijmali, with the circumstances under which they are held.

10*th*. The Ameens are to furnish weekly reports of progress to the Peshkar, and the latter, weekly as well as monthly reports to the Deputy Collector.

11*th*. As the demarcation of each village is completed, the Peshkar is to prepare a statement shewing whatever intermixture of estates there may be therein. The statement for each village is to be on a separate sheet, and all are to be afterwards bound up in volumes in the Deputy Collector's office.

12*th*. If a village recorded in the Collector's list cannot be found in the course of demarcation, the Deputy Collector must institute an inquiry, called technically an

adam-un-nishán proceding : that is to say, he must call on the recorded proprietor to state whether the village is in existence and where. If pointed out, the village must be demarcated; but if no trace of it can be found, it is to be recorded as missing.

13*th*. When a village is found which is not in the Collector's lists, it is styled an *ízád* or excess village, and the party in possession must be called upon to state by what right he holds it, whether as a portion of any Revenue-paying estate or as a distinct Rent-free tenure not recorded in the Collector's books. If, upon inquiry, the excess village appears really to belong to an estate, or to be a hamlet of a recorded village, the case should be struck off the file, and the village attached to the estate to which it is found to belong. But if it cannot be shewn to belong to any estate, and appears open to resumption, it should be recorded as a separate estate, and intimation of its existence given by the Superintendent to the Collector, with his own opinion, and the grounds thereof, with a view to the institution of resumption proceedings if necesary.

14*th*. Investigations regarding excess and missing villages should be made by the Deputy Collector while the parties are in the field. Great care is necessary that Rent-free claims are not admitted on superficial or insufficient evidence, and on the other hand, lands should not be recorded as *ízád* without proof of their not being included within any zamindárí at the perpetual settlement. The Deputy Collector's proceedings in these cases should be carefully scrutinized by the Superintendent.

15*th*. When a sufficient number of contiguous villages have been filed in his office, the Deputy Collector should prepare the *mujmalí* for the surveyor. This *mujmalí* is a sketch map shewing the names and relative positions of the villages as they have been demarcated, and the names of the Pergunnahs to which they belong. Each *mujmalí* may contain from 80 to 100 square miles.

16*th*. At the close of the field season, (usually May or June), the Deputy Collector should rejoin the Superintendent for the recess. The Deputy Collector should employ the recess in completing the results of the season's inquiries, embodied in a form called the *Towjíh-nikás* or *Jumá-kharch* of Estates, in which are shewn the particulars of all the lands which appertain to each estate. He should see whether missing estates have been accounted for, and make separate lists of estates not entered in the Collector's lists. These forms are to be bound up by Pergunnahs and submitted to the Superintendent, together with all the maps and records of the season's work, the records of boundary disputes, the duplicates of each map, and the *mujmalí* maps, prepared for the surveyor.

17*th*. The Superintendent should countersign and send to the Revenue Surveyor the duplicate of the tákbast maps, with the mujmalí to enable the latter to take the field with his establishment.

18*th*. At the close of the field season, the Revenue Surveyor employs the recess in preparing his volumes of village plans, which are forwarded bound to the Superintendent. From these the Superintendent obtains the area of every village for entry in the Survey Registers, and on the completion of the Registers of each Pergunnah, he should forward them together with the tákbast and professional records to the Collector of the District.

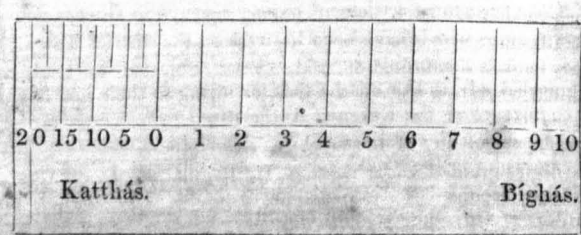
19*th*. In conducting demarcations preparatory to Survey, the Superintendent should be guided by the following

RULES.

Demarcation by scale and compass.

I. All demarcations and measurements must be made by scale and compass, and with chains of 30 feet in length.

II. The scale of tákbast and khasrá is to be 330 feet to the inch, or 16 inches to the mile. Superintendents will be furnished with brass scales, of which the following is a diagram.



III. This scale is framed on the value of the standard bíghá of 14,400 square feet. The side of the bíghá is therefore equal to 120 feet. Two chains squared make 5 katthás or a quarter of a bíghá; the divisions on the scale therefore marked 5, 10, 15, 20, shew one chain of the description which will be actually used.

IV. To make this scale, divide 4 inches into 11 equal parts, each of which will be equal to the bíghá side of 120 feet; each of these parts subdivided into four represents the measuring chain of 30 feet, and if these last be further subdivided into two parts, the result is half chains or 2½ linear katthás of 6 feet each. The scale being framed in exact accordance with the value of the standard bíghá, and in due proportion with the professional survey scale, comparison between the tákbast or khasrá on the one hand, and the professional survey on the other, is readily obtained.

V. Should the minute subdivision of property in a village require the scale to be enlarged, it may be increased to 24 inches, and on the other hand, if so large a scale as 16 inches is not required, it may be reduced to one-half.

METHOD OF DEMARCATION.

VI. The TAKBAST will be conducted under the direction of the Superintendent of Survey in the following manner. The length of every bend and curve in the boundary having been ascertained by measurement in the field, the proportionate distances are to be laid down on the map by means of the scale.

VII. Each Ameen will have a surveying compass graduated in the vernacular, with which the bearing of every ták or mark erected in the field, is to be taken, and the proper direction given to the measurements, so that the map may be easily drawn, and the contour or shape of every village, however intricate the boundary, correctly represented.

VIII. The bearings or number of degrees read off from the compass as pointed out by the north end of the needle, will be laid down on the map by means of a paper circular protractor engraved in the vernacular. To facilitate the protraction of so many bearings to form one circuit, lithographed ruled paper must be used, the parallel lines across the sheet forming so many meridians on which the protractor may be fixed, thus ensuring greater accuracy; *some* error in closing the circuit will be inevitable, and it is better that the error should be shewn in the tákbast map than that the delineation should be forced to close.

IX. Each Ameen must, as a general rule, plot his own work daily, and no arrear of plotting is on any account to be allowed.

X. The name by which the village is known in the mofussil should be given in the tákbast maps and records, in addition to the *kitábí* or recorded revenue name, which should stand at the head of the map. All *alias* names should be specified, and the sites and names of the several quarters, hamlets, bazars, &c., included in the village circuit should be laid down. The tháná and Munsif's jurisdiction to which the village belongs should also be mentioned. The names of the estates in which the village lies to be given on the back of the map.

Demarcation of Estates.

XI. Besides the exterior boundaries of villages, the tákbast should embrace the demarcation of the boundaries of every estate in the village. The village boundaries should be laid down in the first instance, and then the position and boundaries of all estates having lands in that village should be demarcated and shown in the tákbast map. Every tákbast map and record must be inspected and countersigned by the Superintendent.

XII. The holdings entitled to separate demarcation and distinct entry in the tákbast maps are as follows:—

1*st.* Estates of the permanent settlement paying revenue to Government.

2*nd.* Resumed tenures which have been brought on the district Towjíh.

3*rd.* Rent-free tenures confirmed on trial, or not subjected to trial, whether by reason of the acknowledged validity of the title, or owing to their not having hitherto been within the cognizance of the Revenue Authorities.

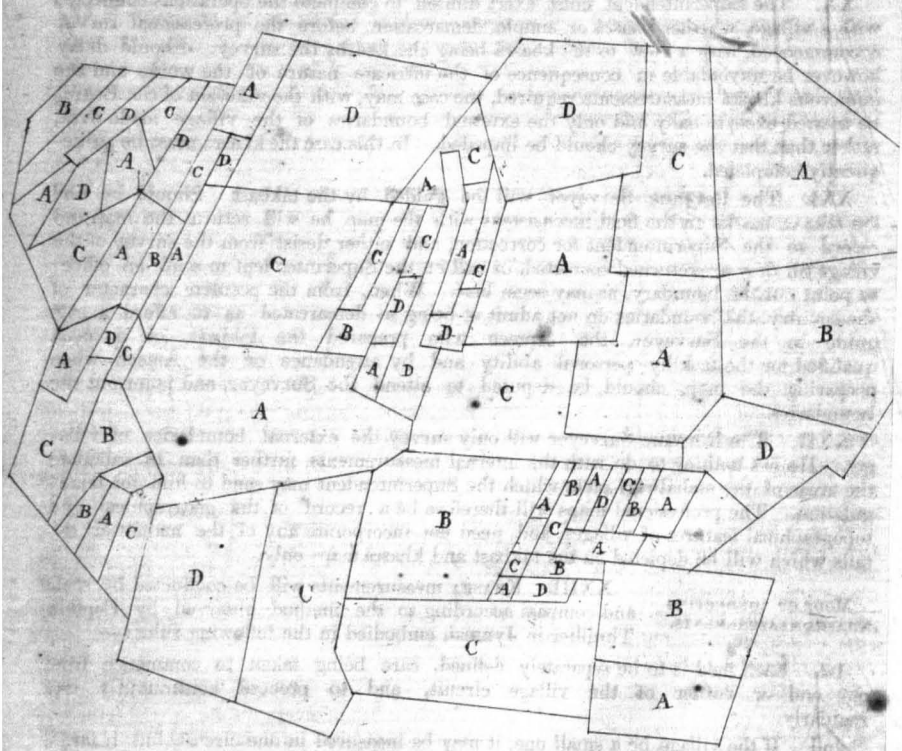
4*th.* Detached blocks of any of the foregoing descriptions.

XIII. Invalid jágírs granted under Section II. Regulation I. of 1804, are to be treated as independent estates. No hukmí tenures under 100 bighás, nor tenures released under orders of Government, 26th January, 1841, as being less by the register than 50 bighás, need be shewn.

Khasrá.

XIV. Khasrá measurement should not be resorted to unless it be unavoidable from the great interlacing of estates. Sometimes very small plots may admit of being laid down by scale and compass, while at other times recourse to khasrá may be expedient. It may also occasionally happen that a village needs to be only partially measured by khasrá, and in such cases to measure the whole by that process would be only a useless waste of time and money. The exercise of a sound discretion is required to determine in what cases measurement by scale and compass, and in what khasrá measurement would be the cheapest and most expeditious method of proceeding.

XV. The following sketch affords an exemplification of a case in which khasrá may be partially employed. Suppose the lands comprised in it to belong to four different estates A. B. C. and D. The boundaries of the larger blocks will admit of measurement by scale and compass, but in the more interlaced parts it will be seen that khasrá cannot well be avoided.



XVI. Should there be in any village not subjected to khasrá a few holdings too minute to admit of correct representation on the scale used for the demarcation, their position may be marked on the maps by dots and numbers, thus:—

1 2

3 4

an enlarged plan of them being given either on the side of the village map, or on a separate sheet attached thereto.

Boundary marks.

XVII. Any permanent landmarks, such as tanks, nullahs, topes, temples, &c., existing within or near the boundary, should be introduced into the map with correct bearing and distance; where such are wanting, as many artificial marks should be erected as may suffice to ensure the correct tracing of the boundary. In general, boundary marks should be small mounds

of earth of about 3 feet in height, but where two or more boundaries meet, the mound should be larger.

XVIII. Where a belt of jungal is found to intervene, the boundary should be laid down by placing marks through the jungal, if that operation be practicable, otherwise the jungal may be left to be surveyed as a separate block by the Professional Officer. The expense, if any is incurred, of cutting jungal and erecting boundary marks will be charged in contingent bills.

XIX. When the boundary marks of a village have been erected, the Deputy Collector or the Peshkar should call on the Zemindars of conterminous estates already demarcated, for a *supúrdnámah* agreeing, under penalty of fine, to be answerable for the preservation of the marks till the professional survey comes up. The agreement should contain a clause rendering the property liable to fine for non-fulfilment of the engagement. Parties refusing to sign the agreement may be proceeded against and fined for obstructing the survey.

XX. The Superintendent must exert himself to complete the operations connected with a village, whether khasrá or simple demarcation, before the professional survey is commenced, with a view to the khasrá being checked by the survey. Should delay however be unvoidable in consequence of the intricate nature of the work, and the numerous khasrá measurements required, the case may, with the sanction of the Board, be treated exceptionally and only the external boundaries of the village made over, rather than that the survey should be impeded. In this case the khasrá must be subsequently completed.

XXI. The Revenue Surveyor will be guided by the tákbast. Should he find the táks or marks on the field inconsistent with the map, he will return the map and record to the Superintendent for correction, and either desist from the survey of the village till they are returned corrected, or call on the Superintendent to send an officer to point out the boundary, as may seem best. When, from the peculiar character of the country, the boundaries do not admit of being so demarcated as to afford a safe guide to the Surveyor, the Ameen who prepared the tákbast, or a peon qualified for the task by personal ability and by attendance on the Ameen when preparing the map, should be deputed to attend the Surveyor, and point out the boundaries.

XXII. The Revenue Surveyor will only survey the external boundaries of villages. He has nothing to do with the internal measurements, further than to calculate the areas of the mahálwárí plots which the Superintendent may send to him for triangulation. The professional maps will therefore be a record of the geographical and topographical features of villages, and need not incorporate any of the mahálwárí details which will be depicted on the tákbast and khasrá maps only.

MODE OF CONDUCTING KHASRA MEASUREMENTS.

XXIII. KHASRA measurements will be conducted by scale and compass according to the method observed by Captain Thuillier in Jynteah embodied in the following rules:—

1st. Each field is to be separately defined, care being taken to commence from one end or corner of the village circuit, and to proceed continuously and regularly.

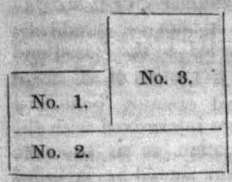
2nd. If the village be a small one, it may be measured in one circuit, but if large, it must be divided into three or four circuits, each containing on an average from 150 to 200 acres.

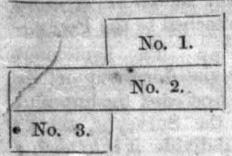
3rd. The *exterior* fields of each of these circuits are first to be measured and laid down by means of a Bengalí surveying compass. For each field two bearings are taken, one for the length, and the other for the breadth, with occasionally, here and there, for large fields, a diagonal bearing in addition, as a better connecting link, and to ensure greater accuracy in the mapping.

4th. Each field extending round the boundary being thus obtained, the circuit will be made to close within a trifling error, and the positions of all such fields, it will be evident, derive a very considerable degree of accuracy, as may be seen from the specimen in the Appendix (No. 1).

5th. On the satisfactory closing of the circuit all the fields in the interior of it are taken up in the usual way by the *chain only*, without the aid of the compass, and being kept or compressed within these defined limits, the several fields fall into their proper places, and all excess measurements or the contrary are immediately proved.

6th. To secure the proper falling in of every field into its proper place, so that a map may be made *at any time or by any person* from the khasrá record, every separate measurement must be recorded as lying to the north, south, east, or west of the preceding one, and as *starting from a certain point*. Thus, suppose it is recorded in the khasrá that field No. 2 starts from the south-west corner of No. 1, and No. 3 from the north-east corner of No. 2, the mention of the *corner starting point* will enable any person to plot the fields correctly.





7th. According to the old system, taking the measurements of two fields from the khasrá, and without the map as a guide, the position of the fields might be inverted as shewn in the diagram, and thus the whole of the fields would fall into confusion, and defy reduction to paper without going again to the locality.

8th. The bearings as taken with the compass, can be plotted by means of the paper protractor in the vernacular. In the first instance, the circuit and the interior measurements should be plotted separately, as shewn in Appendix No. 1 and after all the errors and discrepancies are corrected, the whole may be put together, colored, and finished as in the fair specimen Appendix No. 2. Each circuit appertaining to the village being completed in a similar way, the contour of the whole may be compared with the professional map.

9th. The mode of registering these measurements is fully shewn in the extract from the khasrá chitá, given in the Appendix (No. 3). A pattern tákbast plan is also annexed as well as a pattern khasrá plan (Nos. 4 and 5). These should be attentively studied by the Ameens, who should be required to make a copy for their own use.

XXIV. It is to be borne in mind, however, that a *field* khasrá is not necessary for any purpose connected with the Revenue Survey of Bengal. When property is so interlaced that contiguous fields are held under different estates, the khasrá must necessarily be a field khasrá; but when several contiguous fields belong to one estate, there is no reason why, if such a method be deemed convenient, they should not be measured and mapped as one block, and in such cases it would not be necessary to follow strictly the plan of measuring each field in three places, and taking the mean for length and breadth. If deemed more convenient, the contents of fields, or of blocks containing several fields, might be found by trigonometry and off-sets.

XXV. The Superintendent should himself occasionally test the accuracy of the khasrá measurements, not with reference to correctness of area only, but also, and more especially, with reference to the correct allotment of the lands to the several estates under which they are held. It must be constantly borne in mind that on the accuracy of the khasrá measurement, the successful application of Act IX. of 1847 entirely depends. The co-operation of the parties interested in the measurement should be sought by a conciliatory demeanour, and if practicable, they should be induced to make themselves acquainted with the contents of the tákbast and khasrá plans, and to prepare counterparts of the Ameen's sketches as they proceed, for which purpose every opportunity consistent with the due progress of the work should be afforded them. The parties should be called upon to sign the tákbasts and khasrás in which they are interested, or to state their objections in writing. The survey officers have full power to compel the attendance of the zemindars or their agents, and if any objections which they may urge, are patiently heard and answered, it is not likely that they will be persisted in. If otherwise, the Deputy Collector must record the recusancy of the party on the face of the chitá, and the grounds or no grounds which may have been alleged for it.

XXVI. Two copies of each khasrá and mahálwárí map should be made, one for the use of the Surveyor, and the other on English paper to be forwarded to the Board of Revenue. The original, when no longer required by the Superintendent, is to be deposited in the Collector's office, unless it should be in too dilapidated a state for lasting record, in which case a copy should be made for the Collector, the original being destroyed. Of villages merely demarcated, and not subjected to khasrá or mahálwárí measurement, one copy of the tákbast map is to be made for the use of the Surveyor, the original, if in a sufficiently sound condition, being deposited in the Collector's office. It is not necessary for

MAPS.

copying maps that the lithographed paper mentioned in Rule VIII. above should be used, but plain paper will answer the purpose. The stambha-shumárís, or lists exhibiting the position of the different land marks made use of in khasrá measurements, need not accompany the maps which are required to be forwarded to the Board and Collectors. Collectors will be held reponsible for the careful preservation of all maps and records made over to them relating to the surveys.

Intermixture of Pergunnahs.

XXVII. When the villages of conterminous Pergunnahs are intermixed with the villages of a Pergunnah under demarcation, so as to come within the circuit of that Pergunnah, they should be included in that Pergunnah, but recorded as attached to the Pergunnah to which they have hitherto been considered to belong.

Alluvion and diluvion.

XXVIII. Should new land have formed, or old land diluviated subsequent to demarcation but prior to survey, in the first case, the Superintendent on receipt of information from the Surveyor, should send an Ameen to demarcate the newly formed land, and subdivide it into such a number of maps as may be necessary with reference to the rights possessed by the Zemindars of the neighbouring villages, under the provisions of Section IV. Regulation I. of 1825. In the second case, the Superintendent should shew the change of boundary in the tákbast map, and add a note of the extent of the diluvion. In tracts on the banks of changing rivers the demarcation should be made as soon as the waters have receded, and the Survey should follow as soon as possible thereafter.

Government Estates.

XXIX. In the demarcation of Government Estates, whether held khás or let in farm, the Superintendent or other Officer of Government immediately concerned must be careful to watch over the interests of Government, at the time when the demarcation is going on, and if, from neglect to do this, the Government interests suffer, the Officer to whose neglect the loss is attributable will be held responsible.

Station Lands.

XXX. Station lands must be surveyed and mapped. In Districts already surveyed the Collector should cause a survey to be made of the station lands with a view to preventing nuisances caused by the erection of huts and bazars in the vicinity of public offices.

District boundaries.

XXXI. In order to obviate the difficulties and delays caused by the assumption of discrepant boundaries for adjoining Districts by different survey parties, the Superintendents and Surveyors of the two Districts should, in communication with each other, come to an agreement respecting the boundary to be followed, and particular care should thenceforward be taken that the Officers on either side do not transgress those limits in demarcating the villages of their respective Districts. In the event of a District coming under survey after the completion of the survey of the adjoining District, the Superintendent must respect the boundary of the District first surveyed, unless it should be inconsistent with the topographical features of the country, in which case he should report for orders.

XXXII. Integral Estates which may be found situated in another District from that in which they are recorded, are to be reported by the Superintendent for transfer to the District in which they are geographically situated, and mapped accordingly. If the transfer is to a District in the same Division, the report should be to the Commissioner of the Division, who will forward the same to the Board with his opinion. If to a District in another Division, the report should be to the Commissioner *from* whose Division the transfer is proposed to be made, who will forward it, with his opinion to the Commissioner, of the other Division, who in his turn will submit it with his own views on the proposition, for the orders of the Board and Government. But when portions of an Estate are geographically situated in two Districts, the whole Estate must continue attached to the Zillah in which it is recorded, the detached portions being distinguished in the map.

XXXIII. Each Superintendent should take up all villages situated within the general boundary of his own Division, and after demarcation, he should transfer the names and areas of the lands fiscally subject to a different Collectorate, to the Superintendent of the Division containing that Collectorate for incorporation in his Registers.

XXXIV. Should any patches of land be met with on the boundary of a District under survey, which properly belong to an adjoining District that has already been surveyed, they should be shaded in the maps of a different color, and when the gross

area of the District in which they have been surveyed comes to be calculated, the areas should be deducted from it, and added to that of the District to which they have been ascertained to belong.

XXXV. The final determination of the boundaries of Districts must be left in abeyance till the survey of the conterminous Districts. Permanent land-marks should be erected where necessary in frontier Districts.

BOUNDARY DISPUTES.

XXXVI. BOUNDARY DISPUTES must be settled under Regulation VII. of 1822, and Deputy Collectors must be invested with powers under the Regulation for the purpose.

XXXVII. As a general rule, no boundary disputes should be admitted after the Ameen has left the field on completion of the demarcation of a village, except in special cases where the Superintendent may be of opinion that manifest hardship or injustice will result from the rigid observance of the rule.

XXXVIII. In every case of dispute an attempt should be made in the first instance to induce the parties to arrange the dispute between themselves. When the dispute does not regard boundaries, but possession only, it is not necessary to go into the case at all, but a note may be made of the existence of a dispute regarding the proprietorship between such and such parties. When, however, the decision of the boundary depends on the decision of the question of possession, the latter point must be determined.

XXXIX. Whenever an Ameen meets with a disputed boundary, he should immediately send notice thereof to the Peshkar, mentioning the names of the contending parties, and the quantity of land claimed by each, together with a rough plan of the land in dispute, on receipt of which the Peshkar should proceed to the spot, and call on the Zemindars to settle the dispute in the course of three days. If they neglect to do so, the Peshkar should forward all the papers to the Deputy Collector, who should then proceed to the spot, ascertain more particularly the nature of the dispute, issue a second notice of three days for the production of proofs, and enter upon an inquiry as to possession. When the area in dispute does not exceed 50 Bighás, it shall not be incumbent on the Deputy Collector to visit the spot, but he may depute an Ameen to prepare a map and memo.; which the Peshkar, after personal inspection of the matter in dispute, should transmit, with his report and opinion, for the Deputy Collector's decision, intimating at the same time the purport of the report to the parties, and desiring them, if they wished to plead their case before the Deputy Collector, to attend that Officer within fifteen days from the time of the transmission of the report. A receipted notice to this effect signed by the parties or their Agents is to be sent with the report.

XL. If it should appear that either party has held undisturbed possession of the land in dispute for a whole year, the boundary should be laid down according to actual possession.

XLI. If a suit be pending before the Special Commissioner or the Civil Court for the recovery of the disputed land, the boundary should be laid down according to actual possession, and the disputed tract measured and marked by dotted lines in the village plan.

XLII. If the Magistrate should have awarded possession of any disputed land to one village, the boundary marks should be erected according to the possession so given. Should an appeal be pending, the decision should still be followed, but the disputed lands should be measured and marked on the map with dotted lines on the same scale as the rest of the map. In cases in which the lands in dispute have been placed under attachment by the Magistrate under Sec. 319, Act XXV. of 1861, but in which the parties concerned have neglected to file suits in the Civil Court to determine the point of right, the Officers of the Survey should, when the question of possession cannot be determined, decide that of right under Clause 1, Section XXXIV., Regulation VII. of 1822.

XLIII. When it is clear that a party, A, has possession, notwithstanding a decree in favor of another party B, whether from a Civil or Criminal Court, the proper course is not to interfere with A's possession. But if A's possession is not clear, and the fact cannot be ascertained without holding an inquiry, in such case no inquiry need be held, but the decree of the Court should be the guide.

XLIV. If no dispute is pending in any Court, and neither party has clear possession, and no previous decision by competent authority on the point can be found, so as to

admit of demarcation being made without previous adjudication, the parties should be allowed the option of settling the dispute by private arbitration. Should this course be adopted, an agreement to this effect should be taken, and the dispute referred to the arbitrators. On a decision being given, the particulars of the adjustment are to be recorded, and the boundary marks laid down accordingly, a supúrdnámah being taken from the parties concerned for the preservation of the boundary so adjusted. Should the parties decline settlement by arbitration, the case must be disposed of under Section XXXIV. Regulation VII. of 1822.

XLV. Disputes regarding the boundaries of Government Estates must be disposed of in the same way as disputes between private parties, and the Deputy Collector must watch over the interests of Government while the demarcation is in progress.

XLVI. Disputes regarding lands included in khasrá measurement should be dealt with in the same manner as any other boundary dispute.

XLVII. Costs may be levied from parties in boundary-dispute cases comprising such items as the following :—

1*st*. Pay of Ameen for number of days delayed by the dispute in marking off and mapping the disputed land.

2*nd*. Witnesses' subsistence.

3*rd*. Stamp expenses for power of attorney.

4*th*. Remuneration to attornies employed in the case.

The last item is to be calculated on the following scale and recovered from the unsuccessful party, and must not be understood to affect any private arrangement respecting fees which may exist between the attorney and his client. In compromised cases no remuneration need be recovered, except when the compromise has been effected after the employment of the Ameen under official sanction, in which cases it should be levied from the parties in equal proportions.

When the disputed area does not exceed 50 bíghás, 3 rupees.

When it is above 50 bíghás and not exceeding 100 bíghás, 5 rupees.

Above 100 bíghás and not exceeding 500 bíghás ; on 100 bíghás as before, and for every 100 bíghás thereafter, 1-8-0.

Above 500 bíghás and not exceeding 1,000 bíghás ; on 500 bighás as before, and for every 100 bighás thereafter, 1 rupee.

Above 1,000 bíghás; on 1,000 bíghás as before, and for every 100 bíghás thereafter, 8 annas.

XLVIII. All pleadings in boundary cases may be on plain paper, and the processes are to be issued at the expense of Government; but all appeals in Survey cases whether to the Commissioner or the Superintendent must be on stamped paper.

XLIX. The power of imposing fines should be exercised with great forbearance, and never without satisfactory proof of the necessity of the imposition. A fine imposed should be reported to the Commissioner, if possible, on the same day, in the annexed form, care being taken to specify in column 4 the object of the call, which must be such as is warranted by the law given in the next column under which the call is made.

FINES.

L. The order imposing a fine should specify a date from which the fine will be leviable, allowing sufficient time for the order to reach the party, and for him to comply with the demand made on him.

LI. As fines are payable daily until compliance with the requisition, measures should always be taken for levying them daily by recourse, if necessary, to the attachment and sale of the personal property, and arrest of the person of the defaulter, (these being processes for the recovery of arrears of Revenue), in place of allowing the daily fine to accumulate.

LII. The Superintendent should submit to the Commissioner a quarterly statement of fines realized, in the form prescribed in the Periodical Returns Series.

LIII. Fees for service of process cannot be levied when a Zemindar is called on to attend to furnish papers, to point out boundaries, or for other such survey purposes. The only remedy, if he fail to attend after the first regular notice served on him, is a daily fine under Act XX. of 1848. It is to be borne in mind, however, that mere

notice of imposition of a fine is not a process under Section XIII. Regulation II. of 1819, and fees are not chargeable for it. For levying fines, the process is laid down in Section III. Regulation XIV. of 1793. That law has never been repealed, and although in the case of arrears of land-revenue due from proprietors, the necessity of the process has been superseded by later enactments, it may with great propriety be had recourse to for the realization of other demands recoverable as land-revenue. Should the process referred to fail of its object, and other coercive measures be necessary, the proper course in the case of landed proprietors is a notification of sale under Act XI. of 1859.

APPEALS.

LIV. As head of the professional party, the Revenue Surveyor is vested with the powers of a Deputy Collector under Regulation IX. of 1833, and his orders in that capacity are appealable to the Superintendent of Survey.

LV. The only appeal in boundary disputes on questions of right is to the Civil Court: but in regard to the mode in which the inquiry has been conducted, and other points not involving questions of right, an appeal from the Deputy Collector's order lies to the Superintendent, and from that of the latter to the Commissioner of Revenue.

LVI. In disposing of objections urged against the decision of a Deputy Collector, the mode of inquiry and general nature of the decision are the point *ordinarily* to be inquired into. If the investigation is found to be in accordance with the rules and regulations issued on the subject, the parties are to be referred to the Civil Court for an appeal against the decision itself. For instance, if all parties have had due notice of the existence of the dispute, and the decision of the Deputy Collector had not been given on the question of *right* in favor of one party when the *possession* of the other party has been clearly proved, an order should be recorded by the Superintendent to the effect that "it does not appear from the proceedings that the inquiry has been conducted contrary to the rules in force, or that the decision is in opposition to the provisions of Regulation VII. of 1822, in respect of possession, and consequently as no regular appeal lies to his Court, no order, can be passed on the case." But on the other hand, if it is *not* shewn that the parties have had due notice of the existence of the dispute, or if the decision *has* been given in favor of one party on the question of *right*, though the *possession* of the opposite party has been clearly proved, the Superintendent should return the case for revision or re-investigation. It is not, however, contemplated that appeals from the decisions of Deputy Collectors shall be *invariably* restricted to cases in which the mode of inquiry and the general nature of the decisions shall be found liable to objection. It has been ruled that the order of a Deputy Collector under Regulation IX. of 1833, may be modified or reversed by his covenant-superior, and from his decision, there lies an appeal to the Commissioner. It is at the discretion of the Superintendent to exercise his power of revision as sparingly as he sees fit, but he should not limit it by any fixed rule.

LVII. The period for appealing to the Superintendent from the decision of a Deputy Collector, or for the revision by the Superintendent, without appeal, of the decision of a Deputy Collector, is one month from the date of decision. Should the Superintendent be in another District at the time, but not otherwise, the petition of appeal may be presented to the Deputy Collector for transmission to the former officer, provided it is presented within the prescribed period. Petitions forwarded by post need not be attended to, unless the parties appear to prosecute the case.

LVIII. After the expiration of one month from the date of the Deputy Collector's decision, the Superintendent's power to receive an appeal, or to revise the decision without appeal, will cease.

LIX. In the event of an appeal to, or revision by the Superintendent within the limited period, an appeal will lie to the Commissioner from the decision of the Superintendent, if presented within 3 months from the date of the decision, under Clause 1, Section XXIX., Regulation VII. of 1822, and eventually to the Board, if presented within one month from the date of the order of the Commissioner appealed against; but if no appeal shall have been preferred to, or revision made by the Superintendent within the limited period, the only remedy left to the aggrieved party is the Civil Court. In executive cases appeal lies to the Board from the Superintendent's orders.

REGISTERS.

LX. REGISTERS embodying the results of the Survey must be prepared from the professional volumes and tákbasts by the Superintendent. These Registers are "of Villages" and "of Estates," and are to be

drawn up separately for each Pergunnah. The Registers will in the first instance be prepared in the vernacular of the District, and be afterwards translated into English.

LXI. In preparing the Registers, the arrangement of the English alphabet is to be followed. In anglicizing vernacular words, the table of representative sounds given in Rule XV. of the "Register Rules" is to be followed.

LXII. The name of the village or estate should invariably be the leading word, and not such adventitious distinctions as Chak, Taraf, Kismat, Árází, and the like, which should folllow, not precede, the name. The names whether in English or the vernacular, should be written in full, and all *et ceteras* eschewed. The entries to be numbered in sequence.

LXIII. The Vernacular and English Registers, as completed Pergunnah by Pergunnah, must be sent to the Collector's office with all the survey records. A copy of the English Register only is to be prepared in the Collector's office, for transmission to the Board. The transcription should be carefully and neatly done, and the Registers of each Pergunnah forwarded separately to the Board as soon as complete, unbound, but paged.

LXIV. The transcription may be charged for in bills to be submitted to the Board, at the rate of 1,000 words per Rupee. This rate being more liberal than the ordinary section rate, must be understood to include the ruling of lines and the comparing of the copy with the original.

VILLAGE REGISTER. LXV. The following is the form of the Village Register.

No. (in sequence.)	Village.	Estate.	No.	Area in acres.			Remarks.

LXVI. The numbers of the plans in the Surveyor's Pergunnah Volume in which the villages are to be found, should be entered in the column of remarks opposite to each village.

LXVII. Every village must be assigned to the estate to which it is attached in the Collector's lists. When two or more villages are entered in those lists as belonging to one estate, but have been subsequently settled separately, and thereby become distinct estates they should be entered according to the settlement.

LXVIII. When a village is entered in the lists as belonging to one estate, but on inquiry has been found to be in possession of the proprietors of more than one estate, the lands comprising it should be allotted to the various estates according to possession, as exemplified in the margin.

No. in sequence.	Village.	Estate.	No.	Area in acres.			REMARKS.
25	Ibrahimpoor.	Phaldoo.	97	38	3	21	The lands of this village are included in the circuit exhibited in plan No. 301, in the Surveyor's Pergunnah Volume. The lands appertaining to the four estates are intermixed and have been measured by khasrá. The area so obtained is inserted opposite to each. The total area of the village by professional measurement is 185a 1r 38p. In the office records, this village is said to belong wholly to the estate Phaldoo, No. 97, but from the deposition of the Patwáris, and the admission of the proprietors, it appears that the lands are really divided among the four estates, and the possession of the parties has accordingly regulated the entry in the Register.
		Durriapoor Pundopa.	34	41	1	12	
		Pundopa.	105	81	1	39	
		Hissa, Pundora.	160	21	0	8	

LXIX. When a village is found in the course of demarcation which is not entered in the lists, inquiry is to be made whether it belongs to any estate entered in the lists. If it does belong to an estate so entered, it is to be inserted in the Register with that estate, as shewn in the margin.

No. in sequence.	Village.	Estate	No.	Area in acres.			Remarks.
8	Anadpore.	Andho, Sooltanpoor.	82	133	2	8	The lands of this village are included in the circuit exhibited in plan No. 291, in the Surveyor's Pergunnah volume. It is not to be found in the Collector's lists, but the estate to which it belongs is entered in the lists.

LXX. If on the contrary it is considered proved that the village has never formed a part of any estate entered in the lists, it is to be inserted in the Register under a distinct number, as in the example given in the margin.

No. in sequence.	Village.	Estates.	No.	Area in acres.			Remarks.
14	Babul-Chuck.	Babul-Chuck.	109	80	3	26	The lands of this village are included in the circuit exhibited in plan No. 273, in the Surveyor's Pergunnah Volume. It is not to be found in the Collector's lists, for which reason a separate number is assigned to the village and estate.

LXXI. If any village entered in the lists is not found, it is to be entered separately at the end of the Register, with a statement of the inquiry made respecting it, and of the reasons for considering it non-existent or amalgamated with some other village.

LXXII. In the case of villages not included in the survey by reason of their having been transferred to another District, a list should be attached to the Register shewing their names, the names of the estates to which they belong, and the *kitábi rakba*, in order that every village entered in the lists may be satisfactorily accounted for.

LXXIII. When a village has been measured by *khasrá*, a note to that effect is to be entered in the column of Remarks, and the area obtained by khasrá measurement is to be shewn in the area column, as in the first example in the margin of Rule LXVIII.

LXXIV. Should any lands held in joint tenancy exist in the circuit subjected to khasrá measurement, the fact must be mentioned in the column of Remarks.

LXXV. When the khasrá measurement has been caused by partition, or on account of there being more than one estate in any single village, besides mention of the area of each estate in the area column, a note of the area of the entire village by professional measurement is to be given in the column of Remarks, as in the first example in the margin of Rule LXVIII.

LXXVI. When the lands of one or more villages are held in common by several estates, the full area of the village is to be assigned to each, with a specification in the column of Remarks of the share of the rents appertaining to it.

REGISTER OF ESTATES.

LXXVII. The REGISTER OF ESTATES is to be in the form of the Collector's Pergunnah Register. Revenue Form No. 68.

LXXVIII. When each village has been allotted to its estate, in the manner noted above, the estates are to be entered under separate numbers, the revenue-paying estates first, and then the rent-free with their total areas; and also in the case of revenue-paying estates, their assessment, the latter being attested by the Accountant of the Collector's office, after comparison with the towjih.

LXXIX. Where lands have been measured by khasrá, or are held in common, or are the property of Government, a note of the circumstance is to be made. Where the necessary details of waste and cultivation are at hand, all the three sub-divisions of column 4 will of course be filled in, but where they are wanting, it will suffice to enter the area in the last of them. Column 4 should be filled in by the Superintendent from information supplied by the Collector from his records; where such information does not exist in the records, as in the case of ízád estates it may be derived from the tákbast record or other available sources. Columns 2 and 6 may be left to be filled in by the Collector afterwards.

LXXX. If any estate entered in the lists has not been found, it should be entered separately at the end of the Register, with a statement of the inquiry made respecting it, and of the reasons for considering it non-existent.

LXXXI. When the estate is a resumed estate, or has been released from assessment by competent authority, a note of the date of resumption, or of release, as the case may be, and the authority by whom the orders have been passed, are to be given. A note of the nature of the settlement (whether in perpetuity or for a term of years) is also required, but if the settlement has not been completed, the columns headed "Proprietor" and "Government Revenue" may be left to be filled in afterwards by the Collector.

No. in sequence.	Estate.	No. in General Register.	Proprietors.	Villages and Kismats.	Area by Survey.				Gross rental.	Government Revenue.	Remarks.
					Cultivation.	Waste.	Total.				
28	Sooltanpore, *alias* Andhoo,		Muddun Sing.	Sooltanpore, Andho.	193 0 11	0 0 0	193 0 11			0 0 0	About one-half of the village of Amadpore is jungal. The rest of the estate is in full cultivation. A detail of the circumstances of each village will be found in the professional plan.
				Bazabegha, oorf Amadpore.	166 0 10	0 0 0	166 0 10			161 1 1	The village of Amadpore is not entered in any list, but it appeared on inquiry that it appertained to estate Sooltanpore, *alias* Andhoo, and has been so entered in consequence. A copy of the proceeding dated 17th November, 1854, has been forwarded to the Collector in order that he may take measures to protect the interests of Government if he differs in opinion.
				Amadpore.	66 3 4	66 3 4	133 2 8			0 0 0	

LXXXII. If after inquiry regarding any village of the nature indicated in para. 69, an opinion is recorded that it belongs to any particular estate, a copy of the Superintendent's proceeding is to be forwarded to the Collector, in order that the latter may take such measures as may be necessary for the protection of the interests of Government, in the event of his differing in opinion from the Superintendent. The entry in the Register in such a case will be to the effect noted on the margin.

LXXXIII. In like manner, should the Superintendent consider the village not to belong to any estate, and accordingly enter it as a separate estate, a copy of his proceeding is to be forwarded to the Collector, to enable him to place the case on his file for trial under Regulation II. of 1819. The entry in the Register in such a case is exemplified on the margin of the next page.

LXXXIV. The Register is intended to represent the state of property as it stood at the time of Survey. Should any changes however have occurred from settlements, partitions and the like, between the Survey and the compilation of the Registers, such changes may be noted by the Superintendent in the column of Remarks.

LXXXV. Rent-free estates will be shewn as distinct estates in the Register, attached to the village to which they appertain, in the same manner as revenue-paying estates.

LXXXVI. When an estate is comprised of villages in more than one District, all the villages should be entered in the Register of the District to which the estate itself belongs, with a remark mentioning the Pergunnahs and Zillahs in which the other villages are situated, but each village will appear in its proper place in the "Register of Villages" of its own Pergunnah and the column of Remarks will shew the Pergunnah and Zillah to which the estate belongs.

LXXXVII. Estates comprising villages in different Pergunnahs of a District should be registered only in the "Register of Estates" of that Pergunnah to which the first village in the Collector's list belongs, with

No. in sequence.	Estate.	No. in General Register.	Proprietors.	Villages and Kisumts.	Area by Survey. Cultivation.	Area by Survey. Waste.	Area by Survey. Total.	Gross rental.	Government Revenue.	REMARKS.
601	Babul chuck.			Babul chuck.	80 3 26	.....	80 3 26	...	0 0 0	The lands of this village are in full cultivation. It is not entered in any list, and appears from the inquiries instituted to be unattached to any estate. A proceeding dated 13th September, 1855, has been forwarded to the Collector to enable him to bring the case on his file for trial under Regulation II. of 1819.

proper explanatory remarks. The villages will appear in their proper places in the Registers of Villages of the Pergunnahs in which they are situated, with the necessary explanations.

LXXXVIII. Should it happen that an estate after having been demarcated and surveyed in one District has been transferred to another before the preparation of the Registers, the survey must be allowed to stand, and the estate, quoad the survey be regarded as part of the District in which it was surveyed, the transfer being noted in the Register in the same manner as other changes.

Returns.

LXXXIX. The following quarterly Returns are to be made by Superintendents of Survey to the Board in the forms hereto appended.

No. 1.—Statement of work performed in the office of the Superintendent of Surveys.

No. 2.—Statement shewing the condition of the demarcation operations.

No. 3.—Statement shewing condition of Registers.

XC. In addition to the above quarterly returns, an Annual Report is to be submitted, accompanied by similar returns for the year, and a fourth return of expenses incurred during the year in the form No. 4, appended.

XCI. Collectors will forward to the Board, through the Commissioner, quarterly statements, in the annexed form, of settlements confirmed since the completion of the Survey Registers, in order that the blanks left in the copy of the Registers already forwarded to the Board may be filled in.

XCII. In the course of their annual tours through their Divisions, Commissioners are expected when they reach a District in which Survey operations are going on, to visit the Superintendent's office and camp, and to satisfy themselves by actual observation, and by inspection of the maps and records, that the rules enjoined are properly observed.

Statistics.

XCIII. The Ameens should collect as much statistical information as their opportunities may allow. This information should be recorded on the tákbast map for the use of the Surveyor, to enable him to draw up his general statistical report on the completion of each District. It should embrace particulars respecting the harvests, the proportion of cultivated and uncultivated lands in a village, &c. The form given in the Appendix indicates in some detail the nature of the information to be collected.

XCIV. It is not essential to the purposes of the Survey that any inquiry should be instituted regarding the *produce* of estates but some general remarks are expected, shewing the condition of the estate or village, as respects the extent and character of the cultivation. It is not necessary to take depositions, but a general notion may be formed of the circumstances of each estate by personal observation in the course of demarcation.

APPENDIX A.

Wajib-ul-arz or Statement of interior detail of Mouzah Kismat Putty Kappa, Pergunnah Arsha, Zillah Hooghly; and of Mouzah Strotreebatee, Pergunnah Haveleeshuhr, Zillah Twenty-four Pergunnahs.

Number of Tákbast	Name of Village.	Name of Pergunnah and District.	Number and name of Estate.	Name of Registered Proprietor and of present Holder.	Numbers of Chaks.	DETACHED LANDS TRANSFERRED.		
						Name of Village and Pergunnah, and No. of Tákbast.	Number and name of Estate.	Numbers of Chaks.
58 ...	Kismat Putty Kappa.	Pergunnah Arsha, Zillah Hooghly.	No. 468, Turuf Shamnugger, Zillah Nuddea.	Poolinbaharee Sein, residing at Tengooah Kundee. *Patnidars.*—Sudaseeb Sirkar, residing at Kisnaghur. Bistochunder Sirkar, residing at Kisnaghur.	No. 15, and remainder of village.	No. 42, Nundunbatee Pergunnah Haveleeshuhr, Zillah 24 Pergunnahs.	No. 493, Kismut Haveleeshuhr, Zillah 24 Pergunnahs.	4 Chucks, Nos. 7, 9, 11 and 12.
	Ditto.	Ditto.	No. 663, Kismut Putty Kappa, Zillah Hooghly, and Haveleeshuhr, Zillah 24 Pergunnahs.	Gourhurry Mookopadea, residing at Koomarhatta. Juggutchunder Mookopadea, residing at Koomarhatta. *Occupant.*—Jadubchunder Mookopadea, residing at Koomarhatta.	5 Chucks, Nos. 1, 2, 3, 4 and 8.	No. 58, Putty Kappa Pergunnah Arsha, Zillah Hooghly.	No. 875, Kismut Arsha, Zillah Hooghly.	1 Chuck, No. 13
105 ...	Strotreebatee.	Pergunnah Haveleeshuhr, Zillah 24 Pergunnahs.	No. 527, Strotreebatee.	Teluckram Mookopadea, residing at Koomarhatta. *Occupant.*—Isserchunder Mookopadea, residing at Koomarhatta.	3 Chucks, Nos. 5, 6 and 10.	No. 54, Joykishenpore, Pergunnah Haveleeshuhr, Zillah 24 Pergunnahs.	No. 432, Kismut Joykishenpore.	1 Chuck, No. 14.

(Signed) C. D.,
Deputy Collector.

Examined in Superintendent's Office.

(Signed) A. B.,
Superintendent of Survey.

APPENDIX B.

Statement of Fines imposed by the Superintendent of Survey of the *Division under Section I. Act XX. of* 1848.

1	2	3	4	5	6	7	8	9	10
Division.	District.	Name of Estate and Pergunnah.	Names of Zemindárs.	Object of call.	Regulation under which call was made.	Amount of daily fine.	Date of orders imposing the fine.	Date from which the fine is payable.	REMARKS.

FIELD BOOK OF INTERIOR DETAIL.

No. of Chuck.	No. of Station.	Bearings.	Distances: Bighás.	Distances: Katthás.	Distances: Chittaks.	Remarks.
1	8					Estate, No. 663.
	85½	106	0	13	0	Commenced boundary Tham, No. 8.
	86	11	3	5	8	
	84	20½	6	7	0	Closed ditto ditto, No. 84
2	77					Estate, No. 663.
	77½	300°	1	1	8	Commenced Tham, No. 77.
	87	199	4	7	4	Closed ditto „ 76.
	88	100	0	18	0	
	89	17	1	10	12	
	76	27	2	1	0	
3	17					Estate, No. 663.
	90	93°	0	14	8	Commenced Tham, No. 17.
	91	93	1	14	4	Closed ditto „ 90.
	92	6	2	1	0	
	93	271	1	5	4	
	94	359	1	2	8	
	95	274½	1	4	0	
	96	185	1	3	0	
	97	98	0	13	0	
	90	181	2	3	0	
4	36					Estate, No. 663.
	98	280°	1	7	0	Commenced Tham, No. 36.
	99	280	0	10	8	Closed ditto „ 98.
	100	209	2	4	8	
	101	108	0	19	0	
	98	17½	2	5	8	
5	89					Estate, No. 527.
	89½	27°	1	4	0	Commenced Tham, No. 89.
	102	104	1	3	8	Closed ditto „ 75.
	75	11	0	15	8	
6	44					Estate, No. 527.
	103	203°	1	11	8	Commenced Tham, No. 44.
	104	284	0	17	0	Closed ditto „ 103.
	105	192	1	2	8	
	106	97½	0	17	0	
	103	14½	1	1	4	
7	100					Outlying land belonging to Village Nundunbatee No. 42, Tákbast, Pergunnah Havileshur, Muhal No. 1193.
	107	221½°	2	1	0	
	108	285½	0	14	8	
	109	203	1	14	0	
	110	106	0	17	12	
	107	17½	1	13	12	Commenced Tham No. 100. Closed ditto ditto 107. Connected Tham No. 110 with Tham No. 33, bearing 114° distance 2 b. 4 c. 4 c.
8	102					Estate, No. 663.
	111	114½°	1	15	4	Commenced Tham, No. 102.
	112	17	1	11	0	Closed ditto „ 74.
	74	289	1	13	8	
9	44					Outlying land belonging to Village Nundunbatee, No. 42, Tákbast Pergunnah, Haveleshur Muhal No. 1193.
	113	167°	0	16	0	
	114	205	0	14	0	
	115	105	0	18	0	
	116	24½	0	12	8	
	117	289	0	18	4	Commenced Tham No. 44. Closed ditto „ 117.
10	68					Estate, No. 527.
	117	97½°	1	0	8	Commenced Tham, No. 68.
	63	12½	1	11	4	Closed ditto „ 63.
11	81					Outlying land belonging to Village Nundunbatee No. 42, Tákbast, Pergunnah Haveleshur, Estate No. 1193.
	118	180°	1	14	8	
	119	286	0	16	0	Commenced Tham, No. 81.
	120	195	1	16	0	Closed ditto „ 118.
	121	118	0	4	8	
	122	189	1	3	12	
	123	117½	0	5	4	
	124	179	1	2	0	Connected Tham, No. 126. with Tham No. 87, bearing 94°, distance 1 b. 15 c. 12 c.
	125	99	0	11	0	
	126	5½	1	15	0	
	127	274	0	[illegible]	8	
	118	14	2	8	4	
12	106					Outlying land belonging to Village Nundenbatee No. 42, Tákbast, Pergunnah Haveleshur, Estate No. 1193.
	128	143½°	0	14	8	
	129	218	1	17	8	
	130	289	0	14	12	Commenced Tham No. 106.
	131	6	1	0	8	Closed ditto „ 128.
	132	278	0	7	12	
	133	5	0	18	4	
	134	278	0	13	8	
	135	345	0	11	8	Connected Tham No. 144 with Tham No. 28, bearing 116½° distance 1 b. 9 c. o c.
	136	283½	1	6	4	
	137	216½	0	17	0	
	138	107	1	10	0	
	139	198	2	6	8	
	140	110	1	4	8	
	141	201	4	19	0	
	142	117½	0	10	8	
	143	184	1	14	8	
	144	6½	1	14	0	
	145	19	1	7	8	
	146	379	1	10	0	
	147	25	2	15	8	
	148	108½	0	11	8	
	149	24	3	3	8	
	150	124½	1	2	0	
	151	22	0	15	0	
	128	323½	1	7	12	
13	95					Outlying land belonging to Village Putty Kappa, Pergunnah Arsah, District Hooghly, Tákbast of Pergunnah Havilahur. Estate No. 58.
	152	330°	1	14	0	
	153	315	0	17	0	
	154	205	0	16	8	
	155	138½	0	18	8	Commenced Estate, No. 95.
	152	24	0	16	8	Closed ditto „ 152.
14	15					Outlying land belonging to Village Joykisenpore, No. 54, Tákbast, Pergunnah Haveleshur, Estate No. 432.
	156	19½	4	2	4	Commenced Tham, No. 15.
						Closed ditto „ 13.
	13	275	1	10	0	Connected Tham, No. 156. with Tham, No. 153. bearing 123, distance 3 b. 2 c. 8 c.
15	140					Estate, No. 468.
	157	100°	0	9	3	Commenced Tham, No. 140.
	158	201	0	13	4	
	159	121	0	14	8	Closed ditto ditto 157,
	160	194	0	7	3	Connected Tham, No. 162, with Tham No. 129, bearing 15° distance o b. 6 c. o c.
	161	99	0	5	8	
	162	15	1	1	0	
	157	281	0	19	0	

FIELD BOOK OF BOUNDARY.

No. of Station.	Bearings.	Distances: Beegahs.	Distances: Cottahs.	Distances: Chittacks.
1	205	1	12	0
2	292	0	13	0
3	201	2	2	0
4	285	0	4	0
5	198	1	3	0
6	110	0	16	0
7	186	6	19	0
8	106	1	16	0
9	167	3	2	0
10	102	2	2	0
11	180	1	3	0
12	107	2	1	0
13	192	3	15	0
14	125	1	2	0
15	120	2	15	0
16	120	3	4	0
17	221	1	0	0
18	110	1	7	0
19	194	0	11	0
20	196	2	13	0
21	104	1	2	0
22	194	1	4	0
23	106	0	15	0
24	80	1	12	0
25	24	3	3	0
26	307	1	5	0
27	20	4	14	0
28	109	1	8	0
29	22	2	14	0
30	116	2	2	0
31	63	0	8	0
32	15	4	5	0
33	28	1	12	0
34	20	4	11	0
35	303	0	13	0
36	29	1	12	0
37	297	3	7	0
38	231	0	6	0
39	296	1	10	0
40	292	0	12	0
41	205	0	8	0
42	199	0	6	8
43	206	1	7	0
44	292	1	4	0
45	16	0	7	0
46	298	0	11	0
47	313	0	3	0
48	23	0	8	0
49	31	0	10	0
50	351	0	3	0
51	293	0	9	0
52	272	0	13	0
53	26	1	18	0
54	112	0	14	0
55	26	0	13	0
56	107	0	8	0
57	24	0	11	0
58	16	0	11	0
59	300	0	11	0
60	17	0	13	0
61	298	1	4	0
62	283	0	16	0
63	353	0	6	0
64	290	0	16	0
65	209	0	9	0
66	196	0	18	0
67	192	0	13	0
68	196	0	8	0
69	195	0	8	0
70	186	0	6	0
71	221	0	9	0
72	221	0	9	0
73	202	0	11	0
74	214	0	11	0
75	290	1	1	0
76	20	0	5	0
77	300	3	8	0
78	5	0	3	0
79	292	0	15	0
80	204	1	11	0
81	294	2	12	0
82	22	0	5	0
83	301	2	2	0
84	27	1	18	0
85	291	1	15	0

Zemindar's Signature (Signed) Banemadhub Koond, (Signed) A. B.,
Wherever convenient on the map. Ameen, Supt. of Survey.

FORM No. 1.

Work performed in the Bengal Survey Superintendencies for the quarter ending 18 .

1. Division.	2. Districts in which operations are in progress.	3. Names of Officers.	4. Number of Villages demarcated as shown in Statement No. 2, column 5.	5. Number of completed Tákbasts made over to the Revenue Surveyor.	6. Boundary disputes.			7. Izád and Adam-un-nishan cases.			8. Duplicates of Maps.			9. Miscellaneous cases not embraced in foregoing columns.			10. Appeals from decisions of Deputy Collectors.		
					On the file during the year.	Disposed of.	Pending.	On the file during the year.	Disposed of.	Pending.	On the file during the year.	Disposed of.	Pending.	On the file during the year.	Disposed of.	Pending.	On the file during the year.	Disposed of.	Pending.

FORM No. 2.

Condition of the demarcation operations including Khasrá in the Bengal Survey Superintendencies for the quarter ending 18 .

1. Division.	2. Incomplete Villages remaining from last season.	3. Villages taken up this year.	4. Total in hand during the year.	5. Completed externally and internally during the year.				6. Remaining in hand to be completed next year.	7. Remarks.
				By khasrá.	By internal plotting.	By external demarcation.	Total.		

FORM No. 3.

Condition of the Survey Registers in the Bengal Survey Superintendencies for the quarter ending 18 .

Division.	District.	Number of Pergunnahs in which Survey has been completed.	OF ESTATES.																OF VILLAGES.																		Remarks.
			ENGLISH.						BENGALI.										ENGLISH.						BENGALI.												
			Registers completed and forwarded to the Collector.	Registers completed but not yet forwarded.	Total completed.	Number of entries of Villages in Registers of the preceding column.	Half finished.	Less than half finished.	Number of entries of Villages made and to be made in registers of the preceding column.		Registers completed and forwarded to the Collector.	Register completed but not yet forwarded.	Total completed.	Number of entries of Villages in registers of the preceding column.	Half finished.	Less than half finished	Number of entries of Villages made and to be made in Registers of the preceding column.		Registers completed and forwarded to the Collector.	Registers completed but not yet forwarded.	Total completed.	Number of entries of Villages in Registers of the preceding column.	Half finished.	Less than half finished.	Number of entries of Villages made and to be made in Registers of the preceding column.		Registers completed and forwarded to the Collector.	Registers completed but not yet forwarded.	Total completed.	Number of entries of Villages in Registers of the preceding column.	Half finished.	Less than half finished.	Number of entries of Villages made and to be made in the Registers of the preceding column.		
							Remaining incomplete.								Remaining incomplete.								Remaining incomplete.								Remaining incomplete.					
									Made	To be made							Made	To be made							Made	To be made							Made	To be made				
1	2	3.	4	5	6	7	8		9		10	11	12	13	14		15		16	17	18	19	20		21		22	23	24	25	26		28				

FORM No. 4.

Expenses incurred on account of the Bengal Survey Superintendencies from 1st October 18 . to 30th September 18 .

1. Months.	2. Salaries of Superintendents.	3. Salaries of Asst. Superintendents.	4. Salaries of Deputy Collectors.	5. Offg. deputation allowance.	6. Office Estt. of Supdts.	7. Office Estt. of Asst. Supts.	8. Office Estt. of Dy. Collrs.	9. Extra Establishment.	10. Field Establishment.	11. Office rent.	12. Ticca & Muzcooree peons.	13. Contingent Charges.	14. Total.
October 18 ...													
November ...													
December ...													
January 18 ...													
February ...													
March ...													
April ...													
May ...													
June ...													
July ...													
August ...													
September ...													
Total drawn for each class ...													
Authorized for each class ...													
Amount unexpended ...													
The sum drawn is thus distributed Divisionally ...													
1st Divn. ...													
2nd Divn. ...													
3rd Divn. ...													
6th Divn. ...													
5th Divn. ...													
4th Divn. ...													
Total ...													

Particulars of Contingent Charges.

Divisions.	Travelling allowances. Of Superintendents.	Of Establishment.	Of Asst. Supdts.	Of Establishment.	Of Dep. Collrs. and their Establishment.	Stationery.	Feed of Elephants.	Native Doctors.	Contingencies. Of Superintendents.	Of Asst. Supdts.	Of Deputy Collectors.	Total.
1 Division ...												
2 Division ...												
3 Division ...												
4 Division ...												
5 Division ...												
6 Division ...												
Total, ...												

Fund from Fees & Costs of suits.	Total.

FORM No. 5.

Statement of Settlements of Resumed and Government Estates in Zillah *Confirmed since the transmission by the Superintendent of Survey of the Survey Register of Estates of that District to the Collector for the year* 18 .

1	2	3	4	5	6	7	8
Name of Pergunnah.	Number on Register of Villages.	Number on Register of Estates.	Government Revenue sanctioned.	Names of Proprietors with whom settlement has been made.	From what year confirmed.	Date of confirmation.	REMARKS.

Statistical Form No. 6.

1	2			3	4	5	6	7	8	9	10					11
	Number of Houses.										Number of manufactories.					
Names of Villages.	Cutcha.	Pucka.	Total.	Number of inhabitants at the rate of 5 to a house.	Number of cultivators.	Number of non-cultivators.	Estimated proportion of land uncultivated.	Principal crops.	Number of places in which Markets are held.	Number of schools (private, including Missionary Schools.)	Indigo.	Saltpetre.	Sugar.	Silk.	Other kinds.	REMARKS.
											Only large establishments are to be entered.					Here state whether the inhabitants are chiefly Hindoos or Mahomedans, mentioning the estimated proportion of each class.

SETTLEMENT MANUAL.

PREPARED BY THE BOARD OF REVENUE, L. P.

1. A settlement of land revenue embraces lands which have become liable to assessment under the resumption laws, such as lakhiráj and towfír, as well as estates purchased on account of, or escheated to Government, and islands thrown up in the middle of navigable rivers and alluvial accretions.

2. The following several processes are ordinarily comprised in a settlement :—

I. Identification of the land.
II. Measurement.
III. Testing of the measurement.
IV. Adjustment of rents.
V. Adjustment and record of rights.
VI. Disposal of rent free claims.
VII. Provision for Police and Zemíndárí Dâk.
VIII. Selection of the person with whom the settlement is to be made, and adjustment of the terms of settlement to which may also be added,
IX. Re-settlement.

I. IDENTIFICATION OF THE LAND.

3. When the land has been declared liable to assessment by resumption, if the resumed land was identified (as it ought to be) prior to resumption, the Settling Officer need experience little difficulty in tracing it. Should it consist in part of parcels of rent-free land which are entered in the register as less than 50 bighás in any one village, he is not to assess such patches, although they may have been resumed. In cases of escheat and of purchase on account of Government, the duty of identifying the land must necessarily fall on the Settling Officer.

4. When the estate to be settled is of considerable extent, the Settling Officer should proceed in person to make the necessary preliminary enquiries respecting the position and extent of the land ; but if it be not an extensive one, an Ameen may be deputed with the necessary powers under Section xxiv. Regulation VII. of 1822—the extent of his powers being duly recorded in his sunnud of appointment. Where Kánúngoes, patwáris or other salaried officers exist, there is no objection to their being employed in defining boundaries previous to measurement.

5. On reaching the village or estate, the Settling Officer, or the officer deputed by him should summon the zemíndárí amlah or such other persons connected with the land as may be able to point out the boundaries. Should the parties summoned contumaciously withhold information, they thereby render themselves liable to imprisonment under the above quoted Section, till they comply.

6. Patwáris, gomáshtahs, and other persons by whom the accounts have been kept may be summoned with their accounts. If they refuse to attend, or neglect to produce the papers, or to swear to their correctness when produced, or if they decline generally to give evidence respecting them, they also become liable to punishment under Sections xxiii. and xxv. Regulation XII. of 1817, Section xii. Regulation II. of 1819, and Clause 2, Section 19, Regulation VII. of 1822.

7. The Settling Officer may also summon the proprietor or farmer of the estate under settlement, or may require him to cause the attendance of the village officers. Omission or refusal to comply with such requisition, subjects the proprietor or farmer to a daily fine, under Clause 3, Section xiii. Regulation II. of 1819, and Clause 2, Section xix. Regulation VII. of 1822. Fines may be imposed by the Collector under the provisions of Act XX. of 1848, of his own authority, and levied by the same process as is prescribed for the recovery of arrears of revenue, but this Act gives no power to Collectors to make requisitions, of their own authority, in cases in which they did not previously possess that power. In such cases they must apply, in the first instance for the requisite authority. An Uncovenanted Deputy Collector exercising general powers under Regulation IX. of 1833, is to be held to fall within the definition of a Collector as given in Section vi. of the above Act, and has therefore the same powers in this respect, subject to the same restrictions as a Collector.

Boundaries of Estates.

8. In tracing the boundary of a resumed estate, if some part of the land should be found in possession of a person who was not a party to the resumption suit, and it should appear that he was in possession previous to the passing of the decree, the land in question cannot be summarily assessed, but a new suit must be instituted, with the Board's sanction, obtained on a report with that view, against such person.

9. Should a Settling Officer decide that land claimed by a third party belongs to the resumed estate and is included in the decree, such party, if dissatisfied, must be left to appeal to the Special Commissioner.

10. If in tracing the boundary of an escheated or purchased estate, lands within the boundary assumed by the Settling Officer should be claimed by a neighbouring Zemindar, who is *de facto* in possession of the same, recourse must be had to the Civil Court. All that the Settling Officer can do in such a case is to lay down the undisputed boundary, and where the boundary is disputed, to mark *both* lines, collecting at the same time all the evidence available in support of the claim of the State, in order to its assertion in Court, if necessary.

11. The Government having ruled on the 1st August 1839, that the provisions contained in Clause 6, Section ii, and in the thirty-three following Sections of Regulation VII. of 1822, may be made use of, as far as they are applicable, in the settlement of purchased estates, the Settling Officer should dispose of all disputes respecting boundaries of villages, talúks, and other tenures in such estates under Clause 4, Section xiv. of that Law, or refer them to arbitration under Sections vii. to x. Regulation IX. of 1833.

12. The officer employed on the demarcation of boundaries preparatory to settlement, whether he be Ameen, Kánúngo, or Deputy Collector, should prepare such a sketch of the village boundaries traced, as will serve for a guide to the officer making the measurement, whether himself or some other. All natural land-marks on, or in the vicinity of, the boundary line should be shewn on the map, with their correct bearing and distance ; and where such marks are wanting, as many artificial marks should be erected as will facilitate the tracing of the boundary. He will also prepare a boundary demarcation map with a field book of boundary and interior details, according to the specimens given in the Appendices to the Survey Manual.

II. MEASUREMENT.

13. Measurements should ordinarily be made with chains, unless the prejudices of the people should make them unwilling to dispense with the poles or bamboos to which they have been accustomed.

The chain will be 30 feet long, or if a pole be used, it should either be of the same length or some divisor of 30, as for instance, 6 feet.

Instead of any local systems of measurement, the standard Bengal bíghá of 14,400 square feet, or the English statute acre of 43,560 square feet should be adopted.

14. In measuring with a chain or pole consisting of a certain number of English feet, the results may be adapted to the standard bíghá according to the following calculations:—

When a chain of 30 feet is used.

$\frac{1}{3}$ of a chain by $\frac{1}{30}$ of a chain, or 9 square feet=1 cowree.
4 cowrees, or $\frac{1}{3}$ of a chain by $\frac{1}{5}$, or 36 square feet=1 gandah.
20 gandahs, or 4 chains by $\frac{1}{5}$, or 1 chain by $\frac{4}{5}$, or 720 square feet=1 kathá.
20 kathás, or 4 chains square, or 1 chain by 16, or 14,400 square feet=1 bíghá.

When the pole is of 6 feet—

1 pole by $\frac{1}{4}$, or 9 square feet=1 cowree.
4 cowrees, or 1 pole square, or 36 square feet=1 gandah.
20 gandahs, or 20 poles by 1, or 5 poles by 4, or 720 square feet=1 kathá.
20 kathás, or 20 poles by 20, or 5 poles by 80, or 14,400 square feet=1 bíghá.

15. The English statute acre contains 4,840 square yards, and is sub-divided into roods and perches, 40 perches making one rood, and 4 roods one acre. The perch of $16\frac{1}{2}$ feet in length and breadth contains $272\frac{1}{4}$ square feet, or $30\frac{1}{4}$ square yards, which, multiplied by 40, gives 1,210 square yards to a rood, and this again multiplied by 4, gives 4,840 square yards to the acre.

16. When the English statute acre is adopted, the system observed by professional officers should be followed. Thus, length and breadth of figures will be taken in Gunter's chains. A Gunter's chain measures 22 yards or 66 feet, and is divided into 100 links, each link being 7·92 inches in length. One chain or 66 feet is equal to 4 perches, so that one square chain is equal to 16 square perches, or the tenth part of an acre, and consequently 10 square chains are equal to an acre. Every superficial chain contains 10,000 square links, and every superficial acre 100,000 square links. If therefore, the content of a field is made up in square links, divide the number by 100,000, or (which is the same thing) cut off the last 5 figures, and the remaining left hand figure or figures will give the content in acres, the remainder being decimal parts of an acre, which multiplied by 4 and 40, will give the number of roods and perches, respectively.

17. The Table of square measure is as follows:—

144	square inches	=	1 square foot.
9	square feet	=	1 square yard.
$30\frac{1}{4}$	square yards	=	1 square perch.
40	square perches	=	1 rood.
4	roods	=	1 acre.

18. When a pole or rod of $16\frac{1}{2}$ feet is used, the calculations will be—

rod	rod	sq. ft.	sq. ft.			
1 ×	1 or	$16\frac{1}{2}$ ×	$16\frac{1}{2}$	=	$272\frac{1}{4}$	square feet or 1 square perch.
1 ×	40 or	$16\frac{1}{2}$ ×	660	=	10890	square feet or 1 rood.
40 ×	40 or	660 ×	660	=	43560	square feet or 1 acre.

19. A long pole should be used in preference to one that is short, and it should not be thrown by the hand of a single man—a practice which must fail to ensure correctness, but should be carried over the ground by two men, one holding each end, while a third person pitches a pin or arrow into the ground perpendicularly to the end of the rod.

20. Should peculiar circumstances make it advisable to measure acres on the native system, by means of a pole, the pole should be 10 feet $5\frac{1}{5}$ inches in length, though this will not give a mathematically exact acre, being too little by a small fraction, while a pole of 10 feet $5\frac{1}{4}$ inches would be too much. The pole, to be mathematically exact, should, when squared, give precisely one-fourth of 43,560 feet. Ten feet $5\frac{11}{50}$ inches is as close an approach as possible to perfect accuracy; but for practical purposes, it will suffice to assume that a pole of 10 feet $5\frac{1}{5}$ inches when squared gives—

	$108\frac{2}{10}$	square feet or one gandah (of an acre.)
20 gandahs or	2178	square feet or one kathá (of an acre.)
20 cottahs or	43560	square feet or one bíghá (being by the hypothesis, one acre.)

21. The Tables given in the Appendix No. 1, will serve to facilitate calculations of acres into bíghás, and *vice versâ*.

22. The Collector or Settling Officer should instruct a few of the more intelligent Ameens, who should, in their turn, become the instructors of others; and no person should be employed as an Ameen till he has shown that he thoroughly understands mensuration.

23. When the lands of the estate under settlement have already been measured by khasrá in the course of the survey operations, the Settling Officer should obtain a copy of the khasrá map, and record from the Office in which they may have been deposited, and limit his proceedings to an investigation of the changes which have taken place in the condition of the estate since the survey.

24. Should the lands not have been measured by khasrá in the course of the survey, the measurement must be made field by field. Contiguous fields, however, if consisting of land of the same description and held by the same ryot, may be measured together as one plot. The rules observed in the Survey Department, and printed in the Survey Manual should be adhered to as closely as possible.

25. A form of chitá for recording measurements is given in Appendix No. 2. It should be borne in mind that these chitás are not intended to serve the purpose of the first settlement only. If carefully prepared, they cannot fail to be of much use for future settlements as well. With this view, such information should be recorded as may be made available for a future occasion.

26. The notes appended to the form will be a guide to the character of the information which it is designed to record under the varying circumstances there referred to. In the case of khasrá measurements, the chitá should shew the distribution of the lands with reference to the estates to which they appertain, for which purpose additional columns may be introduced.

27. From the chitás, Khatyáns and Ekwáls must be prepared in the forms given in Appendices Nos. 3 and 4. When the lands of a village are held by talúkdars, a second Khatyán and Ekwál in forms Nos. 5 and 6 must be prepared, showing the lands belonging to each talúk. So also when an estate is composed of talúks, some of which have lands in several villages, the forms in which the distribution of the lands of each talúk should be shown are those numbered 7 and 8 in the Appendix. Besides these papers, the Ameen or Officer employed on the measurement, should be required to furnish a térij in form No. 9, and to draw up a Rúidad arranged under different headings as indicated in No. 10, accompanied by Khasrá map of the lands measured by him, prepared according to the rules given in the Survey Manual, Rule XXIII.

28. Every Collector should provide himself with a sufficient stock of measuring instruments, such as chains, compasses, &c. Paper scales may be manufactured at a very trifling cost, and will prove as serviceable, pasted on a board, as those made of iron or brass. Should the compasses get out of order, such is the simplicity of their construction that they may ordinarily be repaired by a common blacksmith, otherwise they should be sent for repair to the Mathematical Instrument Maker at the Presidency; when the needle becomes disordered, the magnetic power may be restored by a few passes with a loadstone with which the Settling Officer should always be provided.

Indents for measuring Instruments.

29. Indents for the required instruments, should be submitted in the first instance to the Board, in the form No. 11, by whom they will, if passed, be sent on to the Deputy Surveyor General who, as Superintendent of the Mathematical Instrument Maker's Department, will forward them to the address of the Indenting Officer, (which should be indicated across the face of the Indent), charging the value in the Contingent Bills of his Department; or, if he should be of opinion that the indent is extravagant or otherwise objectionable, he will return it to the Board with his remarks, for further consideration.

30. It is of importance that the instruments required should be correctly described; and in order to preclude doubt or misapprehension arising from defectiveness or error in the description, a list of instruments likely to be most in requisition is here given, conformably to which the indent should be prepared.

Bengalí surveying compasses with tripod stands.
Graduated brass khasrá scales.
Graduated paper khasrá scales.
Drawing compasses.
Talc or paper protractors.
Measuring chains (30 feet.)
Parallel rulers, ebony, with bars (sizes 6,12, and 18 inches.)
Paper dials (for renewing the survey compasses when required.)
Steel drawing pens.
Spare needles (magnetized) for compasses.

Such articles as drawing paper, quills, colors, and the like, are supplied from the Stationery Office, and should be included in the Stationery Indents.

Remuneration of Measuring Ameens.

31. Ameens should be paid by the month rather than by contract, unless the former method should greatly enhance the cost of measurement. No invariable rule is enjoined in this respect. The practice of paying by the piece being so generally prevalent and so much approved need not be wholly abandoned, but the Settling Officer should exercise his judgment as to the arrangement best suited to the work in hand.

32. Under ordinary circumstances when the price of food is reasonable, the country not very unhealthy, the work not unusually difficult, and the supply of Ameens about equal to the demand, the scale of salary noted in the margin seems to be fair. When many Ameens are employed, unless they act immediately under a Deputy Collector, there should always be a

	Per mensem.		
Ameen ...	Rs. 12	0	0
Mohurrer ...	„ 8	0	0
Peon, &c. ...	„ 4	0	0
Stationery ...	„ 1	8	0

Superior Officer over them receiving not less than 25 Rupees per mensem. No fixed rates can be laid down for contract work, where that mode of remuneration may be adopted. The Settling Officer will determine the rate according to the circumstances of the case. Lands widely scattered in patches cannot be measured at the same rate as compact alluvion; but whenever the expense may exceed 2 Rupees per 100 bighás or 6 Rupees per 100 acres, an explanation should be submitted to the Commissioner, when the bills are forwarded to him for countersignature.

33. The Ameens should not be kept many months in arrear, as is too frequently done. If the pay be issued with regularity, there never will be occasion to make advances; but in job work two-thirds of the rate of pay authorized for salaried Ameens should be advanced monthly to each person employed, subject to adjustment on completion of the measurement.

III. TESTING OF THE MEASUREMENT.

34. Measurements conducted by an Ameen, Kánúngo, Patwarí or other inferior Officer must be tested by the Settling Officer, who, by measuring a few fields in different parts of the estate, will be able to form a tolerably correct opinion of the general character of the work. The result of the scrutiny should be recorded in form No. 12. In the event of complaints of incorrect measurement having been preferred, the Settling Officer should of course subject to particular investigation the fields which form the subject of complaint.

35. Re-measurement should not, as a general rule, take place when the amount of error is below 10 per cent.; but in this respect, much must be left to the discretion of the Settling Officer. Error even when exceeding 10 per cent. may sometimes, especially if caused by miscalculation of areas, or oversight, be remedied without resort to actual re-measurement, but should there be reason for suspecting wilful error, re-measurement should be undertaken, however small the amount of apparent error may be.

IV. ADJUSTMENT OF RENTS.

36. By Section ii. Regulation IX. of 1833, so much of Regulation VII. of 1822 as prescribes that the amount of revenue to be demanded shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the cost of production and value of produce, was rescinded; and, referring to this provision the Board remarked on 12th November 1833, that the only safe and practical foundation for the calculation of the public revenue was the rent actually paid by the several tenants of whatever class or description, and that where it was found impossible to obtain this information in the estate under settlement, the rent paid for land of the same quality, and under similar circumstances, in the adjoining estates, was the best criterion.

37. Too great care cannot be taken in conducting these enquiries. A mistake must be injurious either to the Government or to the ryots. The enquiries made, whether on the estate or in neighbouring estates, should be recorded with such particularity as to shew the reasons which guided the Settling Officer in the selection of the rates, and to enable the Appellate authorities (who have no opportunity of seeing the land or holding local investigations) to form their own opinion on the equitableness of the rates. For instance, in distributing the land into different sorts, it should be mentioned with reference to what standard the classification has been made, whether, that is, with reference to the land in the village under settlement, or to that in the pergunnah, or to that of the estate generally.

38. Where it has been the practice to let the land lie fallow to recruit, either on account of the natural poverty of the soil, or of its natural fertility having been impaired by constant crops for a long series of years, provision should be made accordingly in the assessment; that is, land lying fallow should be left unassessed. It is true, that under scientific treatment, the natural productive powers of land might be improved or restored, and it might hence be inferred that it is unnecessary to allow it to remain fallow; but an assessment imposed on this principle would be tantamount to a property tax, and would cease to be the simple land tax which has prevailed in India from time immemorial. If a ryot cultivates five bighás, one of which is always left fallow, then if the rate of land in cultivation is one Rupee per bighá, he should be assessed 4 Rupees for his five bighás, or at the rate of 12 annas 9 pie per bighá.

39. It should always be borne in mind by the Settling Officer, that his business is not to determine the highest rate which the land may pay for a year, but what can be paid with regularity in average years. The amount of collections in previous years should, as far as practicable, be ascertained, and if the result should be considerably above or below his assessment, an attempt should be made to account for the discrepancy.

40. It especially behoves a Settling Officer not to conclude too hastily that what appears to be an appropriate assessment is actually so. Fertility of soil is not the only circumstance which regulates the power of land to pay rent. The demand for land as affected by the denseness or otherwise of the population, the salubrity or inclemency of the climate, and the abundance or scarcity of good culturable soil in the vicinity, must all be taken into account. In ryotwárí assessments, such as are frequently necessary in Bengal, the most minute attention to local advantages and disadvantages is often indispensable. Inferior land in an advantageous position will sometimes be found paying higher rent than better land less favorably situated; land in the middle of a plain, in every respect the same in quality as land on its edge, may be found paying double the rent of the latter, because less exposed to trespass from cattle. So also land near a village may be found paying more than land of the same description at a distance from it. No attempt should be made to remedy these necessary discrepancies; the only practicable way, indeed, in which uniformity could be attained, would be to reduce all the rates to the lowest level.

41. The system of settlement prevailing in the North-West Provinces is entirely inapplicable to the ryotwárí assessment of small estates, the collections of which are to be made by Government Officers from the cultivators. In Bengal, Settling Officers have not only to distribute the newly assessed revenue on each village of a Pergunnah, but also to determine what shall be paid by each individual ryot for the land he holds. To introduce an average uniform assessment with which all would be satisfied, might involve a sacrifice of one-half the rental. It is desirable, however, to diminish the amount of variation as much as possible, and when no sufficient cause for variation appears, it should not be allowed. Some orders of the North-Western Board on this subject are given in the Appendix (No. 13) which deserve great attention. The rule laid down in the last paragraph respecting village assessment, must, in the detailed settlements of Bengal, be applied to ryotwárí assessments. The Settling Officer must, by a careful detailed enquiry, ascertain the causes which give rise to inequalities, reduce the demand where it presses too heavily, and raise it where it is too low; where good and sufficient cause is found for very considerable variation from the accustomed average rate, he should enter clearly and succinctly into the subject in the Settlement Proceeding.

42. The orders of the Court of Directors, dated the 12th April 1837 (Appendix No. 14) should never be lost sight of. Assessments should invariably be fixed according to the value and capabilities of the land, and not according to produce. The orders of Government, dated the 28th November of the same year (Appendix No. 15) should also be attended to, when the circumstances of the ryots are such as to make the system of settlement therein described acceptable to them. Those orders enjoin that each holding be considered as a distinct farm; that the aggregate amount of the annual rents paid in the past three years for the several fields composing it, should be recorded as the rent to be demanded from the occupant, to whom, if willing to engage for that rent, a lease might be granted for three, five, ten, or twenty years, as might appear desirable; that the lease should specify the several fields comprised in the holding, and the lessee be made clearly to understand that during the term of his lease he will not be required to pay any addition to the specified rent, whatever produce he may cultivate.

43. When rents have been collected in kind, however inconvenient the system may be, it must not be inconsiderately superseded by a money rental. If liberal terms of exchange are allowed, the ryots, in most places, will probably agree to the substitution of a money assessment, and some sacrifice may even be submitted to for the attainment of so desirable an end. But should commutation be unavoidable, the provisions of Clause 2, Section lvii. Regulation VIII. of 1793 should be carefully observed. The rate and terms of paymentand proportion of crop to be delivered, with every other condition, must be clearly specified.

44. When there are minerals, only the rents of mines existing at the time of settlement are to be treated as an asset.

45. When the standard bíghá differs from the local bíghá, a corresponding adjustment of the local rates, whether by reducing or increasing them, must be made, so as to make the actual rent payable on a given quantity of land, precisely the same when measured by the standard bíghá as it would have borne by the local rate on the local bíghá.

V. ADJUSTMENT AND RECORD OF RIGHTS.

46. The existing rights of cultivators should be carefully recorded, but it should be borne in mind that the Government only sanctions the record of actually existent and acknowledged or established privileges, and not the creation of new ones.

47. Under Clause 2, Section ix., Regulation VII. of 1822, Settling Officers are competent to grant pottahs to ryots or other owners and occupants of land for the land owned or occupied by them, and under Section ii., Act X. of 1859, a ryot may demand a pottah from the party of whom he holds his land. The grant of pottahs is a matter of very great importance. They should be given to all ryots in estates belonging to Government under settlement, as well as in estates held khás in consequence of the recusancy of the proprietors. In other cases, protection may be afforded to ryots by giving effect to the provisions of Clause 1, Section ix. Regulation VII of 1822, which enjoins, that a specification of the holding or tenure of every ryot and of the rent assessed on it, shall be recorded in the Settlement Proceedings, and a copy of such recorded specification of his holding and rent given to every ryot willing to take it. No higher rent can be realized from the ryot by the Zemindar until such rent shall be altered by mutual agreement or by legal proceeding.

48. The term for which pottahs may be granted in Government Estates and in estates held khás in consequence of the recusancy of proprietors, must depend on circumstances. The object to be kept in view is "to afford full encouragement to the spirit of improvement."

49. When the ryots are persons of some substance, and the land is in such a condition that no further improvement is to be looked for without the outlay of capital, leases should be long, in order to encourage outlay. So also when the land is overrun with jungal, and much labor is necessary to clear it, long leases will be proper. On the other hand, where the ryots are poor, and there is neither power nor inclination to improve the land, the engagement should be short. If there is an intention of farming an estate in the hope that the farmer will improve it, or of selling it at public auction, the leases to the ryots should not extend beyond the current year, for which period, all ryots, under all circumstances, have a right to demand pottahs.

50. The above rules do not of course apply where ryots have rights to hold the lands at fixed rates or rights of occupancy.

51. When a Settling Officer imposes an enhanced rent, he should be careful to cause the notice required by Section xiii., Act X. of 1859, to be served on the ryots.

VI. DISPOSAL OF CLAIMS TO HOLD LAND RENT-FREE.

52. Proceedings against invalid lakhiraj holdings should be held under Regulation IX. of 1825 and III. of 1828; but in the case of purchased estates, recourse must be had to Section xxx. Regulation II. of 1819, as Regulation IX. of 1825 is inapplicable to estates purchased by Government in the Settled Provinces.

53. Before enquiry into the validity of rent-free tenures in a resumed estate, it is necessary that the notice prescribed by Clause 2, Section v. Regulation IX. of 1825 should be issued. After the expiration of the term specified in the notice, the Settling Officer should proceed to dispose of the claims in the manner enjoined by law, or if not empowered to decide, prepare the cases for the Collector.

54. Every case must be subjected to judicial investigation and decision under the Rules passed by Government on the 17th August 1840. Should the rent free title be affirmed, the case must be submitted within 15 days, as directed in Clause 4, Section iv. Regulation III. of 1828 to the Commissioner of Revenue, who on his part will record in a proceeding the result of his review of the Settling Officer's proceedings. Should

the Settling Officer's decision be in favor of resumption, assessment should be proceeded with under the provisions of Clause 3, Section iv. Regulation III. of 1828.

55. Resumed shikmí tenures are entitled to the favorable terms of settlement prescribed by Clause 2, Section viii. Regulation XIX. of 1793. The revenue is to be fixed at one-half the gross produce, and from this 10 per cent. is to be allowed to the lessee of the parent estate for the risk and trouble of collection. No more than this allowance is to be assigned to the lessee of the parent estate, whether he be entitled to a settlement of his estate at half rental, or not; for, as the tenure formed no part of the assets of his estate, and the settlement thereof is made with him merely as a matter of convenience, all that he can strictly claim is an equitable remuneration for the trouble and risk of collection. The assessments of the superior and subordinate tenures, indeed, are distinct accounts, and the results of the two must be amalgamated to form the net Government revenue of the whole estate, as illustrated by the following example :—

Assessment of dependent talúk entitled to settlement under Clause 2, Section viii. Regulation XIX. of 1793.

Gross produce	Rs.	200
Deduct proprietor's share...	„	100
Remains revenue payable to parent estate	„	100
Deduct allowance to lessee of parent estate of 10 per cent.	„	10
Remains Government Revenue	„	90

Assessment of parent estate.

Gross rental	Rs.	2,000
Proprietor's share	„	1,000
Government share	„	1,000
Add Government revenue from subordinate tenure as above	„	90
Net Government revenue	„	1,090

56. In purchased Estates, as the Officers of Government cannot undertake proceedings for the resumption of invalid rent-free tenures under 100 bíghás situated therein, in the manner prescribed by Section v. Regulation IX. of 1825, they should proceed under Section xxx. Regulation II. of 1819, that is, by instituting suits in the Collector's Office or in the Civil Court.

57. The provision in the Rules of the 17th August 1840, which exempts from assessment patches not exceeding 10 bíghás held rent-free since 1st December 1790, it is to be borne in mind, is applicable to rent-free tenures in Government Estates. Under Section iii. of the Rules, should a purchased estate be let in farm, it is to be made an express condition of the lease that the farmer shall not institute any process for the resumption of such tenures.

58. The settlement of resumed lands in purchased estates should be made at half rates, according to the general rule applicable to resumed rent-free, namely, one-half of the gross rental, and in cases where the lakhirajdar is the cultivator, half the gross rent value of the land. Of course, the principles of assessment applicable to others are applicable also to the occupants of resumed lands, the only difference being, that they will pay half the rents imposed on others for lands of a like description.

59. It is to be understood that the mere assertion of a holder of land that he has not paid rent since 1790, will not be admitted by a Settling Officer as necessitating the institution of a resumption suit prior to assessment. A Settling Officer may assume that all the holders of land in a purchased estate should pay rent; and the onus of proving a title to exemption must rest with the occupant. Should he produce evidence *primâ facie* corroborative of his claim of exemption, it will behove the Settling Officer to refrain from assessment, and to institute a suit in order that the claim may undergo formal investigation.

60. When settlement is made in execution of a resumption decree, the analogy of the course observed in prosecuting the original suit should be followed; that is, when a Collector decides that land claimed by a third party is included in the decree in favor of Government, the Revenue Commissioner should abstain from interference, and the dissatisfied party be left to appeal. And on the other hand, when a Collector gives up land as not embraced in the decree, he should submit his proceedings for the consideration of the Revenue Commissioner, who, if he sees cause, may appeal against the Collector's order.

VII. PROVISION FOR POLICE AND ZEMINDARI DAK AND ROAD FUNDS.

61. In the settlement of both resumed and purchased estates, it is necessary to provide for the performance of the duties incumbent on Zemindars generally, of giving notice of the occurrence of offences against the law, and aiding the Police in the apprehension of offenders. With this view, the Settling Officer should make an adequate provision, at the time of settlement, for the maintenance of such subordinate officers as may be required for the purpose. The Magistrate will, on application, inform the Settling Officer whether the provision should be in land or money, and what number of individuals is required for each village; and on receipt of this information, the Settling Officer should assign three acres of average good land to each Chowkídár, and an acre to each Bulláhir, if the subsistence is required to be in land; and 3 Rupees a month to each Chowkídár, and one Rupee to each Bulláhir, if in money. In the former case, the Settling Officer should furnish the Magistrate with a statement of the numbers assigned to the fields in the field map and khasrá. Should any Chowkídári cess however have been previously imposed on the land, it must (whichever of the above arrangements may be adopted) be incorporated with the rental.

62. Provision must also be made for the payment of the quota due from the estate for the Zemindárí Dâk of the District, under Bengal Council Act VIII. of 1862.

63. An addition of one per cent. must be made to the rental, which will be devoted annually to the construction of roads and improvement of communications. The farmer or proprietor should stipulate that the amount shall be leviable by the same process as arrears of revenue.

VIII. SELECTION OF THE PERSON WITH WHOM THE SETTLEMENT IS TO BE MADE, AND FIXING THE TERMS OF SETTLEMENT.

64. It is the duty of the Settling Officer to determine with whom the settlement shall be made, and to adjust the terms subject to revision by the Superior Revenue authorities. The settlement of resumed estates should, as a general rule, be made at half rates with the late lakhírájdars. In the Behár districts where the interests of two parties require to be adjusted, namely, the proprietors and the lakhírájdars, the settlement should be conducted under the rules given in Appendix No. 16.

65. Resumed towfír should be settled at full rates with the party who may prove his title thereto.

66. When all the subordinate arrangements have been completed, the Settling Officer should procure the attendance of the party entitled to settlement, and call upon him to engage by signing the kabúlyat, or to state in writing his objections. These objections, if any, must receive consideration, and be obviated if practicable; but should they be such as are not entitled to attention, the reasons for rejecting them and for letting the estate in farm to a different party should be recorded.

67. The settlement of resumed alluvion should be made with the proprietor of the estate to which it is an increment. Such proprietor has a right to admission to a permanent engagement whenever he may so desire, unless the alluvion shall have been previously let in farm for a specified term, in consequence of his recusancy, in which case, as well as while the lands may be held khás, he is of course entitled to málikána only. It should be borne in mind that permanent settlements are forbidden only where no party possesses any legal claim to such a privilege.

68. In effecting the settlement of alluvial land with the proprietor, (see Act XXXI. of 1858,) the Settling Officer should, with his consent, procure from him an engagement to incorporate the assessment of the increment with that of his permanently

settled estate, but otherwise the increment must be assessed as a distinct estate, and be thenceforward separately held liable for the revenue assessed upon it. In all such cases, the Revenue authorities will take special care that the boundary between the alluvion and the settled estate be accurately mapped and recorded with the Settlement Proceedings, so as to preclude all future doubt or dispute on the subject. Should the alluvion have accreted to a shíkmí tenure, the shikmí talúkdár is entitled, on payment of a fair increase of rent to his superior landlord, to hold the accretion for the term of his engagement with such superior. The Settlement Officer is required by Section ii. Act XXXI. of 1858, to ascertain and record according to the rules prescribed by Regulation VII. of 1822, the rights of any under-tenant in any alluvial land, but the Settling Officer should treat with the superior as the party responsible for the Government share of the rent. Should the zemindar prove recusant, the settlement may be made with the under-tenant, or the lands held khás, or let in farm, and treated as a separate estate, as may be most expedient.

69. Should the alluvial formation be an island separated from the main land by a channel not fordable at any season of the year, as described in Clause 3, Section iv. Regulation XI. of 1825, the zemindari title in such case being vested in Government, no party can have any *right* to engage. Should any person, however, acting in good faith, have broken up the soil, his prior occupancy may be respected. Islands so situated and increments thereto, may be assessed without resumption proceedings.

70. In settling alluvial lands with proprietors or farmers, great care should be taken to fix the allowance for proprietary profits and expenses with a due regard to the condition of the land and the necessity or otherwise of the outlay of capital, in order to cultivation. Account should be made of the fair remuneration for the labor, skill, and responsibility, and for interest on the capital expended, and the sum necessary to replace the principal actually laid out. Interest on capital expended must not be regarded as rent.

71. In regard to the period of settlement, no invariable rule can be laid down. In general, when an estate is to be settled, of which more than a due proportion is out of cultivation, the settlement, if the law allows an option, should be only temporary; the estate under such circumstances not being fit for permanent settlement. The assessment should be laid on the cultivated land, and during the term of the settlement, the uncultivated land should, generally speaking, be left unassessed. The term may vary according to the proportion of land out of cultivation taken together with other circumstances; but it should rarely be less than five, or more than thirty years. After the expiration of the term a permanent settlement may be effected, if by that time no undue proportion of the land should remain waste. If otherwise, the settlement will again be temporary, and so on.*

72. Nor can any invariable rule be laid down respecting settlements, upon a gradually increasing revenue. The nature of the settlement is to be determined in each case according to circumstances. When the law entitles a party to a settlement in perpetuity, such settlement must be made, whatever may be the condition of the estate in respect of cultivation; and the question in such cases will be, not as between a settlement upon an increasing revenue and temporary lease, but as between a perpetual settlement at an increasing, and the same at a fixed, revenue.

73. The most approved settlement of alluvial formations comprising considerable tracts of good land uncultivated, is a lease for four or five years rent free, with a provision that on the expiration of the lease, the area then under cultivation will be assessed on terms detailed in the engagement, which must, of course, be such as to ensure to the farmer a fair return for his labor, risk, and capital.

74. The former proprietors of estates purchased by Government are not to be admitted to settlement, unless it should clearly appear that the sale of the estate was not caused by any oppression or mismanagement on their part.

75. Farming arrangements are in general preferable to khás management, and should be adopted wherever practicable. Not that the latter may not be successful, or prove more acceptable to the tenantry, but it has generally failed in consequence

* An exception to this rule is the case of an estate of which the proprietary title of Government is to be sold under the orders of 12th May 1859, or capable of sale after determination of the rental. In such case the settlement should be for one year only.

of the character of the agency employed. A European public officer who thoroughly understands the duty, and is willing to devote himself to the work, may succeed in inspiring the tenants with a greater sense of security than would be felt under the management of a native landlord, but the scarcity of efficient and energetic officers has led to the gradual supersession of direct management in favor of farms.

76. In farming Government Estates, the Settling Officer should exercise his discretion as regards the requisition of security with due reference to the means and character of the farmer; when the farmer is a person of known integrity and substance, the security may be dispensed with. The practice which prevails in some places of demanding a deposit of a year's rent as security is worthy of encouragement, especially in the case of small farmers. The bonds of farmers and of their sureties should invariably stipulate for the recovery of arrears by sale of their property, under Act XI. of 1859.

77. In the settlement of dependent tenures under Sections vi. and ix. Regulation XIX. of 1793, the revenue of which may be payable to the State, the revenue to be assessed on the lands to be held as a dependent talúk must be included in the gross assets forming the basis of the settlement of the estate to which the lands belong.

78. Parcels under 50 bighás in one village released from assessment under Government order, dated the 26th January 1841, must, under the ruling of Government of the 5th June 1843, continue excluded from the settlement of the rest of the tenure, so as not to be regarded as forming a part of it.

IX. RE-SETTLEMENTS.

79. When a detailed settlement under Regulation VII. of 1822, has once been made, it is not necessary ordinarily to go through the same process again on the expiration of the term of settlement. If at the first settlement there was an undue proportion of waste, or if the area has since been increased by alluvial deposit, partial measurements may be called for to ascertain the extent of increased cultivation.

80. Nor under ordinary circumstances is it necessary to revise the rent roll of the land which at the first settlement was assessed at full rates. If circumstances should have arisen, subsequently thereto, warranting a general increase in the rates, or if some land was before assessed, for special reasons no longer in operation, at reduced rates; or on the other hand, if altered circumstances should call for a general reduction of rates, in such cases the revision of the rent roll may be allowed. The rule, however, should be not to interfere with the former settlement without good and sufficient cause.

81. Further, at a re-settlement, interference should not be needlessly exercised between the person who pays the Government Revenue, be he owner or farmer, and any tenants he may have induced to settle on the land since the settlement. It will suffice to ascertain the amount of rent contributed by such tenants, or in the event of there being any difficulty in obtaining this information, to impose a moderate rate of assessment on the whole of the new cultivation, leaving undisturbed and unnoticed the bargains between the person who pays the revenue and the new tenantry. This assessment should always be imposed with due regard to the capital expended on the reclaimed lands.

82. When a re-settlement becomes necessary in consequence of the default or recusancy of the original lease-holder, owner, or farmer, in such case, before leasing the lands to another party, the resident cultivators who may have been located by the original holder, should be secured in their tenures by the preparation of a rent roll of their lands after the manner of the original settlement, and the circumstances under which they were located by the succeeding owner or farmer should receive full consideration.

83. On re-settlement of farmed estates, the rule should be to renew the lease of the farmer in possession, except, of course, when an owner is entitled to re-entry on expiration of the lease, or special reasons render the dispossession of the farmer expedient. When a settlement with a new farmer is proposed, the Revising Officer should carefully scrutinize the reasons assigned for dispossessing the old farmer, bearing in mind that improvement of the estate gives him an equitable claim to renewal of the lease, in preference to other applicants, and that, if capital has been embarked on the improvements, offers of increased rent from new comers should not

be admitted to the prejudice of the party who incurred the outlay. The Commissioner should invariably be consulted before the Collector confirms a farming settlement to the prejudice of the claims of the old farmer.

Cancelment of leases and attachment of farms.

84. There is no law which sanctions the cancelment of a farm during the year. Clause 6, Section xxiii. Regulation VII. of 1799 rules, that if an arrear remains due at the close of the current year, the Governor General in Council may cancel the lease. The practice however has long been that enjoined in the Rules of Practice, *viz.*, the cancelment of the lease on the occurrence of a balance, when this course is judged expedient, instead of waiting till the end of the year. It is desirable that this practice should be continued. The difficulty presented by the law may be met by a Clause in the farmer's Kabúlyat providing for the voidance of the lease on the occurrence of default. The form of Kabúlyat and Security Bond containing this and other requisite stipulations hereto annexed (Nos. 17 and 18), should be executed on all occasions of granting leases.

85. Much must be left to the discretion of the Collector in respect to the cancelment of leases. It may sometimes be expedient to exercise this power immediately on the occurrence of an arrear; but on the other hand, occasions may arise to make it desirable for the interests of all concerned, to give the farmer an opportunity of retrieving his position by paying the balance, and providing sufficient guarantees against future default.

86. At any time after the commencement of the fourth month of the year, the farm of a farmer in arrear may be attached under Clause 1, Section ii, Regulation I. of 1801, this attachment differs from cancelment only in this, that the farmer's responsibility continues. But this course should be avoided as much as possible.

87. In regard to cases coming under Section iv. Regulation IX. of 1825, the following rule should be adopted:—If a notification threatening annulment of engagements shall have been issued, and the lessee shall fail to make good the arrear within the term fixed, then, provided the month of grace allowed by the Section cited shall have expired, the Collector should declare by a formal proceeding that the settlement is annulled. Until this is done, he is not warranted in refusing to accept payment of the arrear by the defaulter, if tendered by him, but if the Collector should think proper to allow further term for payment, he may suspend the order of annulment until such further term shall have expired.

88. Any positive rule on this subject may be productive of embarrassment, for which reason the Local Officers should be left to exercise their discretion, subject of course to correction by the Commissioner, if sufficient ground for interference should exist.

89. Málikána is ordinarily to be calculated in the following manner:—

Assets assumed as basis of settlement	Rs.	1,000
Deduct expenses of collection at 10 per cent.	„	100
	Rs.	900
Other expenses of any		0
	Rs.	900
Deduct *proprietary allowance* at 10 per cent.... ...	„	90
Remains Net Government Revenue	„	810

It will be seen that the proprietor's allowance is only to be deducted from the sum that remains after collection expenses and all other authorized deductions have been made from the gross assets. The sum which remains after this last deduction (of málikána) will be the net Government Revenue.

SETTLEMENT PROCEEDINGS AND REPORT.

90. The final proceeding of the Settling Officer will be arranged in the annexed Form No. 19, and an abstract of the information contained in the Settlement Proceedings will be prepared in the Form No. 20. The Settlement Report made to the confirming authority should be accompanied by the Settlement Proceeding, the Ameen's Rúídad, the English Abstract, and, in the case of resumed estates, the resumption

decree. When the settlement comprises subordinate lákhiraj tenures, it should be certified in the Report that the prescribed notices were duly issued, and the cases disposed of under the provisions of Section v. Regulation IX. of 1825; and also, in cases in which the Settling Officers have upheld such tenures, that copies of the decisions were transmitted to the Commissioner of Revenue as required by Section iv. Regulation III. of 1828. The name of the estate, its area, and revenue, the party admitted to engage, the term of settlement, and the date from which it takes effect, should all be noted on the margin of the Report.

91. Should any objections have been made to the settlement, the reasons for rejecting the petitions and for confirming the settlement should be recorded on the back of the English Abstract. This Abstract should remain with the record, together with another in the Vernacular.

APPENDICES.

No. 1.

Table for converting local bíghás of 14,400 *square feet or* 1600 *square yards, into acres of* 4840 *square yards.*

Local bíghás.	Acres of 4840 square yards.	Local bíghás.	Acres of 4840 square yards.	Local bíghás.	Acres of 4840 square yards.
1	0.330	38	12.540	75	24.750
2	0.660	39	12.870	76	25.080
3	0.990	40	13.200	77	25.410
4	1.320	41	13.530	78	25.740
5	1.650	42	13.860	79	26.070
6	1.980	43	14.190	80	26.400
7	2.310	44	14.520	81	26.730
8	2.640	45	14.850	82	27.060
9	2.970	46	15.180	83	27.390
10	3.300	47	15.510	84	27.720
11	3.630	48	15.840	85	28.050
12	3.960	49	16.170	86	28.380
13	4.290	50	16.500	87	28.710
14	4.620	51	16.830	88	29.040
15	4.950	52	17.160	89	29.370
16	5.280	53	17.490	90	29.700
17	5.610	54	17.820	91	30.030
18	5.940	55	18.150	92	30.360
19	6.270	56	18.480	93	30.690
20	6.600	57	18.810	94	31.020
21	6.930	58	19.140	95	31.350
22	7.260	59	19.470	96	31.680
23	7.590	60	19.800	97	32.010
24	7.920	61	20.130	98	32.340
25	8.250	62	20.460	99	32.670
26	8.580	63	20.790	100	33.000
27	8.910	64	21.120	200	66.000
28	9.240	65	21.450	300	99.000
29	9.570	66	21.780	400	132.000
30	9.900	67	22.110	500	165.000
31	10.230	68	22.440	600	198.000
32	10.560	69	22.770	700	231.000
33	10.890	70	23.100	800	264.000
34	11.220	71	23.430	900	297.000
35	11.550	72	23.760	1000	330.000
36	11.880	73	24.090		
37	12.210	74	24.420		

Table for converting acres of 4840 *square yards into local bíghás of* 14,400 *square feet or* 1600 *square yards.*

Acres of 4840 square yards.	Local bíghás of 1600 square yards.	Acres of 4840 square yards.	Local bíghás of 1600 square yards.	Acres of 4840 square yards.	Local bíghás of 1600 square yards.
1	3.025	38	114.950	75	226.875
2	6.050	39	117.975	76	229.900
3	9.075	40	121.000	77	232.925
4	12.100	41	124.025	78	235.950
5	15.125	42	127.050	79	238.975
6	18.150	43	130.075	80	242.000
7	21.175	44	133.100	81	245.025
8	24.200	45	136.125	82	248.050
9	27.225	46	139.150	83	251.075
10	30.250	47	142.175	84	254.100
11	33.275	48	145.200	85	257.125
12	36.300	49	148.225	86	260.150
13	39.325	50	151.250	87	263.175
14	42.350	51	154.275	88	266.200
15	45.375	52	157.300	89	269.225
16	48.400	53	160.325	90	272.250
17	51.425	54	163.350	91	275.275
18	54.450	55	166.375	92	278.300
19	57.475	56	169.400	93	281.325
20	60.500	57	172.425	94	284.350
21	63.525	58	175.450	95	287.375
22	66.550	59	178.475	96	290.400
23	69.575	60	181.500	97	293.425
24	72.600	61	184.525	98	296.450
25	75.625	62	187.550	99	299.475
26	78.650	63	190.575	100	302.500
27	81.675	64	193.600	200	605.000
28	84.700	65	196.625	300	907.500
29	87.725	66	199.650	400	1210.000
30	90.750	67	202.675	500	1512.500
31	93.775	68	205.700	600	1815.000
32	96.800	69	208.725	700	2117.500
33	99.825	70	211.750	800	2420.000
34	102.850	71	214.775	900	2722.500
35	105.875	72	217.800	1000	3025.000
36	108.900	73	220.825		
37	111.925	74	223.850		

Table for reducing acres of 4840 *square yards to bighás of* 1600 *square yards, applicable to a kathá of* 4 *cubits, of* 18 *inches to the cubit.*

	0	1	2	3	4	5	6	7	8	9
0	0.0	3.025	6.050	9.075	12.100	15.125	18.150	21.175	24.200	27.225
10	30.250	33.275	36.300	39.325	42.350	45.375	48.400	51.425	54.450	57.475
20	60.500	63.525	66.550	69.575	72.600	75.625	78.650	81.675	84.700	87.725
30	90.750	93.775	96.800	99.825	102.850	105.875	108.900	111.925	114.950	117.975
40	121.000	124.025	127.050	130.075	133.100	136.125	139.150	142.175	145.200	148.225
50	151.250	154.275	157.300	160.325	163.350	166.375	169.400	172.425	175.450	178.475
60	181.500	184.525	187.550	190.575	193.600	196.625	199.650	202.675	205.700	208.725
70	211.750	214.775	217.800	220.825	223.850	226.875	229.900	232.925	235.950	238.975
80	242.000	245.025	248.050	251.075	254.100	257.125	260.150	263.175	266.200	269.225
90	272.250	275.275	278.300	281.325	284.350	287.375	290.400	293.425	296.450	299.475

100	302.5	600	1815.0	1100	3327.5	1600	4840.0	2100	6352.5	2600	7865.0	3100	9377.5
200	605.0	700	2117.5	1200	3630.0	1700	5142.5	2200	6655.0	2700	8167.5	3200	9680.0
300	907.5	800	2420.0	1300	3932.5	1800	5445.0	2300	6957.5	2800	8470 0	3300	9982 5
400	1210.0	900	2722.5	1400	4235.0	1900	5747.5	2400	7260.3	2900	8772.5	3400	10285.0
500	1512.5	1000	3025.0	1500	4537.5	2000	6050.0	2500	7562.5	3000	9075.0	3500	10587.5

No. 2.

ফারম চিঠা মৌজে A. মহাল B.

Chitá of Village A of Estate B.

1.	2.	3.	4.		5.		6.	7.	8.	9.
নম্বর দাগ	নাম দখল কার প্রজা অর্থাৎ আসামী	দিগের নির্ণয়	দীর্ঘ Length.		প্রস্থ Breadth.		সারা জমি	রকম জমি	রকম জিনিস	নিরিখ ফি বিঘা
			প্রত্যেক দীর্ঘের লম্বাই	সারা দীর্ঘ ও রোখ	প্রত্যেক প্রস্থের লম্বাই	সারা প্রস্থ ও রোখ				
Number. of plot.	Name of occupant ryot.	Position of each plot with relation to the preceding plot.	Measure of length taken.	Mean length and direction.	Length of each breadth taken.	Mean breadth and direction.	Quantity of land.	Description of land.	Sort of produce.	Rate of rent per bígha.

NOTES—1.—Should the Estate to be measured not consist of one whole village, nor of several whole villages, but of patches of land scattered in many villages, and those patches only be measured, the forms must be altered to meet such circumstances. Instead of a chitá for each village, if there is but a small quantity of land in each, it may be well to have one chitá only for the estate, adding a column to the left for the name of the village, and altering the khatyán and ekwal jamabandi to correspond.

2.—Should the Estate to be measured consist of land scattered as above in many villages, and the measurements include the lands held separately under other Estates, a column must be added shewing the separate Estate under which each plot is held.

3.—If the land be held by tálukdars, mokararídars or other shikmidárs, or if it be held under several zemindáries in common, columns must be added shewing under what parent and shikmi tenures each plot is held, so that there may be no difficulty in preparing the khatyán and ekwal of the land of each zemindári and of each táluk or other under-tenure.

4.—The rate entered in column 9 should be the rate paid by the occupant entered in column 2. If the land be held by a tálukdar, mukarrarídár, or other superior ryot, there should be another column to shew the rate paid by him.

No. 3

ফারম খতিয়ান যাহাতে সীকমি তালুক নাই।

Form of simple Khatyán when there are no Shikmi Táluks, and no land is held in common tenancy under two or more Zemindaries.

নাম দখলকার প্রজা অর্থাৎ আসামী Name of occupant ryot.	নম্বর দাগ Number of plot.	জমি Quantity of land.

NOTE.—If land be held in common tenancy under two or more zemindaries, columns must be added shewing the portion belonging to each.

No. 4.

ফারম একওাল জমাবন্দী যাহাতে সীকমী তালুক নাই।

Form of Ekwál Jamabándí when there are no Shikmi Táluks, and no lands held in common tenancy under two or more Zemindaries.

নাম দখলকার প্রজা অর্থাৎ আসামী Name of occupant ryot.	জমি Quantity of land.	রকম জমি Sort of land.	নিরিখ Rate of rent.	জমাবন্দী Rate payable.

NOTE.—If land is held in common tenancy under two or more zemindaries, columns must be added shewing the portion belonging to each.

No. 5.

ফারম খতিয়ান যাহাতে সীকমী তালুক ওগয়রহ অর্থাৎ যাহার নিচে কোর্ফা প্রজা আছে।

Form of Khatyan when the land is held by Talukdárs or other Shikmidárs having Ryots under them.

নাম তালুক Name of Táluk.	নাম তালুকদার Name of talukdár.	নাম আসামী বাবতে তালুক বিঃ চিঠা Name of occupant ryots, as per chitá.	নম্বর দাগ Number of plot.	জমি Quantity of land.

No. 6.

Form of Ekwál Jamabandi when the land is held by Talukdárs or ether Shikmidárs.

ফারম একওাল জমাবন্দী যাহাতে সীকমী তালুক ওগয়রহ্ অর্থাৎ যাহার নিচে কোর্ফা প্রজা আছে।

নাম তালুক	নাম তালুকদার	জমি	রকম জমি	নিরিখ Rate of rent.		জমাবন্দী Assessment	
Name of Táluk.	Name of Talukdár.	Quantity of Land.	Sort of Land.	To be paid by occupant ryots to shikmidárs.	To be paid by shikmidárs to Government.	Of cultivators.	Of shikmidárs.

NOTE.—When the land is held under several zemindáris, columns should be added shewing the zemindáris and the names of the zemindárs, and the portion of land belonging to each.

No. 7.

ফারম খতিয়ান যখন তালুকদারাণের দখলী কোন মহাল জের বন্দবস্ত থাকে এবং ঐ তালুকের জমি আকছর মৌজাতে আছে।

Form of Khatyan when the land of an Estate is held by Talukdárs having land in several Villages.

নাম তালুক	নাম তালুকদার	নাম মৌজা সকল যাহাতে জমি আছে	নম্বর দাগ	জমি
Name of taluk.	Name of talukdár.	Names of Villages in which land is stuated.	Number of plot.	Quantity of land.

No. 8.

Form of Ekwál Jamabandi when the land of an Estate is held by Talukdárs having land in several Villages.

ফারম একওাল যখন তালুকদারাণের দখলী কোন মহাল জের বন্দবস্ত থাকে এবং ঐ তালুকের জমি আকছর মৌজাতে আছে।

নাম তালুক	নাম তালুকদার	নাম মৌজা সকল যাহাতে জমি আছে	জমি	রকম জমি	নিরিখ Rate of rent.		জমাবন্দী Assessment.	
Name of táluk.	Name of talukdar.	Names of villages in which land is situated.	Quantity of land.	Sort of land.	To be paid by occupant ryots to shikmidárs.	To be paid by shikmidars to Government.	Of cultivators.	Of shikmidárs.

No. 9.

Terij shewing the total area and assessment of occupants in Village or Estate,_____ No.____

1	2	3	4	5					6	7						8	9		11	12	13
Name of occupant shikmidár or ryot.	Total area.	Less uncultivable lands.	Remaining culturable lands.	Culturable but not cultivated lands, unassessed.					Total culturable not cultivated.	Cultivated lands brought under settlement.						Total cultivated.	Total assessment at the rates of Ekwal.		Deduct allowance.	Remaining Government Revenue.	Remarks.
				Fallow	Jungal uncultivated	Under water.	&c.	&c.		House.	Court-yard.	Garden.	Rice.	&c.	&c.		Cultivator.	Shikmidár.			
	B																				
Ticca Ramdhone Chuckerbutty, occupant Goun Soonder Chuckerbutty, ...	84 0 0	10	83 10	5	32	3	19	0	59	8 0	2	4 0	2 0	6	10 2	24 10	67 12	61 10	0 0 0	61 10 0	
Talook Ramsunkur Doss, ditto Gourhurry ...	30 0 4	10	25 10	0	7	0	0	0	7	9 10	0	3 10	4 10	0	0 1	18 10	53 12	48 9	10 per cent. 4 13 10	43 11 2	
Ryotee Gourmorooshu Ramjeebun Doss...				NOTES.—In column 1 will appear the names of those who are to pay rent to the Government lessee whether talukdars or other middle-men or ryots.																	
Putnee Shama Churn Biswas				The columns subordinate to headings 5 and 7 must be increased ordecreased, so as to suit local peculiarities.																	
Gattee Ramjeebo Chuckerbutty.				In col. 11 will be entered any allowance made to any middle- men of any class.																	
Ryot Rajkissen Doss. ...				Should there be land not held by any one, the circumstances of the same will be entered in column 1, and the quantity in the columns to which it may belong.																	
Istumraree Kissen Mohun Ghose ...																					
Havlee Moodoosooden Doss...																					
Kansapote Shib Doss, occupant Shib Doss ...	11 10 0	0	11 10	0	0	0	0	0	2 0	10	0	0 0	0	9	0 0	11 10	25 8	0 0	0 0	25 8 0	

No. 10.

RUIDAD OF AMEEN.

1*st.* Date of appointment of ameen and of his arrival in the estate to be measured.

2*nd.* The boundaries of the estate measured, that is, if a village, by what villages surrounded; if a táluk, by what estates or táluks surrounded; if a pergunnah, by what pergunnahs surrounded; and mention of disputed boundaries, if any.

3*rd.* The system of measurement followed, whether by acres or by bíghás; and whether the measurement was conducted with a pole or chain, and by scale and compass, or otherwise.

4*th.* Description of the land comprised in the estate, whether high or low, poor or rich, open or jungal.

5*th.* Mention of the number of rent-free holdings in the estate, and the extent of them.

6*th.* Mention of land not fit at present to be subjected to assessment.

7*th.* Mention of the rates current in the Estate for each description of land, and

whether they have been compared with the rates current in adjoining Estates or not; and if so, note the difference.

8*th.* Mention of increase derived from woods, groves, jungal, &c.

9*th.* Mention of fisheries.

10*th.* Mention of any other miscellaneous sources of increase.

11*th.* Mention of the different classes of cultivators found in the Estate and the claims preferred by each class, and where there is a party entitled to settlement, mention whether he admits or denies the ryot's claims.

12*th.* Mention of the Rent Roll as by the rates approved by the ameen.

13*th.* Mention of the number of inhabitants, distinguishing Hindus Mahomedans, and others.

14*th.* Mention of any other circumstances requiring notice.

No. 11.

1	2	3	4	5	6	7	8
Names of instruments.	Previously received.	Balance in hand.	Number indented for.	Strength of party for the use of which instruments are wanted, and for what purpose.	Rate.	Amount.	Admitted or not by the Board.

No. 12.

Testing Form.

Number of Plot in Chitá.	As measured by Ameen.					As tested by—					Increase.			Decrease.			Remarks.
	Average length.	Average breadth.	Total.	Description of soil.	Rate per bighá.	Average length.	Average breadth.	Total.	Description of soil.	Rate per bighá.	Quantity of land.	Description of soil.	Rate per bighá.	Quantity of land.	Description of soil.	Rate per bighá.	

No. 13.

PARAS. 92 TO 97 OF THE CIRCULAR ORDER OF THE WESTERN BOARD ON THE SUBJECT OF SETTLEMENTS, DATED 9TH APRIL, 1839.

92. It is the Board's desire that every effort should be made to reduce the amount of these variations to the smallest possible extent. It is so obvious a dictate of justice and sound policy, so to take the portion to which Government are entitled, as to secure to industry its full reward, and to inflict a penalty on neglect and indolence, that there are few points to which the Board attach higher importance.

93. The Board's objection to casual variations, refers to a practice which prevailed throughout the north part of Rohilcund and the Dooab, involving very gross impolicy and injustice.

94. It has, in those parts, been customary to tax the really industrious communities, the Jâts particularly, who are proverbially the most diligent cultivators, to the utmost extent which they can possibly be made to endure, in the belief that their elastic and persevering industry and agricultural skill would enable them to rise under the pressure ; at the same time the idle Syads, which tribe furnishes a large portion of the officers of the cutcherries, and the Goojurs, whose wandering and predatory habits are notorious, and some of the Rajpoots, are indulged with a very light demand, the former through favour and influence, the two latter from the supposed impossibility of obliging them to pay.

95. The Board are well aware that the three latter classes could not, in their present state, bear up under any thing like the degree of taxation which the former could support with ease. They also know that the necessities of the State would not admit of the former class being relieved, so as to bring them at all to a parity of burthen with the latter; nor is such a measure necessary, for those skilful and industrious parties will be far more prosperous under any moderate pressure than the latter under an almost nominal demand.

96. The Board, however, object to permit the former class to be weighed down beyond their power, that the latter may go free. They desire to see the latter so fairly and moderately taxed, as may oblige them to adopt habits of industry and management, or to transfer their lands to those who will make that use and improvement of them which it is the right and duty of all good Governments to enforce.

97. This is the Board's intent in the expression of their desire that the Settlement Officers should apply themselves, as far as practicable, to the removal of casual variations. They have no intention to force conclusions, or aim at an impossible equality. They have desired simply to correct, by the introduction of a sound principle, the ill-effects of former errors.

103. It then becomes the duty of the Settlement Officer, by a careful enquiry into the details village by village, to ascertain the causes which give rise to the inequalities, to test the accuracy of his general rates, to reduce the demand where it presses too heavily, and raise it where it is too low ; and where good and sufficient cause is found for any considerable variation from the ascertained average rates, to state that cause succinctly and clearly.

No. 14.

EXTRACTS FROM THE HONORABLE THE COURT OF DIRECTORS' LETTER,

No. 6 of 1837, dated the 12th April 1837.

PARA. 26. We observe that heretofore there has been but little similarity in the mode of assessment in the Districts of the Upper Provinces. We know that it may not always be possible to pursue one uniform course in this particular, but we are of opinion that generally speaking this essential principle may be preserved, especially in those Districts where neither the forms of public institutions nor ancient usages present impediments.

27. With regard, for example, to the practice which exists of forming assessments according to the value of the crops produced, and not according to the value or capabilities of the land, a subject which was noticed by us in our Despatch of the 15th February 1833, this is a mode of assessment which we find by the Proceedings under review, continues to be observed in many Districts in the Western Provinces, a practice which, as remarked by Lord William Bentinck, must act as a check on industry and discourage cultivation.

28. We are desirous of drawing your particular attention to this subject in especial connection with the cultivation of Cotton, Sugar, Coffee, and other staple commodities suited to the home markets.

29. You are aware that the equalization of the duties on Sugar is a subject that has engaged our anxious consideration, and you will have received from us through the Public Department, under date 10th August 1836, copies of the Act recently passed on this subject. The advantages to individual skill and industry, and to the commercial community of India in general, which must result from this measure, will doubtless be very great.

30. The prospect is thus opened to Europeans, and will doubtless be embraced, of investing their capital in the cultivation of staple articles of product in India; and it may be hoped that corresponding benefits to the agricultural community will accompany the extension of more valuable cultivation. It is nevertheless imperative on us not only to watch narrowly the interests of the native population, but to use every means, and embrace every opportunity, of improving those interests and ameliorating the general condition of the people.

31. European enterprise and European capital are ever ready to secure the advantages which any changes in State policy, commercial or financial, may seem to hold out, and this it is not our desire to check. At the same time it behoves us to be something more than quiescent with regard to our native subjects, who having the skill and industry, may want the enterprise and capital of the Europeans, and occasionally to lead and assist them in the line of improvement; this we consider to be the true policy of a liberal government, ruling over a people not possessing the knowledge or means of developing all the resources of their native land.

32. No better means of securing this good object can be pointed out than the adoption of such a mode of assessment as shall leave the cultivator in possession of an ample and encouraging remuneration for the the exercise of his industry in the growth of articles adapted to the demands of the home market. The policy of long leases and moderate assessments is therefore not only recommended by general principle and general experience, but is enforced by the peculiar circumstances of the time.

33. You are aware that the practice existed at Bombay and Madras as well as in Bengal of making the assessment according to the produce, and not according to the value and capabilities of the lands, and that it was stated that the Revenue could not afford to bear the change contemplated by our instructions on this subject. We trust, however, that this practice is generally discontinued at Madras and Bombay, and that the prohibitory instructions which have from time to time been received from us on this subject, will be kept in view during the progress of the new settlements in the Western Provinces, and ultimately put a stop to this very objectionable mode of assessment. It is the productive power of the land and not its actual produce that should be taken as the guide in making the assessment. By this mode the best description of encouragement is given to the cultivator to extend cultivation and raise crops immediately beneficial and profitable to himself, and such a system, we have on former occasions observed, and are still of opinion, would not ultimately be found detrimental to the interests of the State.

34. Where the system of assessing according to the actual produce has been abolished and the character of the soil substituted as the basis of the assessment, the effect of the change has been most beneficial, as is attested by Mr. H. Fraser, writing from Delhi, where this system has been for some time in operation,

No. 15.

EXTRACT FROM A LETTER FROM THE OFFICIATING SECRETARY TO THE GOVERNMENT OF BENGAL, REVENUE DEPARTMENT.

PARA. 4. The Deputy Governor considers the present system of managing Government Estates to be generally defective; and being desirous that a system should be adopted calculated to ensure the realization of the actual rental of the Estates, and also to promote the prosperity of the cultivators, he would be glad to be favored with the opinion of the Board as to how far those two important objects would be likely to be attained by adopting the following suggestions :—

First. An Estate becoming the property of Government by purchase or otherwise, should be, as soon as possible, surveyed by a Professional Surveyor, and its boundaries marked in a durable manner. Should no Professional Surveyor be available, a native Ameen might be employed, his work being closely and constantly followed and tested either by the Collector in person, or by one of his trustworthy subordinates.

Second. The Surveyor or Ameen should ascertain and record the number of holdings or farms composing the cultivated portion of the area of every village included in the Estate, the quantity of land in each holding, with the numbers or names by which the several fields composing that quantity are designated in the village accounts, the name of the occupant of each holding, and the amount of the rent paid by him annually for each field in the three past years.

Third. Each holding should be considered a distinct farm, and the aggregate amount of the annual rents paid in the past three years for the several fields composing it, should be recorded as the rent to be demanded from the occupant, to whom, if willing to engage for that rent, a lease should be granted for three, five, ten, or twenty years, as might be deemed most advisable. The lease should specify the several fields comprised in the holding, and the lessee should be made clearly to understand that during the term of the lease he would not be required to pay a single Rupee in addition to the specified rent, whatever kind of produce he might cultivate.

Fourth. Advances of money, bearing a moderate rate of interest, to enable them to cultivate their lands without subjecting themselves to the ruinous demands of native money-lenders, should be made to the ryots, who take leases for their holdings, on the above terms.

Fifth. The Putwaree of each village included in the Estate should receive a liberal salary, and in addition to the duty of keeping the accounts of the village, should be employed to collect the rents assessed on the several holdings comprised in it.

Sixth. As many Estates thus settled as could be efficiently superintended by one person, should be committed to the charge of a Deputy Collector, under Regulation IX. of 1833, the superintendence of which should be his sole duty.

5. By adopting such a system of management as that above suggested, the Deputy Governor is of opinion, that the improvement of Government Estates would be far more likely to be ensured than by selling them, as recommended by the Board, to private individuals at a jumma fixed for perpetuity, by which the cultivators would be again exposed to the impoverishing exactions and the other many evils of Zemindaree management.

No. 16.

RULES RELATING TO BÁDSHÁHÍ TENURES.

I. When a bádsháhí tenure shall be declared liable to assessment, if the original grantee and his successors or representatives shall have continued in the uninterrupted possession and management of the tenure for a period of sixty years, or if they shall have continued for a period of sixty years in the uninterrupted receipt of a specific portion of the produce of the lands included in the tenure, under the denomination of rent paid to them by a party occupying and managing the tenure

as their agent or farmer, and not having a proprietary right in the lands, it shall be incumbent on the officer empowered to investigate the lákhiráj title in such tenures, to report the circumstances of the case, as required by Section v., Regulation XIII. of 1825, in order that the settlement of the tenure may be authorized to be made with the lákhirájdár, at a revenue assessed on the actual rent produce of the lands, under the general rules contained in Regulations VIII. of 1793, VII. of 1822, IX. of 1825, and IX. of 1833; and the tenure, when so settled, shall be held to be hereditary and transferable, and the party claiming the proprietary right in the lands, shall not disturb the possession of the lákhirájdár, or his heirs, or representatives; and any suit preferred by such party in a Court of Judicature shall, as provided for by Section ii. of the aforesaid Regulation, be dismissed with costs.

II. If the proprietor of the lands included in a resumed tenure, shall have continued in the possession and management of the lands, after the creation of the tenure, paying the Government share of their produce to the lákhirájdár, the settlement shall be made with such proprietor under the general rules contained in the Regulations above mentioned; and it shall be lawful for the Governor of the Presidency to grant to the lákhirájdár, if in destitute circumstances, such pension for life as may be deemed proper.

See note at the end of the Rules.

III. When the settlement of lands in a resumed grant shall be made with the lákhirájdárs, if the person claiming to be proprietor of the lands shall have received málikána in money, kind, or land within the twelve years antecedent to the resumption of the tenure, or have preferred a well founded claim thereto before a competent tribunal, within that period, he shall, after the resumption, receive from Government in perpetuity an annual allowance which shall not in any case exceed 10 per cent. on the net rental* at the time of settlement, to be paid to him by the Collector.

See note at the end of the Rules.

* By net rental is meant the rental minus the usual deduction for expenses and risks.

IV. If the party claiming the proprietary right shall be allowed málikána under Rule III., he shall be entitled to a money compensation for loss of settlement, in addition to the annual málikána allowance awarded to him, which compensation shall be calculated at ten years' purchase on the difference between his málikána allowance and the zemindári profits (málikána inclusive) which he would have received annually had the settlement been made with him; the said zamindári profits being assumed at 20 per cent. on the gross rental of the lands.

See note at the end of the Rules.

V. No claim to málikána or to compensation for loss of settlement shall be entertained, which shall not be preferred to the Revenue Authorities previous to the sanction by Government of the settlement with the lákhirájdár; nor shall any claim not so preferred in the first instance, be cognizable in the Courts of Justice.

VI. If a lákhirájdar entitled to settlement under Rule I. refuse to engage on terms approved by the Board of Revenue, the settlement for his tenure shall be made with the proprietor of the lands included in the tenure, if there be one under the general Regulations, and the recusant lákhirájdár shall not be entitled to any allowance of málikána.

VII. If the title-deeds on which a lákhirájdár claims to hold his lands free of assessment, shall have been declared by a final judgment of a competent Court to have been forged or fraudulently altered, no length of possession either in the occupant or his ancestors, shall be held by the Revenue Authorities to entitle him to a settlement for the lands; but the settlement shall be made with the proprietor of the lands, if there be one, under the general Regulations. But this Rule shall not preclude the Government in its executive capacity from admitting the disseised lákhirájdár to settlement, if with reference to length of possession or other circumstances, it should be deemed right so to admit him; nor shall it endamage the claim of any party who may hold a tenure by right of purchase, and who shall prove to the satisfaction of the Revenue Authorities that the purchase was made by him in good faith, and in the belief that the title-deeds previously forged or fraudulently altered, were good and valid documents.

Hukmí Tenures.

(*i. e.* tenures under grants other than bádsháhi.)

I. *Clause* 1.—When a hukmí tenure shall be declared liable to assessment, if the original grantee and his successors or representatives shall have continued in the uninterrupted possession and management of the tenure for a period of sixty years, or if they shall have continued for that period in the uninterrupted receipt of a portion of the produce of the lands included in the tenure, under the denomination of rent paid to them by a party occupying and managing the tenure as their agent or farmer, and not having a proprietary right in the lands, it shall be incumbent on the Officer empowered to investigate the lákhiráj title in such tenures, to report the circumstances of the case, as required by Section v., Regulation XIII. of 1825, in order that the settlement may be authorized to be made with the lákhirájdár; and the tenure, when so settled, shall be held to be hereditary and transferable, and the party claiming the proprietary right in the lands, shall not disturb the possession of the lákhirájdar or his heirs or representatives; and any suit preferred by such party, in a Court of Justice, shall, as provided for by Section 2 of the aforesaid Regulation, be dismissed with costs.

Clause 2.—If the original grantee and his successors or representatives shall not have been in the possession and management of the tenure under the resumed grant for so long a period as sixty years, but shall have obtained possession of it previous to the 1st of December 1790, the settlement shall be made with the lákhirájdár in the manner provided for in the foregoing Clause, but any dispute regarding the proprietary right in the lands, between the grantee and grantor or other party, or their respective heirs or successors, is to be considered as a matter of a private nature to be determined by the Civil Courts; and the lákhirájdár shall continue in possession until dispossessed by a decree of a competent Court of Justice.

II. The revenue to be paid by a lákhirájdár admitted to settlement for his resumed tenure, is to be adjusted according to the following Rules:—

If the grant of the tenure shall have been made previous to the Bengal year 1178, or the Fuslee or Willaitee year 1179, according as the tenure may be situated in Bengal, Behar, or Orissa (excepting Cuttack and its dependencies), the revenue to be paid by the lákhirájdar to the Government shall be equal to one-half of the rent produce of the tenure. If any part of the tenure shall be uncultivated, the lákhirájdár is to be required to bring that part into cultivation, and to pay such progressive increase, to be regulated with reference to the reduced rate of the assessment on the cultivated part, as the Board of Revenue, with the sanction of the Government, may deem reasonable.

If the grant of the tenure shall have been subsequent to the Bengal year 1178, or the Fuslee or Willaitee year 1179, according as the tenure may be situated in Bengal, Behar, or Orissa (excepting Cuttack and its dependencies), the revenue to be paid by the lákhirájdár to the Government shall be assessed under the general Regulations on the whole of the actual rent produce of the tenure.

III. If the proprietor of the lands included in a resumed tenure shall have continued in the possession and management of the lands after the creation of the tenure paying the Government share of their produce to the lákhirájdár, the settlement shall be made with such proprietor under the general Regulations, and it shall be lawful for the Governor of the Presidency to grant to the lákhirájdár, if in destitute circumstances, such provision for life as may be deemed proper.

See Note at the end of the Rules.

IV. When the settlement of lands included in a resumed grant shall be made with the lákhirájdárs, if the person claiming to be the proprietor of the lands shall have received málikána in money, kind, or land, within the twelve years antecedent to the resumption of the tenure, or have preferred a well-founded claim thereto before a competent tribunal within that period, he shall, after the resumption, receive from Government in perpetuity an annual allowance, which shall not in any case exceed 10 per cent. on the net rental,* at the time of settlement, to be paid to him by the Collector.

* By net rental is meant the rental minus the usual deduction for expenses and risks.

V. If the party claiming the proprietary right in the lands shall be allowed málikána under Rule 4, he shall be entitled, in all cases where the settlement has been made with the lákhirájdár under Clause, 1, Rule I., to a money compensation for loss of settlement, in addition to the annual málikána allowance awarded to him; which compensation shall be calculated at ten years' purchase on the difference between his málikána allowance and the zemindári profits, (málikána inclusive,) which he would have received annually had the settlement been made with him, the said zemindári profits being assumed at 20 per cent. on the gross rental; provided the case be not one in which (under Section iv. Regulation XIII. of 1825,) the málick has already been debarred from settlement by an equitable law. In such cases the málik cannot be held entitled to any compensation for loss of settlement.

See Note at the end of the Rules.

VI. No claim to málikána or to compensation for loss of settlement shall be entertained, which shall not be preferred, in the first instance, to the Revenue Authorities, previous to the sanction by Government of the settlement with the lákhirájdár, nor shall any claim not so preferred be cognizable in the Courts of Justice.

VII. If a lákhirájdár entitled to settlements under Rule I., not being málik of the lands included in his tenure, refuse to engage on terms approved by the Board of Revenue, the settlement shall be made with the proprietor, if there be one, and the recusant lákhirájdár shall not be entitled to any allowance ef málikána.

Note referred to in the Rules.

The Revenue Officers employed to give effect to the foregoing Rules should be informed that the management of a rent-free tenure by the mukaddam or head ryot of the village in which the tenure is situated, and the receipt from the lákhirájdár by such mukaddam of an allowance in land, money, or kind, for his services, are not evidence of his (the mokaddam's) proprietary right in the lands, and that a claim for málikána and compensation for loss of settlement of a resumed tenure of which the lákhirájdár and his ancestors have had possession, or have enjoyed the rents for a period of sixty years, cannot be considered an admissible claim, unless it be proved by satisfactory evidence that the party advancing such claim has actually received from the lákhirájdár an allowance in acknowledgment of his proprietary right up to the date of resumption, or that he comes within the scope of Clause 2 of Rule III., relating to bádsháhi, or of Clause 2 of Rule IV., relating to hukmí tenures.

No. 17.

মহামহিমশ্রীযুক্ত

বরাবরেষু ।

লিখিতং শ্রী ওলদে সাকিন পরগনে মোতালকে জেলা কস্য কবুলীয়ত পত্র মিদং কার্য্যনঞ্চাগে আমি সরকার বাহাদুরের জেলা সংক্রান্ত খাষ মহাল টাকা বারসীক সদর জমায় ইং সন নাং সন মেয়াদে সাকিনের মাল জামিনিতে ইজারা নইলাম আইন ও বন্দবস্তানুসারে প্রজারদিগের নিকট খাজানা উসুল করিয়া আপন লিখিত কিস্তীবন্দী মোতাবেক সরকারি মালগুজারি কিস্তীং আদায় করিব যদ্যপি সনের মধ্যে কোন এক কিস্তীর সমুদয় কিম্বা কিয়দাংস খাজানা আদায় না করি তবে সর্ব্বতোভাবে সরকার বাহাদুরের ক্ষমতা থাকিবেক যে চলিত সনের সেষ পর্য্যন্ত অপিক্ষা না করিয়া সনের মধ্যেই আমার ইজারা পাট্টা রদ রহিত