

tracts are scattered, or run continuously through pergunnahs of great extent, separate lists will be necessary for different portions.

6. These lists should comprise settled villages within a range of from five to ten miles of the jungle and waste tracts, and may be drawn out in the annexed form.

7. In future, when the usual settlement statements of lands assigned on clearing leases are submitted, they must be accompanied by a supplementary memorandum of particulars, as shewn in the exemplar accompanying, to satisfy the Government, that the principle above determined has been duly observed in fixing the assessment.

8. The graduated juma will be calculated as hitherto according to the prescribed scale, but ordinarily the kamil juma will be attained when the advancing rate in the prescribed scale has reached to, or is as nearly as possible approximate to, the average malgoozaree rate on circumjacent assessed villages, as shewn in the lists of villages above referred to, in paragraphs 5 and 6.

9. Whenever deviation from this rule is considered necessary, that is, wherever it is deemed proper to demand the full or approximate kamil juma of the scale heretofore declared, though such be in excess of the average malgoozaree rate of the vicinity, special reasons must be stated for the information of Government.

Form.

District.	Pergunnah.	Name of settled Mouzah circumjacent of Jungle tracts.	Rate on Malgoozaree area form No. 4.	Average Malgoozaree rate.	Remarks, showing the locality of the waste tracts with reference to which the list is compiled.
1	2	3	4	5	6

N. B.—Where tuppah sub-divisions obtain the entries in columns 3 and 4, may be given for tuppahs.

Exemplar.

This tract is situated in the ——— quarter of Pergunnah ———, and the average malgoozaree rate of circumjacent assessed villages, on reference to the accompanying list compiled for reference is found to be ——— per acre.

As there are no special reasons for demanding a higher rate than the latter, the kamil juma, has been reached in the ——— year of the prescribed scale.

Or, if there are special reasons for demanding the kamil juma of the prescribed scale; such, for example, as the opening out a canal at the cost of Government, the establishment of new and extensive markets, and the like; these reasons should be fully given.

Or, it may be stated that the average malgoozaree rate on adjacent settled villages being equal to, or in excess of, the rate of kamil juma of the prescribed scale, the latter has been adhered to.

—
No. 2109.

NOTIFICATION BY GOVERNMENT, N. W. P.

Revenue Department, the 26th of September, 1855.

Grants of land for tea-cultivation, in the Kumaon and Gurhwal Districts of the Kumaon Province, will be made on the following conditions, on application to the senior assistant Commissioner of the District.

2. Each grant will be of not less than 200, or more than 2,000 acres. More than one grant may be taken by one person or company, on the applicants' satisfying the local authorities, acting under the usual control in the Revenue Department, of their possessing sufficient means and capital to undertake an extended cultivation and manufacture of tea.

3. One-fourth of the land in the grant, will be given free from assessment, in perpetuity, on fulfilment of the conditions below stated.

4. The term of first lease will be for twenty years. For the first four years the grant will be rent-free; in the fifth year, one anna per acre will be charged on 3-4th or the assessable portion of the grant; two annas per acre in the 6th year; three annas in the 7th year, and so on, one more anna being added in each year, till in the last year, the maximum rate is reached, of one rupee per acre. The full assessment, on a grant of 2,000 acres, will thus not exceed 1,500 rupees per annum.

5. The following are the prescribed conditions of clearance.

At the close of the 5th year from the date of grant, a twentieth part of the assessable area; at the close of the 10th year, one-fifth of the assessable area; at the close of the 15th year, half of the assessable area; and at the close of the last year, 3-4th, of the assessable area is to be cleared, and well-stocked with tea-plants.

6. In the 21st year, on the fulfilment of the above conditions, the proprietary right in the grant, and the right of engagement ~~with~~ Government, shall rest in the grantee, his heirs, executors, or assigns, under the conditions generally applicable to the owners of estates in Kumaon; and the rate of assessment on the lands in the grant, in whatever manner cultivated, shall never exceed the average rate on grain-crop lands in the same locality.

7. On failure of payment of the prescribed assessment in any year, or of any of the above conditions, (the fact of which failure shall, after local enquiry conducted by the Senior Assistant Commissioner, be finally determined by the Sudder Board of Revenue,) the entire grant shall be liable to resumption, at the discretion of the Government, with exception to the portion of the assessable area, which may be bonâ fide under tea-cultivation, and to a further portion of land, which shall be allowed in perpetuity, free of assessment, to the extent of 1-4th of such cultivated area. The portions, so exempted, will remain in the possession of the grantee, subject to the usual rates and rules of assessment in the District.

8. Grantees shall be bound to erect boundary pillars at convenient points round the circuit of a grant, within six months from its date, failing which, such pillars will be put up by the Government Officers, and the cost thereof shall be recoverable from the grantee, in the same manner as the regulated rate of assessment.

9. No claim to the right and interest in a grant, on any transfer by the original grantee, will be recognized as valid, unless on registry of the name of the transferee in the Office of the Senior Assistant Commissioner.

10. So long as Government establishments for the experimental growth and manufacture of tea shall be maintained in the province, supplies of seeds and plants will be given gratis to grantees, on application to the Superintendent, Botanical Gardens, North Western Provinces, as far as may be in his power.

APPENDIX, No. XXII.—Para. 213.

RULES REGARDING ALLUVION AND DILUVION.

CIRCULAR ORDER BY THE SUDDER BOARD OF REVENUE.

No. 16 of 1848, dated the 19th of Sept., 1848.

The Sudder Board of Revenue are pleased to issue the following instructions, regarding the steps to be taken by Collectors, in examining and reporting upon the changes which are liable to occur in alluvial lands.

2. Every Collector is required, as a preliminary measure to draw

AT THE TIME OF SETTLEMENT.					ON LAST REVISION.				REMARKS.
Area.					Area.				
Mehal.	Total.	Malgoozaree.	Cultivated.	Jumma.	Total.	Malgoozaree.	Cultivated.	Jumma.	
									<p>This Mehal has not been altered.</p> <p>There is a small increment here, but not to an extent requiring revision.</p> <p>The decrement in this village has been separately reported on.</p> <p>The increment here is large and requires investigation.</p>

well as the jumma at the time of settlement, and also at the time of the last revision of assessment.

3. At the close of the rains, and when the rivers have sufficiently subsided, the whole of these mehals must be visited by the Tuhseeldar, who will enter in the column of remarks such information regarding each mehal, as he may be able to obtain. In every case of decrement, where the zumeendars claim enquiry and reduction, he must state the grounds upon which they make the demands, the nature of the land said to be cut away, and his opinion regarding the claim, founded upon such summary enquiry as he can easily make, and his own personal

knowledge of what has occurred. From this report, the Collector will be able to gather what cases are likely to require investigation, and in what no further orders are necessary.

4. On the 1st of November, or as soon after as conveniently practicable, the Collector or Deputy Collector, in company with the Tuhseeldar, should repair to the vicinity of such tracts as are reported to have suffered any change requiring investigation, and take up and decide every case that may have arisen.

5. At the close of the investigations, those cases in which such changes are ascertained to have taken place, as render an alteration of assessment necessary, should be submitted in the following classes :—

- I. Settlements in consequence of increment.
- II. Settlements in consequence of decrement.
- III. Settlements of new mehals formed by the river.

I. Whenever the addition of cultivated, grazing, or otherwise productive land, amounts to 10 per cent. more than the cultivated area of any mehal at the time of settlement, a new settlement of the freshly gained lands alone, or of the entire mehal, at the option of the malgoozar, must be made and reported as a summary settlement. On the field map of the village, or if necessary in a supplemental map, the additional land acquired from the river must be indicated in detail; that part of it, which is cultivated or capable of cultivation, being distinguished from the rest. A detailed statement of the area, and of its estimated value should accompany the report, along with the original Settlement Forms II. and III.

II. In all cases where by change in the course of the river or by the action of the stream, a similar proportion, viz. 10 per cent. of the cultivated or otherwise productive area, or 10 per cent. of the assets, calculated upon the cultivated area of the last settlement, may be lost, a fresh settlement of the mehal must be made, and the loss is to be marked with a red line in the field map, a detail being given in the report.

III. Whenever lands are thrown up, that, under Regulation XI. of 1825, do not belong to any particular mehal, they must be erected into a new estate, and settled: and the Collector must apply for permission to bring the new mehal on the Rent Roll of the district. In such cases a field map, with detail of the measurement and estimate of the value of the lands, will accompany the report.

6. After any summary settlement thus effected, no further charge is to be made in the assessment until a further increment or decrement to the amount of 10 per cent. of the area or assets ascertained at the last summary settlement, take place.

7. Whenever a mehal is utterly cut away by the river, so that no portion of it remains as a land mark, the mehal is to be struck off the Rent Roll of the district.

~~8.~~ The Collector is required to submit a yearly report of the investigations directed in this Circular, which should reach the Commissioner by the 1st of April, and should no cases of increment or decrement have occurred, he must certify in his report to that effect.

9. Commissioners are requested to see that these rules are carefully acted up to, and to report yearly before the end of May, the operations in the several districts under their charge.

10.* When such extensive alterations have taken place in the course of a river, or the formation of alluvial deposits, as to render it expedient that a professional survey of the new outline be obtained, the Local Authorities should bring the circumstance to the notice of the Board.

APPENDIX, No. XXIII.—Parā, 215.

COMPENSATION FOR LAND TAKEN FOR PUBLIC PURPOSES.

Circular Order Sudder Board of Revenue, No. IV.

22. Copy of a resolution of Government, dated 30th of January, 1829, is subjoined, to the rules of which the Board request you will cause effect to be given in all cases of the occupation of land for military purposes, and for the adjustment of the compensation to be assigned to the owners.

23. "No lands are to be permanently occupied by the Military Authorities, until authorized by Government to do so.

24. "When any lands may be required for such purposes, the Executive Engineer, or such other officer as may be appointed to the duty, shall carefully survey the land proposed to be taken, and shall furnish a map or plan of the same, so prepared as to obviate all doubt as to boundaries, with a statement of the area noted thereon.

25. The map or plan, after having been approved by Government in the Military Department, shall be forwarded to the Collector of the district, who shall thereupon proceed without delay to ascertain in the manner prescribed by Regulation I. 1824, what private rights and interests attach to the land, and to arrange for the transfer of it under the instructions of the Commissioner of Revenue and Circuit. The Commissioner shall in such cases exercise the powers, specified in Clause 2, Section 3, of the abovementioned Regulation, and shall also, of course, issue such instructions to the Collector as he may deem proper in regard to the purchase of the land by private bargain, if that mode of acquiring it be adopted.

26. "When the necessary arrangements have been completed for the transfer of the land to Government by private bargain or the award of arbitrators, the Commissioners, after carefully seeing that all private claims have been satisfied or adjusted, and that the aggregate of the several parcels, specified in the proceedings of the Collector or Arbitrators, agrees with the area given by the survey, or that the differences are satisfactorily explained, shall be authorized to direct payment of the sums receivable by the owners, and the transfer of the lands to the

Military Authorities, reporting the result to Government in the Revenue Department, through the Sudder Board of Revenue."

28. When remission of revenue may be claimed by landholders as compensation for lands taken from them by Government for the construction or alteration of public Roads, you will be pleased to direct the accompanying Form of report to be adopted in submitting such claims for sanction.

29. In proposing compensation on account of cultivated lands taken up for Government purposes, calculation should be made at the average jumma rate per acre of the whole cultivated area of the mehal, with an additional 10 per cent., for loss of profits. If the land is uncultivated, the malgozaree rate should be the basis of calculation. Where these rates are exceeded, the reason should always be given.

30. In these, and in all other instances, in which there may be occasion to mention the quantity of land which forms the subject of reference, care must be taken to give the amount in statute acres, and not in beegahs, of which the value varies in almost every district.

Detailed Statement of sums due to _____ on account of Remission and Compensation for lands taken for the public road in _____.

1	No.	
2	Name of village.	
3	Quantity of lands in cultivation.	
4	Jumma for one year.	
5	Rate of compensation per acre.	
6	Rate of settlement per acre.	
7	Period for which remission is claimed.	
8	Amount of remission due to the end of _____.	
9	Quantity of land in cultivation.	Deduct Jumma of the site of the old road.
10	Jumma of one year.	
11	Period for which jumma is demanded.	
12	Amount due up to _____.	
13	Balance due to individuals.	
14	Add value of grain, trees, houses, wells, for the first year only.	
15	Total amount due to individuals.	
16	Remarks.	

Extract (Paras. 5 and 6.) of a Letter from the Secretary to Government, in the N. W. P., to the Secretary, Sudder Board of Revenue, N. W. Provinces, dated Agra, the 27th January, 1845, No. 360.

Para. 5. The Canal Officers shall settle all compensation regarding houses, trees, crops, wells and buildings, and shall pay the money from their own Treasury, taking receipts as vouchers, and acquittances from the owners. The Revenue Officers are always at liberty to represent any case, in which they find the compensation awarded to be inadequate, or the proceeding to have been conducted in any objectionable way.

Para. 6. The Collector shall settle compensation regarding land however occupied, whether by crops or gardens, whether cultivated, culturable or barren, whether khaliseh or lakhiraj. In such cases the Canal Officer as soon as he has laid down his line (dag bel) should give certificates to the Tuhseeldar and Collector stating the quantity of land he requires, and which he has marked off, and the dates on which he requires that it be vacated. This date should generally be that on which all the standing crops will be cut at the termination of the current Fuslee year. It will then rest with the Tuhseeldar immediately to ascertain and report to the Collector how and by whom the land is occupied, and on what terms remission of jumma or compensation should be given under existing rules. It will rest with the Collector to provide that the terms be definitively settled by the time, when the land is required by the Canal Officers, or as soon after as possible, and that no unnecessary demand is made on the zumeendars for the land thus taken. The Collector when reporting to the Commissioner his proposed remission for the confirmation of Government, will furnish a copy of his report to the Director of the Canal, in order that an opportunity may be afforded to that Officer, of offering any remarks on the transaction that may occur to him as affecting the charge on his works.

No. 566 of 1848.

From J. THORNTON, Esq.

Sec. to Govt. N. W. P.

To W. MUIR, Esq.

Sec. to the Sudder Board of Revenue, N. W. P.

Dated Agra, 15th Feb. 1848.

SIR,

It has been brought to the notice of the Lieutenant Governor that the arrangements made in Para. 6. of my Rev. Dept. letter to your predecessor, dated January 27th, 1845, have not been carried out in all cases, with that promptitude which is necessary for the avoidance of hardship and injustice to the proprietors, whose land may be occupied by the Canal.

2nd. It is evident that, unless the suspension of the Government demand on the land that may be occupied is made to have effect, from the time that the land is so occupied, the proprietors are unjustly harassed by a demand, which must ultimately be remitted. In order to insure promptitude in this respect, the following instructions should be observed.

3rd. The suspension, consequent on the occupation of the land, will have effect for the kists due on the crop, the growth of which may be prohibited in consequence of the intended occupation of the land. With good management on the part of the Canal Officers it should never be necessary to remove a growing crop, but if such necessity should arise, they must themselves give a compensation, which shall cover the price of the standing crop, and consequently satisfy the Government demand on that crop. No claim, however, will be admitted for crops grown notwithstanding warning given by the Canal Officers.

4th. When the Canal Officers determine on the occupation of land, they will measure its extent, and mark off on the ground the limits of the land they require. So far as may be in their power, they will mention the villages, within which the land lies, and the names of the proprietors. They will immediately forward to the Tuhseeldar a memorandum in the Vernacular, stating these particulars, and will at the same time transmit to the Collector a copy of the memorandum. They will also warn the proprietors of their intentions, and on giving this warning will be at liberty to enter on occupation of the land.

5th. The Tuhseeldar will immediately serve written notices on the proprietors, taking their receipts for such notices. He will also ascertain from the proprietors or the village putwarrees, the proximate amount of the remission,* which will have to be granted under existing rules, and, if he be able, will take from the proprietors a *razeenamah*, intimating their acquiescence in the proposed terms. He will forward to the Collector his report, to this effect, within one week from the receipt of the Canal Officer's memorandum, and will abstain till further orders from making any demand for the amount thus recommended for remission.

6th. The Collector on the receipt of the Tuhseeldar's report will immediately examine the account, and check it by such information as his Office furnishes. He will then issue his orders to the Tuhseeldar, correcting or confirming the adjustment, but always directing the suspension till further orders of such amount of the Government demand as he may consider just. He will at the same time report the transaction in the usual manner through the Commissioner to the Sudder Board of Revenue for confirmation. This report should be made within one month from the date on which the Tuhseeldar's communication was received.

7th. The claims should be taken up as quickly as the ground is appropriated. If the appropriation of the ground be continually going on, the Canal Officer should, at the close of each week, send to the Collector and Tuhseeldar his memorandum of the land, which he has determined on appropriating within the preceding week. He should never occupy the land till he has sent in the memorandum, and given warning to the proprietors, nor should he delay the transmission from uncertainty as to the quantity of land which he may eventually require. He should take whatever he immediately requires, and can subsequently take more, if he then require it. The memorandum should never be delayed on account of the smallness of the quantity of the land to which it relates. If land, which has once been taken, be no longer required, it can be immediately relinquished to the proprietors, and the relinquishment notified to the Collector and Tuhseeldar, in order that it may be brought again on the rent roll.

8th. The Lieutenant Governor trusts that all Officers, both in the Land Revenue and Canal Departments, will co-operate in punctually carrying out these instructions. The Director of the Canal will positively prohibit the Executive Officers from occupying land till they

have measured it and marked it off, and till they have sent in the memorandum to the Collector and Tuhseeldar, and warned the proprietors; and the Commissioner will provide that no delay take place on the part of the Collector and Tuhseeldar in acting with the required promptitude on the information that may be afforded them. The Commissioner and Director should freely communicate and bring to each other's notice any instance of neglect of these instructions, which they may discover on the part of the Officers of either Department. The most effectual means of preventing omissions of this duty will consist in the opening of check Registers by Executive Officers, Tuhseeldars and Collectors, in which the date of each step of every transaction of this nature should be shown in a tabular form. The register may easily be kept in the Vernacular language, but as the operation will quickly come to a termination, it does not seem necessary to prescribe any particular form.

9th. Collectors of Land Revenue will need to bear in mind, that the occupation of land for Government purposes in this manner tends in most coparcenary villages to disturb the existing relations amongst the several sharers and to give rise to disputes, which may be detrimental to the prosperity of the whole proprietary body. Whenever the land is divided and separately possessed by the several coparceners, the party whose land is taken will be entitled either to the possession of other land in the village or to the benefit of the entire remission on his own holding. It will be requisite therefore in such cases not only to remit a certain amount of the Government demand, but also to declare in what way the particular individual or puttee is to be compensated for the land which has been occupied. Whenever the rights in a village are according to ancestral shares, it may possibly happen, that the occupation of any considerable portion of the cultivated lands of a village will involve the partition and reallocation of the whole lands. The Collector should be required to state in his report that he has adverted to this particular feature of each case and has made provision for it.

*Rules for the Adjustment of claims to Compensation on account of
Lands appropriated for Railway Purposes.*

The orders of Government have assigned the principal duty, connected with the appropriation for the Railway to a Tehseeldar. It is desirable that this officer should be the Tehseeldar of the circle through which the line will pass, as it may be supposed he will have more local knowledge and influence than an officer only temporarily employed. During his absence from tehseel duties, these may be assigned to an officer in the same capacity acting for him, who should be desired to render him every assistance.

2. The Tehseeldar on deputation will have the mirdahas and such other of the tehseel establishment as can be spared, in attendance, and the Canoongoe of the pergunnah should also accompany him. It may, in some cases, be necessary to employ Ameens for measurements, and in such cases the usual charge of 1 rupee per hundred beegahs may be allowed, with 8 annas per hundred beegahs for completion of papers.

3. The Tehseeldar's first duty is to accompany the Engineer through his jurisdiction, giving timely notice to the Tehseeldar of the circle in advance, that he may be in readiness to attend the Engineer when he arrives.

4. The Engineer employed in setting out the central line and the exterior lines on either side has authority to remove obstacles, crops, huts, trees, &c. settling and paying compensation to the owners. But in this preparatory operation, it may, in a few exceptional cases, be necessary to defer the adjustment, and in all such cases the Tehseeldar will be careful to take a note, and frame an estimate of the loss sustained by parties, with particulars regarding ownership, to be adjusted hereafter.

5. He will be careful to see that no opposition or resistance is allowed in laying down the lines. The Railway is not a carriage road, which in some special cases may be allowed to deviate from the direct line, on account of the value of property or the claims of individuals. No class-interests can be allowed to interfere with a national undertaking. Any attempt at resistance by force, intimidation or the like, should at once be suppressed by the Tehseeldar, who

will now have always the powers of Chief Police Officers, or, if necessary, be reported to the Magistrate.

6. The Engineer will be followed by the Surveyor, who will make a professional survey of the space indicated by the Engineer, and the Tehseeldar must at the same time prepare his record separately. He will have the settlement Khushreh, Shujrah and other records of each Mouzah to refer to, and will carefully test the accuracy of the entries.

7. This record will be compiled on the spot, and will consist of three registers, Mouzawar and Mehalwar, in the forms annexed, 1, 2, 3. Register No. 1, is for Malgoozaree land; No. 2, for Mauf or Lakiraj lands recognized by Government; No. 3, for Abadee, trees, gardens, houses, wells, &c. not included in Nos. 1 and 2.

8. In register No. 1, it will be observed that there are two sets of numbers, one is the Tehseeldar's own number in a regular series, the other the number in the settlement Khushreh and field Map. Every field or plot of ground, whether cultivated, fallow, waste, or barren, must have a separate Tehseeldar's number, and, as far as the settlement-record admits, the settlement number should be inserted, or the number in the village papers; but, in many cases no numbers were affixed at the time of settlement to waste plots, many of which have since been cultivated. The greatest care must be taken in filling up the several columns accurately, for each number, according to the directions inserted, and care should be taken to draw upon the field map of the settlement-record lines showing the limits of the land to be taken up. This register is for Malgoozaree estates.

9. Register No. 2, is in the same form, but is intended for Mauf tenures recognized by Government, as the principle on which compensation will be awarded differs from that to be observed in Malgoozaree estates.

10. Register No. 3, is for houses, wells, tanks, buildings, orchards, trees, which will have to be appropriated or removed, and for which compensation will have to be paid.

11. A fourth register is of Certificates, which it will be the duty of the Tehseeldar to award to parties entitled to compensation, and which will, after due approval, be vouchers for payment to the recipients at the treasury, at the tehseeldaree, or at the Sudder Station, as the Collector may determine. The Tehseeldar's numbers in this register will correspond with those in Nos. 1, 2 and 3.

12. For determining compensation for land or other property appropriated for public purposes, the law gives sanction to either of two modes, adjustment by private negotiation, or by award of arbitrators formally convened. With a little tact and management, almost every question can be disposed of by the former method.

13. The Tehseeldar should call the parties together, and settle the matter on the spot. He should take the aid of two or three respectable residents not of the estate itself, but the neighbourhood, to assist as advisers and appraisers, and as each adjustment is made, should take a "razeenamah" from the parties entitled to compensation, furnishing in lieu a Certificate *mutatis mutandis*, in the same terms. The assurance of ready money payment, and an open fair negotiation, will enforce despatch.

14. The proceedings of each day in effecting these adjustments should be incorporated in a "roobakaree" for record, and for reference in case any claim or question may arise, which must be submitted to formal arbitration.

15. Where resort to this measure is unavoidable, the Tehseeldar will forward a report to the Collector, with the names of arbitrators, who should be selected on the part of Government, and on receipt of orders will issue instructions to one or two on the part of Government, and the same number on the part of the claimants, to elect an umpire, and proceed to settle the dispute. If the arbitrators cannot agree about the nomination of an umpire, the Tehseeldar should select one.

16. When arbitrators are convened, all assistance should be given them to effect a speedy decision, in adducing evidence, furnishing information, enabling measurements to be made, if necessary, in compelling attendance of parties, and witnesses, and drawing up the award.

17. Care must be taken against any systematic employment of the same parties as aid in private negotiations, or as arbitrators in formal arbitration, otherwise individuals will consider the office as one that should yield emoluments, and intrigues and other mischief will ensue.

18. In malgozaree estates the first step after the appropriation and registration of the land is to determine the amount of juma which should be suspended. The rates on cultivation and malgozaree area being known, there will be no difficulty in settling this amount,

avoiding fractions of Rupees; and notice of this should be immediately reported to the Collector, that he may instruct the officer in charge of the Tehseeldaree to suspend the demand at once.

19. The next step is to adjust with the proprietors for the loss of profits, and the usual tender of 10 per cent. additional should be made, and if accepted, an additional suspension should accordingly be made of juma for ultimate remission. If this rate be exceeded in any case, satisfactory reasons should be given, but as a general rule, it will be better to adhere to that rate as far as regards reduction of juma, and to compound, where the parties assent to such arrangement, for any just and proper excess, by a ready-money payment. By clause 3, Section 6, Regulation I. 1824, the Government has reserved to itself the power of determining what proportion of compensation due to the malgoozar has to be made good in the shape of remission, and under existing rules, this is not to exceed the juma calculated at settlement rates on the land appropriated, and ten per cent. in addition. But it will often happen that larger profits will be extinguished by the appropriation, and though it is not advisable to lower the district rent roll by further reduction of juma, it will be just to compound to the proprietors for the loss which the remission authorized will not cover, by a suitable ready-money payment, which will be less, or more, according to the extent of the land and profits derived from it. The rule adverted to does not affect the primary rule of estimating and paying the fair value.

20. The proprietor's is not, however, in all cases, the sole interest in the land; it may be held by tenants with varying rights of occupancy, or by persons privileged to be exempt from rent by village custom, or the land may be part of the provision assigned for the rural police, and it is only just that compensation should be afforded for the interests which will be sacrificed. The Tehseeldar aided, as above shown, by competent appraisers, should fix the fair compensation payable to all parties entitled. After adjusting with proprietors, he will find no difficulty in settling with tenants and others in an inferior position.

21. With regard to the tenures of non-proprietary cultivators compensation will of course be necessary in all cases for crops which must necessarily be destroyed, but in estimating the compensation for loss of tenure, distinction must be made in cases where the tenant has a permanent right of occupancy, and where this right is only

temporary, the contract being for a precise term of years, or renewed from year to year. Care must also be taken not to confound with such tenures, the cases of mere shikimee retainers of cultivating proprietors, who are not registered tenants, who use their master's cattle and implements of husbandry, and repay him partly in servitude and partly in payment in money or in kind, for the use of a part of his land. The latter have no right of occupancy, and have no claim for remuneration beyond the value of their share in the crop, or for their labour in preparing the land for future sowing. Observe also that the mouroosee cultivator, who pays a fixed rent at a favourable rate, should be distinguished from those who pay the usual average rent of the neighbourhood; both have a permanent right of occupancy, but the first is often more valuable than the other, as the holder may not be able, without a paid consideration, to obtain the same right elsewhere, whereas the other will rarely have difficulty in turning his labour to good profit as before on other lands.

22. But where private negotiations fail, and the proprietors insist on formal arbitration, all parties who have different interests in the same land must apply to those arbitrators to specify in the award the value of each interest. In the event of dispute, not on the amount or value of the interest, but as to the particular persons entitled to share in the amount awarded on account of each separate interest or property, the disputants will be referred to the Civil Court.

23. Whether the mode of private negotiation or formal arbitration be resorted to, if there be doubts as to possession, or disputes between parties as to the right to share in the amount of compensation awarded for any separate interest or property, the compensation determined will have to remain in deposit until one or other of the claimants obtains an order of the Civil Court. It will, however, happen in co-parcenary estates that the appropriation of the land will disturb existing relations amongst the several sharers, and render it necessary to determine, agreeably to paragraph 9, Government Order, Nos. 5 to 6, dated 15th February, 1848, whether re-partition and re-allotment of the whole estate should be effected. In such cases also, the compensation determined should remain in deposit till such matters are settled by the Collector. Other adjustments should not be deferred pending these questions, which the Collector should himself dispose of.

24. In estates or parcels held lakhiraj, it is necessary to bear in mind certain distinctions. In some the exemption from demands of Government is for life only, in others it is perpetual. In many cases the muafedar is only an assignee of juma,⁴ other parties having the proprietary right and possession duly recognized at the time of settlement. In some few cases the tenure, though not muaf, is mokurruree, or quit rent, the Government having authorized a partial exemption of the demand which, but for these privileges, it would otherwise derive from the land.

25. The mode of adjusting compensation with proprietors, other than these privileged muafedars or mookurrureedars and with tenants, is the same as in malgoozaree estates. The former will be entitled to proportionate remission and ten per cent. or other fair compensation for profits, as if they had been malgoozars under the Government; the latter to compensation for the loss of crop and tenure. “

26. The Government prefer adjustment of compensation with muafedars by a ready-money payment, instead of an allowance. It will be necessary therefore to estimate fairly the consideration that should be paid for the loss of juma caused by the appropriation. The mere assignee of juma will be entitled to this valuation, and no more, which will be less for a life-tenure of course, than for a permanent alienation. The muafedar, who is also a proprietor in his own right, will be entitled to the value of his privilege and his proprietary right also. The mookurrureedar will similarly be entitled to the value of the difference between the malgoozaree juma, fairly calculated, and the mookurruree juma paid on the land appropriated, and for his proprietary right also, if that is vested in him. In settling the compensation with ex-muafedars, owners of parcels or estates, which have been resumed and settled with them at half asset rates, the tenure should be considered a profitable estate, open to revision of juma at the next settlement, and compensation be calculated accordingly.

27. Compensation for houses, trees, &c., should be adjusted if possible by private negotiation or formal arbitration. With regard to all buildings that must necessarily be removed, the owner should have a set time allowed for the removal of the materials, and when this is part of the bargain, the valuation should be proportionately less. For nuzzool property no compensation will be awarded, though the value should be determined and registered, but compensation will be given

for any private property, such as gardens or houses which may have been made or built at the bonâ fide cost of individuals upon muzzool land. Where bazars and gunjes have been established with shops, compensation must be awarded to the owners, and to the proprietors of the estate, for the loss of purjote or ground-rent of inhabited sites, which has been customarily demanded and paid, but not otherwise. Compensation also to actual owners of trees and orchards will have to be made, according to the appraised value, but in the case of spontaneous products, or what are called lawaris baghs, which have become the manorial perquisites of the proprietors of the estate by demise without heirs, or desertion of the resident who, or whose ancestors, may have planted them, the value of the bunkur or phulkur should be estimated and paid to the whole proprietary body, unless by partition or private arrangement the local privilege is vested in particular individuals. The same rule should be observed with julkur if any jheel should be absorbed by the line of railway.

28. With regard to temples and places of worship, which must unavoidably be removed, special report should be made, and instructions solicited.

29. Prompt, fair, and judicious adjustment of claims must be succeeded by equally prompt despatch of report and recommendation. As soon as any Mouza or Mehal is disposed of, the Tuhseeldar should submit a complete statement to the Collector, and as soon as all relating to the Tuhseeldar's circle are disposed of, the Collector should report to the Commissioner in the prescribed form. Payments should not be delayed; and it will be required of the Collectors, in submitting their reports, to certify that all claims have been adjusted, or paid; or in cases of dispute, that sums awarded have been placed in deposit.*

30. The Tuhseeldar's certificate to the payee, received back at the time of payment, and the razeenamah, should be retained as vouchers with the rest of the files.

31. It may be necessary hereafter to appropriate in particular localities additional space, and the same procedure will be adopted, a separate record being compiled and kept for additional lands required.

32. It is possible, though not probable, that some portion of the appropriation may be hereafter relinquished. Re-adjustment of juma will in such cases be necessary, and should be reported as summary settlements. Where such lands are part of muaf or mookurruree estates the muafeedar or mookurrureedar who has taken the compensation

awarded will have the reversion, paying back to Government the fair proportion of the amount within a fixed term.

83. Commissioners should require monthly narratives of progress from the Collectors, when these operations have commenced in their respective districts, until they have been, so far as the Revenue officers are concerned, concluded.

Register No. I. for Malgoozaree lands.

1	2	3	4	5	6	7	By whom held and cultivated.							15
							8	9	10	11	12	13	14	
Pergunnah.	Mehal.	Mouzah.	T'uhseeldar's number.	Settlement number.	Area.	Present state.	Name of cultivating proprietor.	Rent estimated at as-sameewar rates.	Name of chuckleydars.	Rent estimated at as-sameewar rates.	Name of Mouroosee Tenant.	Name of Ghyr mouroosee Tenant.	Actual rent.	Remarks.

NOTE. In No. 6, enter the standard beegah recognized at settlement.

In No. 7, enter cultivated, fallow, recent waste, old waste or barren as the case may be. If cultivated, state the crop.

In No. 8, enter the name of the proprietor who holds the land seer,

In No. 10, enter the name of the holder who, by village custom, is exempt; such as the village priest or artizan, or village goreyt.

In No. 14, if payment is made in kind (butaiee or baulee) enter the amount computed at money rates.

It will be convenient to enter in the register, first, all cultivated land and fallow; next, all recent waste; next, culturable waste; and lastly, barren land.

Register No. II. for Muaf Estate recognized by Govt.

By whom held and cultivated tenure.																
Pergunnah.	Mahal	Mouza.	Tehseeldar's number.	Settlement number.	Area B. B. B.	Present state.	Name of cultivating proprietor.	Rent estimated at assamee-war rates.	Name of Minbaee-dars.	Rent estimated at assamee-war rates.	Name of Mouroosee tenant.	Name of Ghyr Mouroosee tenant.	Actual rent.	Name of the muafedar or mokurrureedar.	Name of the proprietor.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

See Note on Register No. 1 for columns Nos. 1 to 14.

Nos. 15 and 16, if the muafedar or mokurrureedar is also proprietor in his own rights, the names in both columns will be the same. If the proprietary right belongs to others, the name of the muafedar or mokurrureedar will be inserted in No. 15.

The same order should be maintained as in Register No. 1, on setting down cultivation and fallow, recent waste, culturable waste and barren land.

Register No. III. for Houses, Orchard, Trees, &c.

Pergunnah.	Mehal.	Mouza.	Tehseeldar's Number.	Description of property.	Name of owner.	Name of occupant.	Amount of compensation.	Annual Sewage collections to proprietors of the estate.	Value of the Sewage collection.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

In No. 5, if buildings, state whether kutchra or pukka; if trees, the number, and whether spontaneous, or planted, and yielding fruit or otherwise; if jheel or talao, produce derived.

In No. 9, enter Sewage collections, from the village papers, but not unauthorized or assumed receipts.

Register No. IV. of Certificate to parties entitled to compensation.

Pergunnah.	Mehal.	Mouza.	Register and Number.		Compensation to whom payable.	Amount of Compensation.	Remarks.
1	2	3	Register.	Tehseeldar's Number.	* 6	7	8

No. 3558 A.

REVENUE DEPARTMENT.

The 21st of November, 1855.

The following rules are prescribed for the guidance of Revenue and Canal Officers, in cases in which loss of area or property is complained of by owners or cultivators of land, as having been occasioned by inundation, or other cause, arising wholly, or in part from the operations of the Canal Department.

Wherever, under such circumstances, the claim may not be adjusted by the Canal Department itself, and the subject is brought to notice by applications in the Revenue Department, the Collector and Local Canal Officer will jointly consider what the actual amount of loss has been, and how far directly attributable to the canal works, and what extent of compensation is fairly claimable, on account of such loss, from the canal administration.

In the event of difference of opinion on these points between the two Officers, the subject will, in the first instance, be referred by the Canal Officer, with a full explanatory report, to the Superintendent of Canal North-western Provinces, and if the Collector (acting under the usual control in the Revenue Department) should not be satisfied with the decision of the Superintendent, the question will, on the application of the Collector, be submitted by the Superintendent for the orders of Government.

The procedure above prescribed will not delay the measures of the Collector in regard to the distinct questions of how far the amount of injury sustained by land or crops, howsoever caused, has been such as to call for a remission or reduction of the revenue. The latter point will be considered and reported by the Collector in the usual course, according to the rules of the Revenue Department.

Note.

Subsequent to the issue of the above Notification, the Board made a reference on the subject, in consequence of an apprehension entertained by the Commissioner of Delhie, that it would be difficult to reduce to practice the rule which provides for the joint consideration of the Collectors and Canal Officers of the amount and cause of loss sustained. In making this reference, the Board remarked that the point of prompt admission of claim and immediate local enquiry

was one of importance. They saw no objection to the admission of such claims by the Collector, as proposed by Mr. Egerton, the Collector of Delhie, but they were of opinion that the Collector should immediately furnish an abstract in English of each to the Canal Officer if present or near at hand, and simultaneously instruct the local Officers to assist him in the requisite investigation. In the event of the Canal Officer being absent at a distance, such intimation, the Board thought, should at once be sent to him, and in the mean time the Local Officers be instructed to make the requisite inquiries at once in anticipation of his return.

In reply, it was intimated to the Board that there could be no objection to the course proposed by them. The intention was to supply information promptly to the Canal Officer, and so give him facilities for carrying out the object of the Notification. But the Collector, it was added, in sending the information, should leave the settlement of the claim, in the first instance, to the consideration of the Canal Officer.

APPENDIX, No. XXIV.—Para. 235.

Memorandum.

1st. It is very desirable to collect together all the statistical information which has been acquired during the late settlement, to throw it into a convenient form, and publish it for general information. The object of the undertaking is strictly practical. It should form an official history of each district and contain all that will enable the public officers of Government to understand the peculiarities of the district and conduct its administration.

2nd. There should be a separate volume for each district as at present constituted.

3rd. Each volume should consist of three parts—the Narrative, the Tabular and the Geographical.

4th. The Narrative portion should comprise in the first place a general account of the whole district, its position, features, capabilities, history before our acquisition of the country and since, as far as can be known, when it assumed its present limits, what changes have occurred in the Judicial, Magisterial, or Revenue jurisdictions. Lists of Judges, Collectors, and Magistrates with dates of assuming charge. Dates of introduction of special measures; e. g. Special Commission under Regulation I. 1821. Mafce Deputy Collectors, Commission under III. 1828. Dates on which changes of system took effect, such as cessation of powers of Provincial Courts, conferment of Criminal Powers on Session Judges, &c.

5th. Local divisions should be stated; pergunnahs, tnhseels, thanahs, moonsiffes. These may conveniently be tabulated in the body of the narrative and should show the pergunnahs, &c., geographically arranged from N. W. to S. E. and the area, jumma, population of each.

6th. From generals the account should proceed to details, pergunnah by pergunnah, arranged in the order in which they stand in the table.

7th. The fiscal history of each pergunnah should be given—former assessments as contrasted with the present. A correct jumma wassil bakce from the commencement of our rule to the present time would be most curious, if it could be given. This should be according to the Fuslee year up to 1840-41, and after that the Commercial year. There should also be a note of all sums remitted as irrecoverable from first to last, with mention of the year for which and on which remitted.

8th. The tenures should be described and classed as accurately as may be, and all peculiarities of the agricultural population shown, their tribe, or caste, early history, present state, rank, and character.

9th. The chief towns should be mentioned, their size, products, rise, former state, present state, probable prospects.

10th. Any remarkable suits or proceedings should be noticed, the dissolution of old farms or talooquas, the fall of old influential families or the rise of new ones, effects of the Special Commission, general effect of Revenue and Judicial system whenever observable, as transferring property from one class of men to another.

11th. The fullest particulars should be given regarding the last settlement; when commenced, by whom conducted, when completed, and on what principle, how it has subsequently worked. Settlement reports should be printed entire in an Appendix.

12th. Statistical information should be given regarding education, the number of schools and scholars, the subjects taught and emoluments of teachers.

13th. Means of improvement, rivers capable of being turned to account for purposes of irrigation or navigation, markets which might be opened by new roads; tanks, reservoirs, bunds which might be formed; drainage where required.

14th. All the authorities on which the statements are based should be carefully given; whether books, official records or personal observation.

15th. The tabular portion of the work should contain the names of all the mouzahs in each pergunnah, mafee as well as khaliseh, nothing being omitted, so that the total of the detail should give the particulars of the whole pergunnah. The arrangement should be according to the Persian alphabet, the words being turned into English according to the plan of the Record Committee.* The principle of the detailed table is to give all the details, but no totals, as deduced from the details. The entries should mostly be taken from the General Statement of the Settlement. Great care will be necessary in the compilation of these tables: unless accurate they will be valueless. The arrangement should be strictly according to the Vernacular alphabet, looking to the second letters when the first are the same, to the third when the first and second are the same, and so on. Natives seldom understand this.

* See Directions for Settlement Officers, Appendix No. 1.

16th. It will be most economical to prepare the tables first in the Vernacular, and then to translate them into English.

17th. The geographical portion will consist of pergunnah and district maps.

18th. The pergunnah maps should be on the scale of one mile to an inch, and show the village boundaries of every mouzah, with the village site, roads and streams.

19th. The district maps should be on the scale of 4 miles to an inch, and should show the site and name of all villages, containing more than 250 houses, and as many smaller villages, as possible. The mode of writing will show the size of the village, and the representation of the village site will give its peculiar features. Roads and streams will be marked. The division and coloring by pergunnahs.

20th. There should be also three skeleton maps, showing only the perginnahs and their chief towns, and colored according to tuhseels, thannahs, and moonsiffes. Where the Customs line runs, another skeleton map should show the Customs line, chowkees, beats, &c.

21st. These maps will be engraved in the best style and will form a volume for each District.

Under 250 Houses, *Agra.*

From 250 to 1000 Houses,Agra.

From 1000 to 2000 Houses, *AGRA.*

Above 2000 Houses,AGRA.

Thannali,

Tuhseeldaree,

Moonsiff's Court,	-0-
-------------------------	-----

Police Chokee,

Open Custom's Post,

Market, } M. F. { The day of the
week under
the site.

Kusbahs or Pergunnahs, XX

Sudder Station,

A Post Office. 8

A Dak Station,

A Fort.

Several of the above united.

M. W.

A foot path,

A Carriage Road,

Register of Mouzahs in Pergunnah.

	No. in Pergunnah.	
<i>To be arranged according to Oodroo Alphabet, and all Villages inserted whether Mafes or Khalisch.</i>	Name of Village in Oodroo.	
<i>The Oodroo names to be converted into English according to the scheme given.</i>	Name of Village in English.	
<i>If the Jumma of rent-free Mouzahs released for the life of incumbents be fixed, it may be entered here.</i>	Highest Jumma of Settlement.	
<i>To be taken from scientific Survey.</i>	Total Area.	
<i>Service lands and Jagheer as well as small Mafes.</i>	Rent-free.	
<i>These three columns should show the return on which the Settlement was made, whatever it might be.</i>	Irrigated.	Cultivated.
	Unirrigated.	
	Culturable.	
<i>The surveyor's returns for these columns should not be implicitly received.</i>	Cultivators.	POPULATION IN 184
	Non-Cultivators.	Hindoo.
	Cultivators.	and others not Hindoos.
	Non-cultivators.	Mahomedans
<i>Here may be noted whether the Village was formerly Mafes or is now released in perpetuity, whether it is an emporium for trade—manufacturing City—or any similar remarks.</i>	REMARKS.	

Specimen Register of Mouzahs in Pergunnah _____ District _____.

No. in Pergunnah.	Name of Village in Oordoo.	Name of Village in English.	Jumma.	Total Area.	Rent-free.	ASSESSED AREA.			POPULATION IN 1843.				REMARKS.
						Cultivated.		Culturable.	Hindoo.		Mahomedan and others not Hindoos.		
						Irrigated.	Unirrigated.		Cultivators.	Non-Cultivators.	Cultivators.	Non-Cultivators.	
1	Ukburpoor, ..	600	700	20	145	356	50	200	50	44	39	1-3
2	Oosree, ..	600	900	60	200	384	90	178	16	102	24	
3	Oomree, ..	1400	2000	78	356	1245	150	623	98	213	17	
4	Doulutgunj, ..	400	500	26	148	235	120	23	9	206	34	4
5	Doomree, ..	800	700	32	283	301	62	192	41	67	20	
6	Rowain, ..	496	642	45	157	212	19	286	19	0	7	
7	Rainee, ..	500	597	15	98	321	14	175	43	56	2	0
8	Suckrowda, ..	2945	3400	79	1450	1562	148	1462	59	85	0	
9	Sainpoor, ..	3481	3266	35	860	1218	245	1840	15	0	0	
10	Soojautpoor, ..	500	781	98	99	402	121	200	167	54	417	2
11	Gurwarah, ..	300	456	54	102	231	27	119	30	74	0	
12	Gowree, ..	300	297	8	105	45	38	78	40	120	26	

List of changes affecting the Pergunnah Register.

1. OOMREE.—At the time of Settlement 5 biswals of this village was settled with Ghous Ali, and 15 biswals, with Bholun Singh, and Mewah Ram.—see *Settlement Roubucarree, dated 14th March, 1841.*
 2. GOWREE.—At the time of Settlement a portion of this village bearing a jumma of Rs. 190 was settled with Ghous Ali, and the remainder bearing a jumma of Rs. 107 with Hingun Khan.—see *Roubucarree, dated April 7th, 1841.*
 3. OOMBEE.—The jumma of this mouzah was reduced Rs. 50 on account of diluvion as by *Roubucarree of July 19th, 1844.*
 4. DOOMREE.—Was divided 8 annas to Ghous Ali and 8 annas to Teeka Ram.—see *Roubucarree of September 26th, 1844.*
- N. B.—The entries in this Register correspond with those in the Malgoozarree Register. The occurrences noted above are the only ones which affect the entries in the Register, and therefore are the only ones which need be mentioned here.

APPENDIX, No. XXV.—Para. 257.

Orders investing Collectors with powers under Reg. VII. 1822.

NOTIFICATION BY THE LIEUTENANT GOVERNOR.

No. 4550 of 1848.

Revenue Department, the 12th September, 1848.

1st. The Hon'ble the Lieutenant Governor is pleased to invest all Collectors and Deputy Collectors in the ceded and conquered Provinces, and in the Dellie Division, with special powers under Section 20, Regulation VII. 1822, and in the province of Benares, with the same powers under Section 3, Regulation IX. 1825.

2nd. At the same time, the attention of all Officers in the Revenue Department is desired to the following remarks on the nature of the powers thus entrusted to them, and the mode in which they are to be exercised.

3rd. The object of the measure is to enable the Collectors to complete the record of rights in land, which should have been made at the time of settlement, and to correct the existing record whenever it is found to be at variance with fact.

4th. The power is to be restricted to the declaration of rights in possession. The extent and nature of these rights may be defined, but the claim of a person who has been out of possession for a year cannot be heard, nor can a right, which has been clearly enjoyed by one of two parties in possession, be transferred to another. Rights in common property may be declared and defined, and partition ordered. The terms of Section 14, Regulation VII. 1822, sufficiently define the limits of the powers which are to be exercised. The provisions of Section 16 are not put in force.

5th. The Revenue Officer is not bound to take up every complaint that is made to him, nor is he restricted in his investigation to the consideration of the precise point which is stated by the petitioner. He is competent to refuse an investigation, where he does not consider it necessary, and he is competent of his own proper motion to enter upon an investigation or to extend, in such manner as he may think fit, an investigation that has been commenced on the petition of a party: therein consists the main distinction between the jurisdiction of the Dewanny Courts, and of the Revenue Authorities. The former

cannot refuse to consider any question that is placed before them by a person who considers himself aggrieved, and must confine their enquiry to that question. The Revenue Authorities can decline an enquiry which they think unnecessary, and they can originate an enquiry which they think necessary.

6th. An appeal will always lie to the Commissioner on both points, viz., on the refusal to enquire when enquiry is desired, and on the determination to enquire, when enquiry is not desired. The Commissioner can revise the proceedings of a Collector or Deputy Collector, without an appeal being preferred to him, and he can summarily reject an appeal, if he considers his interference unnecessary.

7th. In order to ensure regularity of procedure, every Collector should open a file of cases under Section 14, Regulation VII. 1822.

8th. Cases investigated under the regulation will regard whole mouzahs, or parts of mouzahs; or the entire property, or one or more particular rights of an individual. They must be numbered and entered on the file, according to the date of institution. Cases may be brought on the file either by the petition of a person considering himself aggrieved, or by special order of the Officer. When a petition for enquiry is rejected from any cause whatever, the case must still be entered on the file. It may be considered sufficient reason for rejection of the petition that the Collector has not leisure, as it is evidently impossible that he should at once enter upon the investigation of all such questions. The petitioner always has his remedy in the Civil Court. It will, however, rest with the Commissioner to determine on appeal, whether the case is of so much importance as to require that it be immediately decided to the preference of other work. The Commissioner or the Sudder Board of Revenue is also competent to interdict the hearing of such cases in any particular district, or before any particular Collector or Deputy Collector, when they consider it expedient to do so.

9th. When a Collector by his own order places a case on the file, he must record a proceeding setting forth the grounds of his determination to make the enquiry. The Commissioner on the appeal of any dissatisfied party can decide, whether the grounds assigned are sufficient, or whether the proposed course of procedure is otherwise expedient. The Commissioner should be careful that the Collector's file be not overloaded, so as unnecessarily to cause the agitation of many questions, which cannot be brought to an immediate issue.

APPENDIX, No. XXVI.—Para. 280.

No. I.—COLLECTOR'S RETURN.

Report of Summary Suits in Zillah — for the month of — 18—.

Name and designation of Officer.	Remaining at the close of the last month.			Entered during the month.			Total.			Decided on their merits.			Adjusted or withdrawn.			* Total.			Remaining at the close of the month.			Date of oldest case remaining on the file at the close of the month.	Remarks.
	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.	Suit for Rent, Revenue, or Replevin.	Exaction.	Ouster.		

No II.—COMMISSIONER'S RETURN.
Monthly Report of Appeals in Summary Suits for Rent, for Division of _____

Dependent at the close of last month.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Entered during the month.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Total.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Decided on their merits.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Adjusted or withdrawn.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Total.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Remaining at the end of the month.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Number of ap- plications for appeals made and rejected during the month.	Suit for Rent, Revenue, or Replevin.
	Exaction.
	Ouster.
Remarks	

No. 1678 A.

NOTIFICATION.

The 17th September, 1856.

The Hon'ble the Lieutenant-Governor is pleased, under the discretion vested in the Government by Section 20, Regulation VII. 1822, to invest collectors and officers exercising the powers of a Collector in the ceded and conquered Provinces, with authority under that section, and under section 14 of the same Regulation and also under Section 3, Regulation IX. 1825, to invest the like officers in the Province of Benares,—with authority to receive, and determine summarily, subject to the limitation declared by clause 3, Section 20, Regulation VII. 1822, Suits relating to disputed occupancy of possession between Zemindars and cultivators holding under them, under the following conditions and restrictions.

2. When a Zemindar sues in the Revenue Court to eject a cultivator, the right of the Zemindar shall be enforced, so long as the cultivator has not himself, or by descent, held possession for 12 years, without written terminable lease, of the field or fields of which it is proposed to dispossess him, or is not otherwise, from a well established usage of the district, or custom of the village, held to have a fixed and hereditary title to the occupancy of such fields, or of other fields of equal value in their place, or is not a tenant under an expired lease, the conditions of which have been duly fulfilled.

3. Where a cultivator sues against dispossession; within a year from the cause of action, he shall be restored; saving where the dispossession is shown to have taken place in due course of law; or before the cultivator had been more than one year in possession; or at the close of a written terminable lease, or where the occupancy has been of less than 12 years without lease. Provided that, in the last mentioned case, the ejectment of a cultivator shall not be allowed, excepting at the close of the agricultural year, as defined in the next rule.

4. At whatever period during the year a suit under Rule 2, may be adjudicated, no tenant shall be ejected, in execution of the decree passed in such suit, from land occupied by him for the purposes of cultivation, excepting at the close of the agricultural year; that is, after the reaping of the Rubbee crop on such land, and before the 1st of July following.

CIRCULAR ORDER SUDDER BOARD NO. 17, DATED 26th Sept. 1856.

The Sudder Board of Revenue, North Western Provinces are pleased to call the attention of revenue officers in these provinces to the notification issued by the Honourable the Lieutenant-Governor, No. 1678 A, dated 17th Sep-

Present.
W. MUIR, Esq.
Offg. Member.

tember, investing all Collectors and officers exercising the powers of a Collector with authority, under Sections 14 and 20, Regulation VII. 1822, to decide under the restrictions therein defined, Summary suits relating to dispossession.

2. It will be observed that the rules embodied in the above notification supersede the principle laid down in paragraph 18, Section 2, of the Board's second printed Circular, dated 3rd January, 1840, and also paragraph 129 of "Directions to Settlement Officers," and paragraph 278 of "Directions to Collectors."

3. It is there held, that a ryot, however temporary his right of occupancy may be, cannot legally be ousted by the zemindar, otherwise than by a regular suit; and, if ousted in any other manner, that the Collector "is bound to maintain his possession."

4. Power has now been conferred upon the Revenue Authorities to entertain the suit of a landlord claiming his right of dispossession; and, in certain circumstances, the landlord's right to eject a tenant, of his own motion has also, in so far as regards the Revenue Courts, been recognized. The zemindar is therefore no longer shut out, in respect to this class of cases, from the Summary Court, and driven to a Regular suit.

5. The correspondence which has led to this desirable change of procedure, will be circulated, under instructions from Government, for general information. But it will be useful, on the present occasion, to add a few explanatory remarks.

6. Rule II. The right of the zemindar to sue in the Revenue Court, in order to eject a tenant at will, will only be recognized when the tenant has been less than 12 years in possession. Whenever satisfactory proof of 12 years uninterrupted possession is brought forward, the Summary suit will be dismissed, excepting where the possession is under a written terminable lease.

7. Where the possession has lasted for a shorter period, and there is no well supported claim on the part of the ryot, in virtue of agree-

ment or lease, to continued occupancy, a decree will be given in favour of the zemindar. The question is independent of the payment by a cultivator, during a term of 12 years, of an unvarying amount of rent. Continued possession for that period, though at different rents, will, equally with occupancy at a uniform rent, bar the Summary suit for ejectment.

8. Exception from the growth of prescriptive right has been made in the case of tenures upon terminable lease. Occupancy, extending, by a single lease, or by renewed leases, for a period exceeding twelve years, will not bar the zemindar's right to claim ejectment on the expiry of such leases. But there may, in the case of the same occupant, possibly be cultivating prescriptive rights, independent of the lease. A pottah for a limited number of years, may have been given to a cultivator already possessing a fixed right of tenancy. It will in such case be for the Summary Court to determine, whether the occupancy is in virtue of the pottah alone, or whether there is also a right of occupancy, independent of the pottah. In the event of such right being proved, the landlord will not be entitled to claim ejectment.

9. An exceptional, and comparatively rare, class of cases is alluded

to in the words in the second rule cited marginally. In some quarters it is reported to be customary for a cultivator

with prescriptive rights of occupancy, to change his holdings, retaining unaffected, with respect to the new fields so occupied, the same prescriptive right of occupancy, which he possessed in his original holding. Where this custom is found to exist, it will be carefully respected, and possession upheld accordingly.

10. In all cases, excepting those indicated in the previous paragraph, the question of whether possession shall be upheld or not will depend upon continued occupancy of the same fields. There may thus be prescriptive rights with respect to one portion of a cultivator's holding, and no such rights with respect to another portion.

11. Possession by any party, from whom the present occupant may have received his holding in ordinary course of inheritance, will be calculated in the 12 years, securing the tenant against summary ejectment.

12. Rule III. This rule determines the condition on which a ryot is to be restored to possession.

13. - He will not be restored, if his occupancy has lasted less than one whole year.

14. He will not be restored if he was ousted at the close of the agricultural year, and is also proved to be of less than 12 years standing, and not to have any continuing right by lease or otherwise.

15. He will not be restored, if he was ousted at the close of a terminable lease, there not being proved any prescriptive right of occupancy, independent of such lease (see close of paragraph 8).

16. He may or may not be restored, according to the discretion of the Court, even within the term of a lease, if he have violated, or attempted to violate, established usage on the conditions of the lease, as by building on the land, planting trees, &c. It will be competent to the Collector either to eject the cultivator for such acts, or to restrain him from their performance as the condition of his renewed possession. But ordinarily, a cultivator will not be restored to possession, if he be found to have violated, or not to have fulfilled, any material stipulations of his lease or tenure.

17. The cultivator, (being more than one year's standing) will be restored to possession in every case in which dispossession was caused against his will, otherwise than at the close of the agricultural year.

18. The cultivator will be restored to possession wherever he is found to have been (otherwise than by terminable lease) in occupancy of the land, either personally or by descent, for a period not less than 12 years, and not to have justly forfeited his tenure under circumstances above referred to in paragraph 16, or where he is held (subject to the like rule of forfeiture) to own such a right in the land, as has been described in paragraph 9.

19. In case of sub-leases granted by a tenant, the sub-tenancy will, as respects the zemindar, stand or fall with the tenure of the tenant who created it. As against the superior tenant, the sub-tenure, it is apprehended, will be ordinarily found to be on an avowedly temporary footing. But each case will be judged by its own merits, and if anywhere rights of sub-tenancy should be discovered of a more fixed character, they will be maintained by the Summary Court, in conformity with the general principles explained in this circular.

20. Rule IV. requires no comment.

21. Suits under this circular will be tried in every respect similarly

to those at present heard for ouster and exaction. They will be entered in the Summary suit statement under the head of "ouster." But in the annual administration reports, a statement will be given, distinguishing the number of suits brought by the zemindar against the ryot, from those brought by the ryot against the zemindar.

22. Although the rights of permanent cultivators are, in the notification of Government, and in the present circular, spoken of as implying solely a fixed and heritable possession, it is not to be inferred that cultivators can possess no other rights. The power of transferring his holding to another occupant, the original cultivator remaining responsible to the landlord, has been long admitted by the Government. The practice of permitting the cultivator to mortgage his fields, is reported to exist in various parts of the country. And wherever transfers of rights of occupancy, subject to the regular payment of rent to the proprietor, are acknowledged in the practice of the people, they must be recognized by the Government and its officers.

23. The regulations nowhere define the rights of cultivators. They lay down rules for the treatment of certain classes not holding transferable right, but they do not pronounce that there are classes of cultivators not possessed of, or capable of acquiring, a transferable right.

24. It is to be understood that the Government is not opposed to the growth in the free course of private transactions of a transferable cultivating title. And no impediment should be thrown in the way of the admission by the zemindars of such title, or of its tacit creation, according to the wishes and interests of the parties concerned.

25. Finally, it is to be observed, that the rules and procedure relative to ejectment and recovery of possession, as now prescribed, do not in any way affect the question of the proper rate of rent to which a cultivator, exercising a permanent right of occupancy, may be justly liable.

APPENDIX, No. XXVII. Para. 299.

NOTIFICATION BY THE SUDDER DEWANFY ADWLUT N. W. P.

No. 1859, dated 14th December, 1846.

The following rules, for the attachment and sale of property in satisfaction of decrees of the Civil Courts having been approved by the Supreme Government under Sec. 11, Act IV. of 1846, are published by order of the Sudder Dewanny Adawlut, North Western Provinces, for general information and for the guidance of the Judicial authorities.

Rules for the sale of Land, or of rights and interest in Land paying Revenue to Government, in execution of the decrees of the Civil Courts as required by Sec. 11, Act IV. of 1846.

I. Sales of land or of rights and interest in land in satisfaction of the decrees of the Civil Courts shall be held by Collectors of Land Revenue on the 20th day of each month in the year, not being a Sunday or other close Holiday, in which case they shall be held on the next office day after such Sunday or other close Holiday.

II. Whenever a Court of Civil Judicature shall have occasion to bring to sale in satisfaction of a decree the rights and interests alleged to be possessed by any person in a mehal or other Landed Property paying revenue to Government (the said property not being such as the Judicial authorities are legally empowered to sell without reference to the Revenue Officers of Government) the Court enforcing the decree shall transmit direct to the Collector or other subordinate officer, to whom the duty may be committed a requisition to that effect, in a roobucarree, embodying therein the information required by Section VII., Act IV. of 1846 agreeably to the Form appended. (A.)

III. In cases, in which it may appear expedient to attach lands intended or ordered to be sold in satisfaction of a decree, the Court shall address an injunction accordingly to the Collector, or other officer as aforesaid, who shall immediately attach and keep charge of them, under the rules in force for the attachment of land on account of arrears of Government Revenue, for such period as the Court enforcing the decree may direct. It shall be the imperative duty of the Civil Courts to issue instructions to the above effect, whenever, from the season of the year, or the representations of parties interested, or on other sufficient grounds, they may see reason to apprehend that

embezzlement of the produce will otherwise occur. The surplus collections from the lands so attached after payment of the expenses of attachment, and of the instalments of Land Revenue, which may fall due during the period of attachment, shall be held absolutely at the disposal of the Court.

IV. The Collector, or other Officer as aforesaid on receiving a requisition for sale from the Civil Court shall verify the entries regarding the name, jumma, and position of the mehal, in which the property ordered for sale is said to be situate, and finding the said entries correct shall immediately of his own authority issue proclamations, according to the tenor of the requisition, and at the places and in the manner directed by Sec. 8 of the aforesaid Act, in the Form appended (B.), provided, however, that it shall rest with the Collector or other Officer as aforesaid to determine with reference to the amount required to be realized, whether the whole or a portion, and what portion of the property alleged to be possessed by the defendant, shall be advertised for sale, and to form the said property into one or more lots, and to sell only such lot or lots, as may be sufficient to realize the same. If any error in the entries regarding the name, jumma and position of the mehal in which the property ordered for sale is said to be situated, be discovered, reference shall forthwith be made to the Court with a view to its rectification.

V. On the day of sale, it shall be the duty of the Collector or other Officer as aforesaid, to lay upon the table for the information of the public, an extract from the Record of Settlement, exhibiting the nature and extent of the rights, interests and liabilities appertaining to the defendant, together with an account showing, so far as it may be ascertainable from the records of his office, the arrear of revenue or other public demand claimable from the mehal, in which the property about to be sold is said to be situate. If the name of the defendant do not appear either in the Record of Settlement or in the Putwarree's Register of intermediate mutations (which is also required hereby to be laid on the table, at the time of sale) the Collector or other Officer as aforesaid shall produce for the information of intending purchasers the report of the Record Keeper of his office to that effect, and shall attach the same to his proceedings.

VI. Objections against *proposed* sales shall be preferred to the Court, enforcing the decree, and shall be disposed of as heretofore by the Courts, agreeably to the provisions of Clauses 4 and 5, Section

4, Regulation VII. of 1825, and it shall not be lawful for the Collector, or other Officer, as aforesaid, to postpone the sale, save under injunction from the Court, received prior to the lot being knocked down, or on unconditional payment of the whole amount proposed to be realized by the sale, or on delivery by the decree-holder of a receipt in full of his demand against the person whose property is about to be sold, or on the occurrence of the contingency contemplated by Section 13, Act I. of 1845, the provisions of which are hereby declared applicable to estates under these rules. Should payment of the amount, to be realized by sale, be made, or the receipt of the decree-holder be delivered before the lot is knocked down, the Collector or other Officer as aforesaid shall immediately report the circumstance for the information and orders of the Court from which the direction for sale emanated, and shall postpone the sale pending further instructions.

VII. If the Court overrule the objection, then the sale shall be postponed for the period allowed by existing rules,* for the preferment of a miscellaneous appeal from the order overruling the objection.

VIII. The provisions of Sections 31 and 32 of Act I. of 1845 are declared applicable to sales under these rules, and, in case of the sale of any right or interest in a putteedaree estate of the nature contemplated by Act I. of 1841, the provisions of Section 4 of the said Act are hereby declared applicable thereto.

IX. The deposit of 15 per cent. on the amount of the bid having been made good, immediately on the conclusion of the sale in favor of the bidder, the remainder of the purchase money shall be paid before sunset of the 10th day from that on which the sale took place, reckoning that day as one of the ten, or if the tenth day be a Sunday or other close Holiday, then on the first office day after the tenth day.

X. The sum demanded being paid, as required by the preceding Clause, the Collector or other Officer, as aforesaid, will consider the sale completed, and report to the Civil Court the result of their orders for sale, retaining in deposit the amount realized: or, if the purchaser shall neglect or refuse to discharge the purchase money within the period of ten days aforesaid, the lot or such portion thereof, as may be sufficient to satisfy what remains due, shall be immediately notified

* See Clause 5, Sec. 3, Reg. VII. of 1825, Cir. Order Sudder Dewanny Adawlut No. 9, dated 19th July, 1833, Constructions No. 844 and 877, and Cir. Order Sudder Dewanny Adawlut No. 26, dated 28th August, 1843.

for re-sale, agreeably to the terms of Section 8 of the Act, and the 4th Clause of these rules, without previous reference to the Court, to which it shall only be requisite to give prompt information of the same.

XI. Sales of land, of rights and interests in land, made in execution of decrees of the Civil Courts shall be held to be final, after the expiration of 30 days from the day of sale, provided that immediately no objection be offered to the legality of the sale: objections so preferred shall be disposed of by the Courts, agreeably to the provisions of Section 5, Regulation VII. of 1825, and in the event of their rejection, the sale proceeds shall be kept in deposit in the Collector's Treasury until the period allowed for the institution of a summary appeal from the order, overruling the objections, shall have elapsed.

XII. As soon as a sale has become final, agreeably to the foregoing rules, it shall be the duty of the Civil Court, from which the order for sale emanated, to give intimation thereof to the Collector or other Officer as aforesaid, and direct him to pay the amount, realized by the sale, to the person entitled to receive it, on application made to that effect, and the Collector, after fulfilment of the Court's instructions, shall transmit the receipt of the person, or persons, to whom the money may have been paid, to the Court for its satisfaction. Purchasers at such sales shall likewise be put in possession of the purchased property by the Collector or other Officer, as aforesaid, under instructions to that effect from the Civil Court; but if the Collector or other Officer, as aforesaid, experience any difficulty in giving possession under the orders of Court, he shall immediately certify to the Court the precise nature of the difficulty, and shall be guided by such instructions as he may receive. If he consider these instructions insufficient to enable him to give effect to the orders of the Court, he shall refer the case to the Commissioner of the Division, who will, if necessary, make a further reference to the Sudder Board of Revenue.

XIII. The Collector of Land Revenue in the performance of the duties assigned to him in these rules is the ministerial Officer of the Civil Court so far as regards the execution of the orders addressed to him. But it shall rest with the superior Revenue Officers to provide that the Collector punctually performs the duty assigned to him, and for this purpose they shall institute such check and require such return as they may think necessary. If the Judge of the Civil Court

See also Circular Order
Sudder Dewanny Adaw-
lut No. I. dated 6th
June, 1828.

is of opinion from his own knowledge, or from the representations of the subordinate Courts, that the Collector unnecessarily delays or obstructs the progress of any sale or sales, he shall bring the subject to the immediate notice of the Commissioner of the division, who will call upon the Collector for an explanation, and will use every effort that the cause of complaint be removed.

XIV. No act of the Collector or other Officer as aforesaid, under these rules, shall be considered to bar the right of Government to recover its demand by any of the authorized means of realization, all sales made in execution of decrees being declared by Section 10, Act IV. of 1846, to be of the nature of private transfers. But a Collector shall not be competent to appropriate any sum realized by him under these rules to the liquidation of any outstanding demand against the estate, except under an injunction to that effect from the Civil Court, or as provided for in the 3d Clause of these rules, it being understood that in every case of sale, it is a condition of the sale, that the purchaser succeeds to all the liabilities of the former proprietor, and the claims of Government upon the estate are in no way affected by the sale.

XV. All rents, due on the date of sale, or falling due after that date shall be claimable by the purchasers only, and any receipts for such rents, given by or on behalf of the former proprietors, shall not be deemed a legal and sufficient acquittance.

FORM A.

REFERRED TO IN THE 2ND CLAUSE OF THE RULES.

Number of Suit and Names of parties.	Designation of Court which made the decree.	Names of person or persons, whose property is to be sold, and names of their fathers.	Sum for which each of the parties, whose property is to be sold is liable, or if not severally liable, the amount proposed to be realized by the sale.	Name and jumma of the Meehal constituting or containing the property to be sold, and the pergunnah in which it is situate.	Specification of the property which the persons are severally alleged in the Schedule of the party applying for execution, to be possessed of.

CIRCULAR ORDERS OF THE SUDDER DEWANNY ADALUT, NORTH
WESTERN PROVINCES FOR 1856.*No. 1407 of 1856.**To the Civil Authorities in the North Western Provinces,**Dated, Agra, the 26th July, 1856.*

The Court having had under consideration the question of the expediency of the Civil Courts availing themselves of the assistance of the Revenue authorities, in the disposal of suits instituted before them for the enhancement of rent, are pleased to call the attention of the Judicial Authorities, subject to their control, to the rule laid down in Section 10, Act XII. of 1856, which declares that nothing in the Act shall be held to prohibit the Civil Courts in the presidency of Fort William, from making use of the agency of the Revenue Officers in investigations, and adjustment of accounts connected with Land paying revenue to Government, under such general directions as may from time to time be prescribed by the Sudder Court; and to direct that, in all regular suits instituted in these provinces for the enhancement of rent, the Court in which the suit may be brought will, under the sanction conveyed in the Section above quoted, call upon the Collector of the district, after making proper enquiry, either in his own office, or through any of the officers subordinate to him, competent to take evidence on oath, or solemn affirmation, for a report both as to the right of enhancement, and where that right is found to exist, as to the amount of increased rent fairly demandable.

2. It is to be understood that the orders now issued are not to be considered as restricted in their operation to suits of the nature abovementioned, but that the Civil Courts are competent to extend them to all suits connected with land rent, whenever recourse this mode of enquiry may appear calculated to conduce to a more satisfactory determination of the matter in dispute, than if the investigation of the case were confined to the Civil Court.

3. The Court consider it only necessary to add that under the terms of Clauses 1 and 2, Section 7, Act XII. of 1856, depositions taken by the Revenue Authorities in cases referred to them, as well as the reports of those Officers, will be admissible as evidence in the cause.

No. 15.

To all Revenue Authorities in the North Western Provinces,

Dated, Agra, the 5th September, 1856.

The Sudder Board of Revenue are pleased to call the attention of all Revenue Authorities in the North Western Provinces to the Circular Order issued by the Sudder Dewanny Adawlut, No. 1407, dated the 26th July, 1856, in which they direct that, in all suits for enhancement of rent, the Court shall call for a report from the Collector, and declare that the same process may be followed in any other suits connected with land rent, in which advantage may be anticipated from it.

2. The Revenue Authorities will observe, that the report expected from them, is to embrace the question not only of the amount of increased rent fairly demandable, but also of the right of enhancement itself. The investigation may be made, either directly by the Collector, or by any officer subordinate to him, competent to take evidence on oath, or solemn affirmation.

3. In making the enquiry, the Revenue Authorities will bear in mind the principles which have been laid down, regarding the occasions and conditions of enhancement, contained in paragraphs 132 to 143, of the directions to settlement Officers.

4. The enquiry will be as detailed and complete as possible; and the views of the Collector will be embodied in a proceeding, of which there shall be a counterpart in English, similar in every respect to a proceeding in trials under Regulation VII. 1822, excepting that, instead of a decree, the Collector will conclude by a simple statement of opinion as to what the decree should be.

5. The Government attaches the highest importance to the efficient discharge of the functions imposed upon the Revenue Authorities by the present Circular of the Court. The file of the investigation and final proceedings of the Collectors will therefore be submitted to, and approved by, the Commissioner of the Division, before being furnished as a return to the Court.

6. The number of such cases, and any features of importance involved in their trial, will be invariably mentioned in the annual administration report. And the circumstances of any case, which may seem specially to require it, should at once be submitted, with

a separate report, for the information of the Board and the Government.

7. The cases will be entered under the *Mislbund*, number 6, "adjustment of rents."

No. 16.

To all Revenue Authorities in the North Western Provinces,

Dated, Agra, the 5th September, 1856.

The Sudder Board of Revenue North Western Provinces, are pleased to draw the attention of all Revenue Authorities to the Circular Order of the Sudder Dewanny Adawlut, No. 1449, 'dated the' 4th August last, and with the sanction of the Government to prescribe the following rules regarding the realization of Fines imposed by the Civil Courts, under Act XIX. 1853.

2. The provisions of Circular Order No. I, dated 6th September, 1853, for the recovery of pauper dues, are applicable to such fines, under the procedure which has been now enjoined on the Subordinate Civil Courts; and those provisions will accordingly be strictly followed with reference to the subjoined directions.

3. Form No. I. is similar to Form No. I. for pauper dues. Like that Form it will be filled up by the Government Vakeel, who, besides the particulars of the case, will indicate the course in his opinion expedient to be pursued, and will solicit aid in the search for assets. Cases of this nature will be entered under the same heading in the monthly statement of business as in pauper dues No. 61.

4. No. II. corresponds with No II. for pauper dues, and the Rules in paragraph 6 and 7 of the Circular Order, dated 6th September, 1853, are equally applicable to it.

5. When, after every endeavour, the Fines are hopelessly irrecoverable, they should be reported to the Commissioner, in a form corresponding with No. III. of the Circular Order, just referred to. Paragraphs 8 to 10 of that Circular are applicable to the duties of Collectors and Commissioners in respect to Fines so reported.

6. Fines under the present Circular will be reported quarterly and annually to the Board, in the Form No. IV. prescribed by the

Circular of 6th September, 1853, by columns to be added in the subjoined Form. Where there are no Fines of this nature, it will not be necessary to make this addition.

7. It is of importance for the interests of justice, that the penalties declared by Act XIX. 1853, be effectually enforced. The Revenue Authorities will therefore use every means in their power for preventing evasion, and for realizing the full amount from the property of the parties fined.

8. Heading 61 of the Statement of business will in future be "Government Dues in Pauper suits, and Fines under Act XIX. 1853."

No. I.

Government Vakeels, Register of Fines, under Act XIX. 1853, to be submitted for each case.

1	2	3	4	5	6
Date of Report to Collector.	Number of the Suit.	Name of party fined.	Date of Court's Order.	Amount of Fine.	Remarks.
					Residence of parties fined and measures recommended to be taken.

a separate report, for the information of the Board and the Government.

7. The cases will be entered under the Mislbund, number 6, "adjustment of rents."

No. 16.

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Dated, Agra, the 5th September, 1856.

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3. Form No. I. is similar to Form No. I. for pauper dues. Like that Form it will be filled up by the Government Vakeel, who, besides the particulars of the case, will indicate the course in his opinion expedient to be pursued, and will solicit aid in the search for assets. Cases of this nature will be entered under the same heading in the monthly statement of business as in pauper dues No. 61.

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6. Fines under the present Circular will be reported quarterly and annually to the Board, in the Form No. IV. prescribed by the

Circular of 6th September, 1853, by columns to be added in the subjoined Form. Where there are no Fines of this nature, it will not be necessary to make this addition.

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8. Heading 61 of the Statement of business will in future be "Government Dues in Pauper suits, and Fines under Act XIX. 1853."

No. I.

Government Vakeels, Register of Fines, under Act XIX. 1853, to be submitted for each case.

1	2	3	4	5	6
Date of Report to Collector.	Number of the Suit.	Name of party fined.	Date of Court's Order.	Amount of Fine.	Remarks.
					Residence of parties fined and measures recommended to be taken.

No. II.

Collectors' Register of Fines, under Act XIX. 1853.

Date of Registry.	Number of the Suit.	Name of party fined.	Date of Court's order.	Amount of Fine.	Result of measures realization of Fine.
1	2	3	4	5	6

Addition to be made to Form No IV. Circular Order 6th September, 1853, whenever there are Fines under Act XIX. on the Collectors' Register.

FINES UNDER ACT XIX. 1853.

14	15	16	17	18	19
Balance due of the close of.	Amount since reported by Government Vakeel.	Recovered	Remitted by Commissioner.	Balance remaining due.	Remarks.

APPENDIX, No. XXVIII.—Para. 811.

RULES FOR TUHSEELDAR'S ACCOUNTS.

CIRCULAR ORDER OF THE SUDDER BOARD OF REVENUE, No. III.

Section VI.—Tuhseeldar's Records.

106. The Board proceed to detail the mode in which the Tuhseeldar's accounts should be kept.

107. I. The Urz Irsal. The object of this paper is to protect the lumburdar against any attempt at fraud on the part of the messenger or agent, by whom the cash is transmitted to the Tuhseeldar; also when the lumburdar holds many mouzahs, this will enable him to find out to which mouzahs the sum sent is to be credited. The paper should contain an account of the money sent, the description of coin, the accounts to which it is to be credited, and the name of the sender and the person by whom it is conveyed, and should be signed by the putwarree.

108. If the Tuhseeldar finds it requisite to make any change in the disposal of the items, *i. e.* to deduct any thing on account of light weight, or credit any further sum to tulubana, &c., he will of course do so, setting down the items at the foot of the dakhila, and the party can then see how his remittance has been disposed of.

109. The Urz Irsal is to be written by the lumburdar, presented with the cash, ready, and not drawn out at the Tuhseel office. It is to be filed with the records when presented.

110. No payment is to be received by the Tuhseel Officers unless accompanied by an Urz Irsal.

111. II. Dakhila Buhee. This is to be a counterpart of the entries in the dakhila, and is intended to show to whom any sum paid in has been credited, and how disposed of. The person who receives the dakhila is to affix his signature to this book in the last column.

112. The dakhila will of course be drawn out in the same form as this Register.

113. Printed dakhilas alone should be issued. This will entail no expense, as the coarsest paper may be used for the purpose.

114. The same system of register and check for the issue of these documents may be applied, as has already been enjoined in Section III. of the Revenue and Rent Circular for the *dustuks*.

115. The charge of the printed *dakhilas* should be entrusted to the *Sudder seaha nuvees*, who should take care to forward at the commencement of each year, a supply to each *Tuhseeldaree* sufficient to meet the estimated demand of the current year.

116. Each *dakhila*, before presentation to the party entitled to receive it, will be signed by the *seaha nuvees*, the *Tuhveeldar*, and the *Canoongoe*. The *Tuhseeldar* or *peshkar*, will cause a copy to be entered immediately in the *dakhila buhee*.

117. The *Tuhseeldar* will transmit his *dakhila* register monthly to the Collector's office.

118. III. *Seaha Buhee Amudunee*. In this account every item is to be entered—*Mal*, *Sewacee*, or *Sair*, *Tulubana*, *Butta*—whatever the item may be, or however intended to be ultimately disposed of. Nothing is to be omitted, and the *Tuhseeldar* is to be held responsible in case of any omission.

119. The arrangement of the *mal* entries will depend on the constitution of the village. Where the tenure is joint, one head will suffice. Where it is *putteedaree*, or *bhyachara*, there must be an entry for each recorded *puttee*.

120. A head has been set down in this as well as in the other forms for sums received in deposit from the *Moonsiff* on account of judicial decrees, in case Government should hereafter think fit to direct that measure which is now in agitation.

121. A copy of this account signed by the *Tuhveeldar* and the *Tuhseeldar* is to be daily despatched to the Collector's office at the time of closing the accounts for the day, and on receipt is to be signed by the Collector or Deputy Collector and retained in the office for a check on fabrication of accounts. You will be careful to see that this order is strictly complied with.

122. IV. *Waz Kham*. Of this account it only needs to remark, that it is to contain every item of receipt or expenditure, without exception, as in the *seaha*.

123. V. VI. VII. *Khuteonees general* and *mouzahwar*. These require no explanation. Every item in the *seaha* is to be posted in them.

124. VIII. The fifteen days' report requires no remark.