

HISTORY OF ALIENATIONS

OF THE

PROVINCE OF SIND



KARACHI:

PRINTED AT THE "COMMISSIONER'S PRESS."

1886

HISTORY OF ALIENATIONS

IN THE

PROVINCE OF SIND.



COMPILED FROM THE JAGIR AND OTHER RECORDS

IN THE

COMMISSIONER'S OFFICE,

ON THE AUTHORITY OF

BOMBAY GOVERNMENT

Resolution No. 12, dated 2nd January 1878,

REVENUE DEPARTMENT.



Karachi :

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پاران ایم ایچ پنهور انسٹیٹیوٹ آف سنڈ اسٹڈیز، جامشورو.

Digitized by M. H. Panhwar Institute of Sindh Studies, Jamshoro.

P R E F A C E.

The chief object of this Compilation is to give a detailed account of all alienations at present existing in Sind, and, by getting together in one place all orders and facts of importance regarding such alienations, to do away with the necessity for further references to the somewhat complicated "Jagir Records" in the Commissioner's Office.

In order to accomplish this, it was found necessary to examine and describe the custom with regard to alienations under the Amirs before Sind became a British Possession, and then to trace from the Records, year by year and subject by subject, what was done towards the settlement of Jagir questions under the administrations of (1) Sir Charles Napier—(2) Mr. Pringle—(3) Mr. (afterwards Sir Bartle) Frere, and (4) their successors. The order of the work is, therefore, chiefly chronological; but, for facility of reference "Jagirs in Thar and Parkar and in the Upper Sind Frontier Districts"—"Pattadari and Hissadari Settlements"—"Garden-grants"—"Hakaba"—"Alluvion and Diluvion"—and the "Five per cent. cess"—have been dealt with in separate Chapters.

The duty of drawing up this 'History of Sind Alienations' was in the first instance entrusted by the Commissioner (Mr. H. N. B. Erskine) to the Assistant Commissioner; but owing to the press of current work it was not until Mr. Dayaram Gidumal, C. S., L. L. B., was associated with the Assistant Commissioner that any real or satisfactory progress was made with the Compilation. Mr. Dayaram Gidumal brought to bear on the task not only marked ability but also untiring industry; and it is almost exclusively owing to his exertions that the completion of the present Compilation is due.

Not only has Mr. Dayaram told the story of Sind Jagirs as a whole, but he has also prepared from the Records detailed accounts of the history and holding of every Jagirdar of importance in the Province—and the second Volume of this work (embodying the result of this examination of each Jagir) will, it is hoped, prove most useful to District Officers.

To Khan Saheb Khudadad Khan, Political Head Munshi in the Commissioner's Office, and to Mr. Hashmatrai Anuprai the acknowledgments of the Assistant Commissioner are due for good services rendered by them in connection with this work.

1886.

J. POLLEN, L L. D., C. S.,
Assistant Commissioner in Sind.

TABLE OF CONTENTS.

	Chapter.	Section.	Page.
The History of Jagir Settlement in Sind ...	I		1—315
The Jagir system before Sind became a British possession		I	1—16
The Jagir system under Sir Charles Napier ...		II	17—88
Jagir Inquiry under Mr. Pringle		III	89—116
Mr. Frere's Jagir administration		IV	117—252
Completion of Settlements and Rolls under Mr. Inverarity and Mr. Mansfield		V	253—286
Jagirs in Thar and Parkar		VI	287—294
Alienations in Upper Sind Frontier Districts ...		VII	295—315
The History of the Pattadari Settlement ...	II		316—330
The History of the Settlement of Khairats ...	III		331—353
Khairats before the Conquest ...		I	331—334
Khairats of land revenue of lands managed by the grantees		II	335—341
Hissadari Khairats		III	342
Khairats of money or grain		IV	343—353
Hissadari Settlement... ..	IV		354—356
History of the Settlement of Garden grants ...	V		357—379
Hakabo	VI		378—392
Alluvion and Diluvion	VII		393—402
The 5 per cent. cess for roads and schools on Jagirs	VIII		403—416
Administration of the Settlement... ..	IX		417—426

	Chapter.	Section.	Page.
Alienations or remissions of revenue for special objects	X		427—438
Huris, Kochas and Rakhs		I	427—428
Seri, Manul and Thulli		II	423—322
Grants for keeping a garden or trees for the shelter of travellers—for planting road-side trees—and for the encouragement of tree-planting		III	432—433
Grants for keeping up or digging a well for general use		IV	433—435
Grants for (a) roads, (b) burial grounds, (c) Dharmsalas, (d) schools (e) Dispensaries and (f) other charitable or religious edifices and institutions		V	435—436
Grants for village-sites		VI	436—437
Grants to Municipalities and Local Boards		VII	437—438
<hr/>			
APPENDIX A.			
Sanads—			
Forms of—as finally approved by Government			439 to 447

INDEX.

	Page.	Para.
A		
Act XI of 1852—		
Suggestion to extend it to Sind	137	213
	147	220
Resolution to apply it	137	214
Spirit of rules 3 and 4 in Schedule B. of—followed..	336	495
Adamzabt (unmeasured)—		
<i>Vide</i> Makan Adamzabt.		
After-Grant—<i>vide</i> Back sanads.		
Abdnamas (treaties)	37	46
Lands held under—treated as First Class Jagirs ...	72	120
	185	293—4
to Talpur Families how dealt with	214	324—30
Alienation of Jagirs by Jagirdars—		
Captain Rathborne's views on	74—75	122
forbidden beyond Jagirdar's lifetime... ..	94	168
	274	381—9
	275	381—10
	278	386
	423	667
<i>Vide</i> General conditions.		
Allahdad Gabol	235	333—25
Alluvion and Diluvion—Chapter VII—		
Old custom regarding Alluvion	393	615
Practice regarding Jagir Alluvion in the Haidar- abad District	394	616
Do. do. in the Shikarpur District...	395	617
Do. do. in the Karachi District ...	395	618

	Page.	Para.
Alluvion and Diluvion.—Chapter VII—continued.		
Practice not uniform—		
Rules necessary	395	619
Materials for framing the rules	396	620
Rules framed by Mr. Frere	"	"
Definition of Island	"	620—1
What islands are the property of Government	"	" —2
Rule regarding Alluvion that is not an island	"	" —3
Scope of the operation of the rules	397	" —4
Unidentifiable lands	398	" —5
Rule regarding Jagir Alluvion	"	" —11
What Jagir Alluvion is assessable	"	" —12
Rules when fixed quantity of Jagir granted	"	" —13
When claim to assess may be disallowed	399	" —14
Limitation of the above rule	"	" —15
Diluvion of a whole Jagir	"	" —16
Assessment of Alluvion to Jagirs granted subject to quit-rent	400	" —17
Rules applicable to alienations of fractional shares	"	" —18
Grants of Alluvial land	"	" —19
Principles for guidance of Civil Courts	"	" —20
The Rules declared to have the force of law	401	621
Jagirdars to be first allowed the quantity of land lost by Alluvion and then 1/4th of the total grant	"	622

	Page.	Para.
Amended Rules of 1842	337	498
<i>Vide</i> Khairats—Settlement of—and Pattadari Settlement.		
Antiquity—One of the bases of decision on Sirdars' claims	225	331—15
<i>Vide</i> Date of Jagirs, and Uninterrupted possession.		
Appropriation of water—		
Oppressiveness of the rule regarding ...	169	265
Arbitration—		
in questions between Zamindars and Jagirdars ...	62	105
Assessment	271 278	381—8 390
<i>Vide</i> Chowth and Cess.		
B		
Back Sanads to be referred to	144 186	220—8 293—5
<i>Vide</i> Pay.		
Barani Jagirs—		
Non-resumption of waste from	153 161	230 248
Battai—		
Mode of—by Jagirdars not interfered with ...	64	110
<i>Vide</i> Government share of the produce.		
Birathari—Grants to	6 143	12 220
Lapse of shares of—on their death	143	200
" " not named in Sanads—on death of sharers	185	293—3
Bombay Regulations	94 102	169 171—27

	Page.	Para.
Boundary disputes between Jagirdars and Forest Department	270	381—2
Boundaries of Jagir—		
How settled	28	27
Adamzabt ill defined	42	60
Rules proposed as to	43	62—2
How marked	181	289
Jagirdars' liability for marks of	184 201	292—5 314
Procedure regarding	202	317
Endorsements on Sanads regarding	261	366—12
<i>Vide</i> Discrepancy in area.		
Boundary line—		
15 per cent. allowed for... ..	134 182 187	208 289—9 293—28
<i>Vide</i> Ek Taraf.		
Budhesar—Thakurs of	291	418—420
Burial grounds—Grants for	435	695
C		
Canals—Taking—through Jagirs	121	193
Expenses of—incurred by Jagirdar to be deducted before assessing Chowth	147 148	221—222
Cash Endowments...	102	171—22

	Page.	Para.
Cesses—		
in the Resumed Districts	126	200
none paid in Upper Sind Frontier by Jagirdars ...	303	447
	305	451
	232	333—5
<i>Vide</i> Five per cent. cess.		
Chandias—Chief of... ..	234	333-20 to 23
	240	340-25 to 27
	242	341—5
Charitable Grants <i>vide</i> Khairats—Settlement of—	435	695
Chauthai or Chungi—		
Meaning of	16	25
Chowth—Origin of	24—27	19-21, 24-25
	31	35
Meaning of	46	69
	235	334—2
first leviable on regrant of all Jagirs ...	31	36
exactd also from heirs of Jagirdars who died at Miani or Haidarabad in battle	31	37
and from heirs of sharers in a Jagir... ..	35	44
Levy of—considered a breach of promise ...	32	40
„ not retrospective	58	97
Evils of the system of levying—	53	90
Commutation of—into Duanagi allowed ...	64	107
	112	183—87
	156	236
Remission of—to Four Families... ..	73	120

	Page.	Para.
Chowth Origin of—<i>continued.</i>		
to be fixed in even Rupees from the average of the past five years' produce	135	211
to be fixed for life	146	
Jagirdar's Canal expenses to be deducted before assessing	147	221
one-fourth land to be taken for—from Barani Jagirs	161 185	248 293—2
to be settled on regrants of Third Class Jagirdars	174	276
Deduction of $\frac{1}{4}$ th land in lieu of—permitted ...	204	320
Heirs of members of the Four Families paying— to give up waste in addition	215	324—34
Why taken from some of the Talpur Jagirdars ...	213	
Assessment of	247 249	346 352
Civil Offices or Services—		
Grants for	14	23
<i>Vide Lapse.</i>		
Civil Court—		
to have jurisdiction in cases of joint grants un- der Sanad in cases of actual injustice ...	275	
<i>Vide Mukhadim, Sub-Division of produce, and Alluvion</i>	280	394
Classification of records	248 262	348 367
Classification of Jagirs—		
Sir Charles Napier's	67	114
Captain Stack's	131	205
Mr. Frere's... ..	142 to 143	
Major Goldsmid's	165 171	} 271
Captain Pelly's	185	
on an average by Captain Pelly rectified ...	223	327

	Page.	Para.
Clerk—Sir George—		
His Minute— <i>vide</i>	96-102	
Criticism of the Minute by Mr. Pringle	111 to 114	
Collateral succession—<i>vide</i> Succession.		
Collection Charges—		
of revenue of districts, not to be levied from any		
Jagirdars... ..	91	159
	277	383
Collectorate rolls... ..	193	298
Collector's power in Jagir questions... ..	277	383
	285	406
Commutation—<i>vide</i> Duanagi.		
Compensation to Zamindar by evicting Jagirdar for		
improvements	51	83
	61	105
Competency to alienate land	45	note
	155	234
Conciliators—Collectors to be—in disputes regarding Sub-		
Division of Jagirs	275	
Convict Jagirdars... ..	187	293—17
Crop on regrantable Jagir—		
Share of—to be given to heir	184	292—3
	187	293—25
<i>Vide</i> Season divisions.		
Crop on Lapsed Jagir—<i>vide</i> Lapsed Jagir.		
Cultivated land—		
How calculated	72	119
	128	205
Proposed modification of the rule regarding cal-		
cultivation of	140	218—19
Modification provisionally acted on	140	220
	158	240
Scale for calculation of—criticised... ..	168	263
Calculated on last five years' produce	183	292

	Page.	Para.
Customs duties—		
Abolished in Sind	44 note	
<i>Vide</i> Poll tax.		
D		
Daryakhanani Mirs	212	324—18
Date of Jagir how determined	186	293—8
Death of Jagirdars—		
to be promptly recorded and reported	127 426	202 673
Deh— <i>vide</i> Village.		
Demarcation—		
of resumable portions of Jagirs of the Four Families desirable	215	324—36
of continuable portions of Sirdars' Jagirs desirable	246	
Deprecated by Mr. Inverarity	256	362
Immediate—not pressed by Government	259	
course adopted by Mr. Inverarity regarding	260 261	
this course sanctioned by Government	266	372
Deradari—		
Meaning of	2	2, 4
Dues incidental to... ..	2	3
Converted into grants of town lands	3	5
Desert Canal	302	445
Dharamsalas—Grants for	435	695
Diluvion— <i>vide</i> Alluvion.		

	Page.	Para
Discrepancy in area—		
between Amirs' Sanad and the actual measure- ments	27 28	27 92
Reasons for	168	262
between Fasalnamah or Sanad and actual mea- surement how to be dealt with	184 203	292—4 317—318
Do. why caused	262 263	
Extent of... ..	267	376
Question as to—settled	417 419	
Dispensaries—Grants for	435	695
Disposal of crops of a lapsed Jagir—<i>Vide</i> Lapsed Jagir.		
Disputes with Zamindars and cultivators—<i>Vide</i> Mukhadim	275	381—11
District rolls—Captain Goldsmid's	167	259
Lieutenant Pelly's	173 182	274 291
Defects of	199	311
Division of Joint Estates	421	662—5
Duanagi (two anna assessment per bigah)—		
Origin of	54	91
sanctioned	63	105
optional commutation for Chowth	64	107

	Page.	Para.
Duanagi (two anna assessment per bigah)— <i>contd.</i>		
Compulsory levy of—on all uncultivated land ...	64	109
Hardship of... 	136	213
	72	120—4
Mr. Frere's proposal to make—optional and no longer compulsory 	146	
Dnmbki Jagirdars 	295	423
	296	425—427
	299	433—436
E		
Education of Chiefs 	209	
	229	
Ek Taraf measurements 	43	62—3
	58	98—101
	168	263
	181	289—5
	186	293—11
‘ Etcætera ’ Clause in Amirs’ Sanads—		
Ambiguity of 	38	50
Heirs of persons named in the Sanad or any previous Sanad referred to, to be recognized, and of no others	45	66—67
	65	111
Rights of actual sharers whether the Clause be used or not recognized 	138	215
Effect of 	143	220
Lapse of shares of persons included in—on their death 	143	220
Eviction— <i>vide</i> Zamindar.		
Exchange of Jagir—		
Compulsory on those obstructing canal extension or other improvements 	41	56
not to be allowed except on special grounds ...	275	381—10
	278	386

	Page.	Para.
F		
Faisalnama. Copy of—to be furnished to Settlement Officer	20	314
Form of	426	673
Fallows—		
Allowance for—in converting Seri grants into Jagir	3	6
necessary for land in Sind	68	116
Farming resumed lands	278	387
Fasl ba Fasl grants—		
Meaning of	4	9
First Class Jagirdars—		
(a). Captain Stack's proposals regarding ...	131	...
(b). Mr. Frere's proposals regarding ...	143	...
	145	...
(c). Major Goldsmid's proposals regarding ...	165	
	171	271
described by Mr. Frere	190	
Vide Settlement.		
First section of Third Class Jagirdars	172	271
	204	319
	261	367
	269	
	foot note.	
Fisheries	276	381—15
	278	889
Five per cent. cess—		
to be settled on 3rd Class Jagirs	174	276—279

	Page.	Para.
Five per cent. cess for roads and schools on Jagirs— Chapter VIII.		
Origin of the cess	403	624
Proposal in 1852 for imposing a cess for roads and schools	403	624
Details of Mr. Wingate's proposals—		
3 per cent. for roads ... ..	...	...
2 per cent. for schools... ..	403	625
Mr. Frere issues on 2nd August 1852, a Circular carrying out Mr. Wingate's proposals ...	404	626
Directions for the management and control of the fund	404	627
Compulsory attendance of Ryots' children at schools not to be enforced	405	628
Direction to the Collectors to deduct 5 per cent. in all future regrants of Jagirs	405	629
Circular of 2nd August cancelled but cess on re- grants not disturbed	406	630
Government orders deferred	407	631
Cess to be imposed on all regrants subsequent to 28th September 1852... ..	407	632
Rules as to imposition of the cess in the Resumed districts	408	633
Cess not leviable on Chowth	408	634
Practice under the Amirs' Government of requir- ing labor from Jagirdars for roads ...	408	635
Jagirdars to make suggestions as to the disposal of the fund	409	636

	Page.	Para.
Five per cent.—<i>contd.</i>		
Cess to be assessed in the Resumed Districts upon a three years' average	410	637
Holdings of less annual value than Rs. 20 exempt from the cess	410	638
Other cesses in the Resumed Districts to be also fixed on three years' averages	410	639
Fund disposed of in consultation with Jagirdars...	410	640
Decision of Government still deferred ...	411	641
Levy of—sanctioned by the Government of India	411	643
Bombay Government recommend its settlement for a period of years	411	644
The Commissioner's reply	411	645
Cess not to be settled yearly or at short recurring periods—in other respects option given to the assessee to have it settled for life or for a period of years	412	646
Clause in the Sanads about the cess	412	647
Cess legalized by Bombay Act VIII of 1865, Section 2.	412	648
Section 2 of Bombay Act VIII of 1865, held by the Commissioner to apply to regrantees of Jagirs only	413	649
Commissioner's Circular in 1881, re-opens the above question	413	650
Practice regarding the assessment of original grantees	414	651
Government Resolution construes Section 2 of Bombay Act VIII of 1865, in favor of original grantees	415	652

	Page.	Para.
Five per cent.—<i>contd.</i>		
Religious and Charitable grants not subject to the cess	415	653
Amendment of Section 2 of Bombay Act VIII of 1865	415	654
When cess may be levied on grants for building sites for temples, &c. ..	416	655
Assessment of cess on Sanadi Jagirs made on esti- mated net revenue and not on assessable value of Jagir	416	656
Followers—<i>vide</i> <u>Sangat</u>—<u>Birathari</u>—<u>Lapse</u>—<u>Pay</u>.		
Forgery of title deeds	36	46
Penalties for	37	49
Four Great Talpur Families.		
Jagirs of—mostly unmeasured	59	102
Extent of Jagirs of	66	113
Jagirs to be granted to—in perpetuity excepting waste lands	71	119
Remission of Chowth to... ..	73	120
Grants to—to be adjudicated on, on political grounds	145	...
Captain Goldsmid on the claims of	170 171	268—270
Mr. Frere on the claims of	190	...
Colonel Jacob's proposals regarding... ..	192	295
Regrantees belonging to—how dealt with	195	302
Mr. Ellis's instructions regarding	195	304

	Page.	Para.
Four Great Talpur Families—<i>contd.</i>		
Government orders regarding disposal of claims of	196	305
Major Goldsmid's classification of status of ...	197	808
Mr. Ellis's report on	210	324
Limit of waste resumable from—prospectively ...	214 235	... 334
<i>Vide</i> Classification of Jagirs and Settlement.		
Fourth Class Jagirdars—		
(a). according to Mr. Frere's proposals ...	143	...
(b). according to Major Goldsmid's proposals.	165	...
Mr. Frere on	191	...
<i>Vide</i> Present Incumbent and classification of Jagirs.		
Fractional parts—		
to be given up in resumptions	157	239
Frontier duties	289	413
G		
Garden grants—		
Tenure of—described by Captain Rathborne ...	47	71 & 74—76
Confusion of entries regarding	199	311
Gardens in Jagirs— <i>vide</i> Garden Grants—Settlement of— and	425	671—72
Garden grants—Settlement of—<i>vide</i> Chapter V.		
No Salam and no title deed exacted from garden grantees	357	547
Proclamation in 1846 to garden grantees to prove their claims	357	548
Captain Rathborne's list of garden grantees not framed without investigation	357	549

	Page.	Para.
Garden grants—Settlement of—<i>contd.</i>		
Kardars examined title deeds	358	551
Practice in the Mirs' time of not resuming gardens and issuing no confirmatory orders ...	358	551
Duanagi not levied on garden grants pure and simple	358	552
Captain Rathborne's proposal to regrant gardens in lapsed Jagirs to heirs on moderate assessment	359	552
His views approved by the Commissioner and acted on up to 1853	359	553
Classification of garden grants proposed by Mr. Frere in 1853	359	554
Estimate of the revenues likely to be alienated under this classification	359	555
Rule regarding holders without title deeds ...	359	556
Were garden grants alienable under the Amirs ...	360	557
Collectors' opinions and Mr. Frere's decision ...	360	558
Defects of Captain Pelly's Taluka Rolls ...	361	559
Government order gardens in Jagirs to be exclud- ed from Taluka Rolls of Jagirs	361	559
Garden Rolls completed by Major Goldsmid and submitted for sanction	361	560
Abstract of Rolls	362	561
Distinction between old garden grants and new grants	362	562
Life grants	363	563
Second Class garden grants	363	564
First Class garden grants—two sections ...	363	565

	Page.	Para.
Garden grants—Settlement of—<i>contd.</i>		
Transfer of gardens by Jagirdars	364	566
Fourth Class Jagirdar if planter of garden could become Second Class garden holder ...	365	567
Gardens <u>possessed</u> independently of Jagirs ...	366	568
Some garden grants not personally inspected ...	366	569
Contrast between garden grantees made already subject to Chowth and grantees in the Second Class	366	570
Should date of grant of Jagir regulate classification of garden situate in it	366	571
Mr. Frere's report to Government	367	572
Rules for settlement of garden grants sanctioned...	370	573
Intestate succession to garden grants ...	371	574
Bombay Government submit correspondence regarding settlement of garden grants ...	372	575
Remarks of the Government of India ...	373	576
Nazarana on garden grants	374	577
Secretary of State on the settlement of garden grants	374	578
Instructions issued by Government	375	579
Reasons against the levy of Nazarana ...	376	580
No Nazarana levied	377	581
General conditions of Sanads	244 254 258 259 266 422	341—17 360 366 373—374 665

	Page.	Para.
Generation—		
Meaning of	150	224
Government share of produce alienated to Jagirdars—		
What	29	32
	88	note
Grandson—		
Question as to succession of—to grandfather ...	46	66
Instances of succession	49	79—80
Order as to succession of	135	210
	187	293—20
Grants (a) for keeping a garden or trees for the shelter of travellers.		
(b) for planting roadside trees.		
(c) for the encouragement of tree planting ...	432	687
	433	688
Grants for keeping up or digging a well for general use.		
Grants for wells. Orders in 1859	433	690
No such grants to be made without Government sanction	435	691
Rule on the subject made by the Government of India	435	692
Issue of Sanads to such grantees	435	693
Temporary alienations for sinking wells forbidden	435	694
<i>Vide Chapter X, Section 3.</i>		
Grants for (a) Roads.		
(b) Burial grounds.		
(c) Dharmshalas.		
(d) Schools.		
(e) Dispensaries.		
(f) Other charitable or religious edifices and institutions	435	695—8
Grants for Village sites	436	697—99
Grants to Municipalities and Local Boards... ..	437	700 to 703

	Page.	Para.
H		
Habbaji	291	418
Haidarabad Rules—Adaptability of— to Shikarpur	151 152	227—229
in what points different from Shikarpur rules ...	152	228
Hakaba—Vide Water rate—		
Hereditary Jagirs—		
Sir Charles Napier's Scheme of	67 76	114 126
not absolutely perpetual but confined () to male heirs	77	127
two instances of—under the Amirs	130	205
those instances how dealt with	214	324—30
Lieutenant Pelly's scheme of	176	177
Hissadari	332 319	489 468—14
Hissadari Settlement—Chapter IV—		
Meaning of the term Hissadar	354	537
Captain Stack's recommendation to classify Hissadaris as Jagirs	354	538
Liability of Hissadaris to a collection fee ...	354	539
No separate classification required for Hissadars	355	540
Rules regarding collection charges 6 per cent. to be charged	„	541
Distinction between Jagirdars and Hissadars ...	„	„
Hissadars not liable to Hakabo	„	542

	Page.	Para.
Hissadari Settlement—Chapter IV—<i>contd.</i>		
Mr. Ellis on the settlement of the claim of Jam Abul Khair	„	543
Sanction of the Government of India ...	356	544
No review by Secretary of State	„	545
Pattadars and Khairatdars enjoying shares of land revenue are Hissadars	„	546
Honorary Magistrates—		
Sir Charles Napier's plan to make Jagirdars ...	32	39
Homage—<i>Vide Salam</i>—		
Hukumi Parwana	21	12
Huris—Chapter X, Section I—		
Huris—orders in 1858	427	675
Confirmation of these orders in 1882, under cer- tain restrictions	428	676
Huris, &c., not liable to lapse or Chowth ...	428	676
Hurlas—Grants of	294	421
 Imambakhsh Marri	 235	 333—24
Tax for—in respect of Ghaibi Khan's lands ...	234	333—23
Impartibility of Jagir	423	668

	Page.	Para.
Improvements—Share of Jagirdar for—		
how to be levied 	146 186	220 293—10
<i>See Public Improvements.</i>		
Inam Commission—		
Suggestion to apply the rules and procedure of the—to Sind 	130	205
<i>Vide Act XI of 1852—</i>		
Incumbered Estates' Act of 1876—		
Origin of 	82 179	138 287—288
Relief given by—to whom 	424	670
Incumbered Jagirs—		
Relief to 	81	136—137
unworkability of some of Sir Charles Napier's rules on this subject	179	285
Mr. Frere's rules regarding 	179	287
Informers—Rewards to—		
for information as to falsification of Sanads ...	49	78
and as to death of co-sharers 	79	131
and as to falsification of boundaries	81	134
Irrigation of Jagirs—<i>Vide Appropriation of water</i> ...	270	381—4
Island—<i>vide Alluvion.</i>		
Izafat	186	293—5

	Page.	Para.
J		
Jagoji ...	287	409
Jagirs— <i>vide</i> Deradari, Seri, Pay, Proclamation, Salam Parwana, Sub-Division of produce— Total land given in—by the Talpurs ...	6	13
Permanence of—under the Talpurs ...	6	14
Sub-Division of—under the Talpurs...	111 7	183—8 15
Held in common—how enjoyed ...	16	24
Confirmation of—promised by Sir Charles Napier after Miani ...	17	1
Submission required before confirmation of ...	17	3
Tenure of ...	21	12
Limit of extent of future grants of—prescribed by Sir Charles Napier ...	29	30—31
Meaning of the term ...	36	171—4
Insecurity of ...	123	196
Compared to Deccan Saranjamas ...	130 143	205 220
not alienable beyond life-time ...	423	667
not partible ...	423	668
Jagir records ...	269	380
Jagir compilation ...	265 279 282	370 392 399
Jagir measure ...	43	62—1
Jagir inquiry—ordered by Government of India and Court of Directors ...	95 102	170 172
Instructions for ...	95 104 158	171 175 241

	Page.	Para.
Jagirdars—		
their power under the Amirs	8	17
	12	22
Could not deprive Mukhadim of his interest or raise the rent '	8	17
their Judicial functions	9	18
Considerable Sirdars <u>non-resident</u>	9	18
Not a compact class with uniform rights or immunities	9	19
	16	25
	96	171—4
Compared to the Mamelukes of Egypt	13	22
Condition of	40	53
	100	171-16 to 18
Subject to several burdens in the Shikarpar District	46	69
Relations of—to Zamindars	50	82—89
	61	105
Legal status of	88	152
Measures for improving condition of... ..	108	180—182
	109	
	113	183-13 to 14
Convicted of a crime to be considered judicially defunct	187	293—17
Pilgrim—	187	293—19
Emigrant—	"	" "
Absent—	"	" "
Vide—Services exacted from Jagirdars—and Police powers.		
Jakhrani Jagirdara	295	423
	296	425—427

	Page.	Para.
Jam of the Jokhias... ..	233	333—11 to 16
	240	340—24
	243	341—7
	245	342
Jatts—Chief of the... ..	234	333—19
K		
Kalhoras—		
Jagir grants made by	1	2
Karanji	87	409
Karimdad Marri	235	333—24
Karmatis—Chief of	234	333—17, 18
	240	340—24
Khairpur Amirs' grants—		
Classification of	144	220—13
Khairat— <i>vide</i> Khairats—Settlement of—		
Khairats—Settlement of—Chapter III.		
Section I—Khairats before the Conquest—		
Meaning of Khairat	331	487
Meaning of Madad Muash	331	488
Meaning of Munafia	331	489
Division of Khairats according to the character of grantees	332	490
Division of Khairats according to the nature of the alienation	333	491

	Page.	Para.
Khairats—Settlement of—Chapter III—<i>contd.</i>		
Section II—Settlement of Khairats of land revenue of lands managed by the grantees—		
Khairats of land at first treated as Jagirs ...	335	492
Disciples of Hindu Khairatdars admitted to succession ...	„	493
Mr. Frere's directions as to the treatment of Khairats in the Resumed Districts ...	„	494
Spirit of Rules 3 and 4 in Schedule B of Act XI of 1852, followed ...	336	495
Settlement of Khairats in Naushahro and Kandiaro ...	336	496
Shares less than 50 bigahs not to lapse if any survivor left ...	337	497
Khairats to be disposed of in the spirit of the Amended Rules of 1842 ...	„	498
Lines on which the settlement was made ...	„	499
Mr. Ellis's report on Khairats older than the Talpurs' rule ...	338	500-37 to 40
Remarks of Bombay Government ...	„	501—18-22
Sanction of Government of India ...	339	502—9-17
Review of the Settlement by the Secretary of State ...	„	503—7
General conditions of grant proposed by the Commissioner... ..	„	504
Alterations proposed by Government ...	340	505
Government orders as to the nature of the hereditary tenure of Khairats ...	„	506

	Page.	Para.
Khairats—Settlement of—Chapter III—<i>contd.</i>		
Sanads not yet issued	341	507
Issue of Rolls of non-permanent Khairatdars ...	„	508
Instructions given to Collectors	„	509
Right of Survivorship among the sharers with liability for payment of cess	341	„
Issue of Rolls of Permanent Khairatdars ...	„	510
Section III—Hissadari Khairats—		
2. Mir Hussen Shah, Sayad	342	511
3. Ghulam Hussen Shah, Sayad	„	„
9. Sadik Ali Shah, Imam Ali Shah and Hussen Ali Shah... ..	„	„
Section IV—Settlement of the Khairats of money or grain. A. Allowances of the Sayads of Tatta.		
Reasons for not confirming the Sayads' allowances after the Conquest	343	512
Continuance of the confiscation by the Govern- ment of India	„	513
Mr. Pringle's report on the Sayads' claim, and the remarks of the Bombay Government ...	„	514—23
Mr. Pringle's recommendation rejected by Gov- ernment of India	344	515—3
Correspondence revived by Mr. Frere. His pro- posal to grant land at a cash assessment of one- half the usual rate	345	516
Government of India consent	„	517
Difficulties in carrying out the above proposal ...	„	518
Mr. Frere's order to pay Rs. 6,000 annually to the Sayads from the produce	„	„

	Page.	Para.
Khairats—Settlement of—Chapter III—<i>contd.</i>		
Mr. Ellis refers the question of this grant to Government	346	519
Should there be a money allowance of Rs. 6,000 or an assignment of land revenue... ..	"	"
Should not the grant be made permanent to the whole body of Syads and not to individuals... ..	"	"
Decision of Government of India	" 347-348	520—4 to 8 521 to 525
Section IV—B. Khairats of money or grain other than those to the Sayads of Tatta.		
To whom these grants were made	349	526
Settlement made under Amendment Rules of 1842	"	527
Circular of Government forwarding the Rules	"	528
Modification proposed by Mr. Frere	350	529
Mr. Frere's proposed modification acted upon	"	530
List of claims made by Major Goldsmid	"	531
Mr. Ellis's report	351	"
	"	532—39-40
Remarks of Bombay Government	351-352	533-19 to 21
Government of India desires commutations of these allowances into land	352	534—9
Mr. Inverarity's views	"	535—6-7
Final orders	353	536
Khasra Map	202	316
Khudabaksh	227	331—27

	Page.	Para.
<i>Khud Kasht Jagirs</i>	73 213 146	121 213 220
Kochas— <i>vide</i> Huris.		
Koran— Ahdnamas in	72	120
L		
Lapsed Jagir— Grain ripe on—how dealt with	30 133 149 183 187	33 207 223 292—2 293—25
Lapse— on death of Jagirdar without heirs	35 74	44 121
on death of sharer who made no Salam himself ...	41	54
on death of grantee for pay, Civil or Military ...	41 72	55 120
of waste lands	72	120
on death of followers not named in Sanads ...	185	293—3
in default of male issue in the case of 3rd and 4th Class Jagirdars and in default of lineal male heirs in the case of 1st and 2nd Class Jagirdars	280	393
Large Jagirs <i>vs.</i> small Jagirs	39 76	50 124
Lineal heirs male— Interpretation of	271	
<i>Vide</i> General conditions of sanads.		
Local Boards— Grants to	437	700 to 703
Local Rolls— <i>vide</i> District Rolls.		
Loyalty of Chiefs during the mutiny	229	

M	Page.	Para.
Madad Muash— <i>Vide</i> Khairats—Settlement of—		
Makan Adam zabt (unmeasured Makans) ...	42	60
	59	102
	158	231
Makhdum Hamid Ganj Bakhsh ...	235	333-25
Male heirs— <i>Vide</i> —Hereditary Jagirs and Lapse.		
Malik Sirdar Khan... ..	232	333—6, 7
	240	340—24
Malik Jiand Khan... ..	"	" "
Malik Kaisar Khan ...	233	333-9, 10
	240	340—24
Mamul— <i>Vide</i> Seri.		
Maximum extent of Jagirs proposed ...	74	121
Measurement of Jagirs—		
not accurate in the Mirs' time ...	42	58
Mode of	58	98—100
by Captain Rathborne ...	59	102
by Captain Preedy ...	88	151
on regrant	88	151
with a view to marking off resumptions ...	166	258
of First and Second Class Jagirs considered essential ...	169	264
contra	263 & 265	371
Disputes regarding	270 & 277	
employment of land measurers for—sanctioned in certain Talukas ...	176	280
	182	290
sanctioned regarding Third and Fourth Class Jagirs	199	311
<i>Vide</i> Ek Taraf, Napierian Gunda.		

	Page.	Para.
Measured grants—		
inferior to unmeasured ones 	153	231
Military Service—		
Grants for	14	23
Jagirdars absolved from... <i>Vide Pay.</i> ...	73	120
Military law—		
in force in Sind up to 30th September 1847 ...	36	45
Military Saranjam... 	143	
Mir Abdullah 	212	324—20
Mir Ali Bakhsh 	214	324—31
Mir Ahmad Khan	216	324—41
Mir Ali Murad son of Mir Ahmad 	215	324—35
Mir Ghulam Ali son of Mir Abdullah 	215	324—35
Mir Jam Ninda 	217 221 231	324-44 to 47 325—15 232—9
Mir Karm Khan 	217	324-48 & 49
Mir Khan Muhammad 	215	324—32
Mir Mahmúd 	213 215	324—26 324—35
Mir Mihrab 	213 215	324—25 324—35
Mir Muhammad Khan 	216	324—40
Mir Murid Haidar	216	324-42 & 43

	Page.	Para.
Mir Nasirkhan	212	324—19
Mirpur Mirs' Grants	133	205
	136	212
	137	213
	144	220—12
Mortgage of Jagirs— <i>vide</i> Alienation of Jagirs—		
Mowji Lohana... ..	293	420
Mujmilli Maps	202	316 (3)
Mukhadim (sub-lessee)—		
could not be dispossessed by Jagirdar or have his rent raised	8	17
if dispossessed by Jagirdar may sue at law ...	170	266
Mulazimi—Meaning of	125	199
	126	201
	131	<i>note.</i>
Munafia— <i>Vide</i> Khairats—Settlement of—		
Mundrani Jagirdars	295	423
	296	425
	299	433—435
Municipalities—Grants to	437	700—703
Muster of Jagirdars	222	326
	248	350
N		
Napier—Sir Charles—		
His rules and orders acted on by Mr. Pringle ...	92	161
	105	178
	111	183—7
His rules not retrospective	122	195
His scheme of hereditary Jagirs criticised ...	93	165

	Page.	Para.
Napier—Sir Charles—<i>contd.</i>		
The scheme not worked... ..	94	166
	105	177
	111	183—7
	129	205
His rules adversely criticised by Sir George Clerk	99	171-10 to 13
and praised by Mr. Pringle	112	183-9 to 11
and dispraised by Mr. Frere	141	220—142
	188	294
Complaints of the harshness of his rules ...	118	188
Insufficient publicity and unpopularity of rules...	122	196
Misunderstanding of his rules	124	198
Napierian Gunda—		
All measurements to be with	156	238
	181	289
	187	293—21
Napierian Tanab	181	289
Napierian bigah—what	222	marginal note.
Nawab Muhammad Khan, Thora	227	331-26 & 27
	244	341—13
	245	342
	247	345
	254	359
	258	
Nazarana—		
Levy of—proposed by the Bombay Government in the case of the Chandia Chief	241	
Levy of—proposed by the Government of India in the case of all First Class Jagirdars and Sirdars	243	
Report called for on the subject of	245	

	Page.	Para.
Nazarana—contd.		
Levy of—deprecatd by Major Goldsmid ...	247	
„ „ by Mr. Inverarity ...	253	358
„ „ countermanded ...	257	364
<i>Vide</i> Garden Grants—Settlement of Pattadari Settlement.		
Norays—Chief of ...	289	414
O		
Old Settlements—		
What should be done with ...	147	
	150	224
	151	226
When to be opened up ...	187	193—23
	270	381—6
	277	384
Option—to pay rent or surrender its equivalent in land—		
First proposal as to ...	26	23
	27	24
Proposal to allow—sanctioned ...	63	106
	64	107
—to pay Chowth or Duanagi ...	64	107
P		
Panchayat—vide Arbitration.		
Parkar—Chief of... ..	287	408
Patta	318	
Pattadari—		
Description of—by Captain Farrington ...	15	23
Proposal to place—on same footing as small Jagirs agreed to ...	40	53
	41	57

	Page.	Para.
Pattadari Settlement—Chapter II.		
Origin of the tenure	316	464
Nature of the tenure	316	465
Special rules necessary for Pattadaris ...	316	466
Captain Stack's theory as to origin of tenure ...	317	467
Captain Goldsmid's report on the tenure ...	317	468
Mr. Ellis's Memorandum	320	469
Directions for a Settlement issued by Mr. Frere...	322	470
Roll of Pattadars prepared	323	471
The Bombay Government recommend settle- ment for sanction	325	472
Sanction of the Government of India...	325	473
Condition as to payment of Nazarana waived ...	326	474
Review of the settlement by the Secretary of State	326	475
Second and Third Class Pattadars	327	476
Mr. Inverarity recommends that they be included in the First Class,	327	476
with the exception of two individuals from whose revenue he proposes to deduct one-fourth ...	327	477
Government Resolution	327	478
Mr. Inverarity's report on those two cases—pro- poses hereditary continuance... ..	327	479
Government order these two cases to be included in Second class according to Amended Rules of 1842	328	481

	Page.	Para.
Pattadari Settlement—Chapter II—<i>contd.</i>		
Separate settlement for one of these cases—that of Sayad Muradali Shah	328	482
Orders regarding sub-division of Pattadaris ...	328	483
Major Goldsmid's views... ..	329	484
Government allow Civil suits to be brought for sub-division with permission of the Commissioner.	330	485
Issue of Roll of Pattadaris	330	486
Pay—		
of troops, &c., converted into grants of land in bigahs	4	8
Nature and conditions of grants held for—	10	20
Specimen of Sanad issued for—	11	21
Grants for—nominally for life... ..	13	22
„ liable to reduction	14	23
„ proposed to be continued only for life ...	25	20
„ compared to Commissions in the army ...	40	53
„ ordered to be resumed on death of grantee	72 186	120—3 293—7
Omission in Sanad regarding land held for—	422	665
Jagirs generally held for—under the Amirs ...	68	118
Distinction between grants held by Chiefs for—and those of their followers	131 132	205
Distinction between land grants in lieu of—for specific service and land grants in lieu of cash ...	144 186	220—11 293—6

	Page.	Para.
Pelly's Rules	185	293
not wholly sanctioned by Government in 1857 ...	198	310
Penalties—		
for forgery of Sanad	37	49
for failure to report death of co-sharer ...	79 186	131 293—15
for falsification of boundaries	80 186	133—134 293—16
Pensions—Grant of—in lieu of Jagirs deprecated ...	145 & 218	
Enjoyed by the ex-Amirs	219	
Land grants preferred to	145	220
Pensions' Act— <i>vide</i> Impartibility of Jagirs.		
Permanent Settlement when to come in force in the case of the Four Families	209 237	
Do. Sirdars	228	
Perpetuity— <i>Vide</i> Hereditary Jagirs—		
Personal Saranjam	143	
Phulbai	291	418 & 420
Pitapur—Chief of	289	414
Police Powers—		
Investiture of Jagirdars with—deprecated ...	104	175
Poll tax—		
generally reserved by Amirs	7 11	16 21
enjoyed by some Jagirdars	42	58
Right to levy—withheld from Jagirdars ...	44	63

	Page.	Para.
Possession on 17th Feburary 1843 good title for holding a Jagir	44	65
„ „ garden grant	60	103
Want of—how treated	187	293—18
Prescription— Of 20 years a good title to possession of cultivated Jagir hereditarily	72	120
<i>Vide</i> —Present Incumbents.		
Present Incumbents in Third and Fourth Class to select their holdings	181	289
of the Four Great Families not to be disturbed...	215	
of the Sirdar Class „ „	228	
<i>Vide</i> Old Settlements.		
Primogenature—Evils of	273	
Procedure in Jagir Inquiry— <i>Vide</i> Salam Parwana.	87	149—151
	115	183—20
	119 to	
	120	
	123	197
	127	203
	132	205
	147	220
	167	259
	181	289
	183	291—292
	188	294
Proclamation—		
1. To Jagirdars to Salam Sir Charles Napier...	19	7
2. Read—on the Queen's birthday, 24th May 1844	20	10
3. Containing Sir Charles Napier's scheme of hereditary Jagirs, &c.	76	126
4. To rent-free holders in the Resumed Districts...	118	190

	Page.	Para.
Proof of Sanad	36	45
Public Improvements—		
Impediments to—from small Jagirs...	39	50
„ „ other Jagirs...	69	118—5
<i>Vide</i> —Exchange of Jagirs.		
Pusht ba Pusht Sanad	144	220—7
Q		
Quarter share of produce— <i>Vide</i> Chowth.		
R		
Rakhs— <i>Vide</i> Huris—		
Ramdani Jagirdars,	295	423
	296	425 and 427
	299	433 to 435
Rana of Parkar— <i>Vide</i> Parkar.		
Rank—List of persons of	264	
Raomas—Chief of	289	414
Ratansing—Rana of Parkar	287	409
Registration of Sanads—		
by the Amirs	6	12
not perfect	36	45
Registry of heirs	79	130
	163	250
	276	382
	280	395

	Page.	Para.
Regrant of Jagirs—		
Question as to terms of	24	18—19
made with what Gynda—	187	293—22
Questions as to—how to be disposed of ...	277	384
<i>Vide</i> General conditions and Settlement and Faizalnama.		
Regrantable Jagir—<i>Vide</i> Season Divisions.		
Religious Grants—		
in the Shikarpur District	14	23
to what extent to be made	435	695
<i>Vide</i> Khairats—Settlement of—		
Religious Institutions—		
Support of—by the State	101	171—21
Grants for—to what extent to be made ...	435	695
<i>Vide</i> Khairats—Settlement of—		
Remissions of Duanagi.	92	164
Rent—Proposal to levy—on all Jagirs	19	7
Resident Jagirdar—		
Advantages proposed for	207	
Resumption Rules—Defects of	663	251
<i>Vide</i> Waste lands.		
Resumed Districts—What	118	189
Claims in—how to be disposed of	119 120	191—192
Jagirs of Talpur Families in—how dealt with ...	216 218	

	Page.	Para.
Resumptions—		
Arbitrary—in Shikarpur District ...	16	25
by Amirs ...	69	118—4
Rules as to ...	420	662
Cost of effecting—to be borne by whom ...	422	663
Treatment of Jagir before effecting— ...	422	664
<i>Vide</i> Four Great Families—Waste land.		
Return of documents. ...	174 279	275 391
Revenue Establishments— <i>Vide</i> Collection charges.	276 280	382 395
Revenue Department—		
Proceedings connected with Jagirs to be primarily conducted in the ...	160	244
Questions to be dealt with by ...	277	383
Revenue Survey—operations to extend to rent-free lands.	202	315
<i>Vide</i> Thakbust map, Mujmilli map—		
Revolt of 1857— <i>vide</i> Loyalty.		
Revolt in 1859, in Thar and Parkar ...	289	415—418
Rewards— <i>Vide</i> Informers.		
Roads—Grants for... ...	435	696
<i>Vide</i> Five per cent. cess.		
Roadside trees—Grants for ...	432	687—689
Rolls—of 3rd and 4th Class Jagirdars issued ...	269	379
of First Class, Talpur and Sirdar Jagirdars and Pattadars, Hissadars and Khairatdars issued ...	286	407

	Page.	Para.
S		
Sanad—		
Meaning of	138	215
Given for grants by Amirs	6	12
Reservation of right to taxes by	7	16
Specimen of—issued for pay	11	21
Clauses in—showing nature of grants	15	24
Shares of followers, &c., defined in	34	43
Seldom complete in themselves	21	13
Issued by Sir Charles Napier	22	15
Do. do. on regrant	32	38
Do. do. to sharers	50	81
Not to issue if property do not exceed in value Rs. 200	135	209
Issue of final... ..	266	374
Not bearing Sir Charles Napier's seal how treated	186	293—12
Issue of final <i>Vide</i> Registration, Forgery, Proof, Possession.	266	374
Sanads—		
Forms of—as finally approved by Government	639 to 447	
Salam—required	17	3
Of a relative or common grantee sufficient	36 186 146	34 293—9 220
Infancy, old age, or illness may excuse failure to make	45	68
not required from Garden Grantees	48	77

	Page.	Para.
Salam Parwana	20	10
Salam Sanad—see Salam Parwana—		
Salar Lekhi	235	333—25
Samatji	291	418
Sangat—		
Meaning of Grants to	6	12
Lapse of shares of—on their death	143	220
Do. do. not named in Sanads	185	293—3
Ordinary members of—not to belong to First or Second Class	166	255
<i>Vide Pay.</i>		
Santhis... ..	289	414
Saranjams— <i>vide</i> Jagirs.		
Sayads— <i>vide</i> Khairats—Settlement of—		
Sayads of Tatta—		
Reasons for not confirming the Sayads' allowances after the Conquest	343	512
Continuance of the confiscation by the Govern- ment of India	343	513
Mr. Pringle's report on the Sayads' claim, and the remarks of the Bombay Government	343	514
Mr. Pringle's recommendation rejected by the Gov- ernment of India	344	515
Correspondence revived by Mr. Frere—His pro- posal to grant land at a cash assessment of one- half the usual rate	345	516

	Page.	Para.
Sayads of Tatta—<i>contd.</i>		
Government of India consent	345	517
Difficulties in carrying out the above proposal ...	345	518
Mr. Frere's order to pay Rs. 6,000 annually to the Sayads from the produce	345	518
Mr. Ellis refers the question of this grant to Government	346	519
Decision of the Government of India ...	346	520
Schools—Grants for	435	695
Season Divisions—		
Rule of	149	223
to be followed in disposing of an heir's claims to crops of Jagir regrantcd to him	161	245
<i>Vide</i> Crop on regrantable Jagirs.		
Second Class Jagirdar—		
(a). According to Captain Stack's proposals... ..	131	
(b). „ Mr. Frere's „	143	
(c). „ Major Goldsmid's „	171	271
<i>Vide</i> Four Great Talpur Families and Sirdars		
Selection of continuable areas—		
Privilege of	419	662
Seri—		
Meaning of	2	2,4
Varieties of	2	3
Converted into Jagirs	3	5,6
Date of—not to be considered as date of Jagir ...	161	246

	Page.	Para.
Seri—Mamul and Thalli—Chapter X, Section 2—		
Nature of Seri grants	428	678
Object of Seri grants	429	679
Seridars not necessarily headmen of villages ...	430	680
Description of Mamul Grant in Shikarpur ...	430	681
Mr. Frere's orders on the subject	430	682
Government Resolution in 1869, authorizing grants for Village services and orders in 1871 ...	431	683
Grants of land to village servants sanctioned by the Government of India in 1871	431	684
Sind Village Officers' Act, 1881	431	685
No distinction now between Seri, Mamul and Thalli	431	686
Services exacted from Jagirdars	46 57	70 96
discontinued	92	162
Settlement—		
(1) of Third and Fourth Class Jagirs ...	197 198	309 310
(2) of the claims of the Four Great Families—		
(a) Major Goldsmid's report	197 205	308 321
(b) Mr. Ellis's report	210 219	
(c) Letter of the Bombay Government to the Government of India	219	325

	Page.	Para.
Settlement—<i>contd.</i>		
(2) of the claims of the Four Great Families—<i>contd.</i>		
(d) Letter of the Government of India sanctioning the settlement ...	229 231	
(e) Letter of the Bombay Government explaining some doubtful points ...	235	334
(f) Letter to the Commissioner to carry out settlement ...	235	334
(g) Major Goldsmid's proposals regarding the carrying out of the settlement ...	236	337—339
(h) Secretary of State's despatch ...	250	
(i) Mr. Inverarity's report ...	256	
(j) Government reply ...	257	364
(k) Government of India's approval ...	259	
(3) of the claims of Sirdars—		
(a) Major Goldsmid's report and list ...	205 210	
(b) additions and alterations in (a) ...	223	327—328
(c) Mr. Ellis's report ...	224 229	329
(d) Bombay Government letter ...	238 240	
(e) Government of India's letter ...	243 244	
(f) Secretary of State's despatch ...	250	
(g) Mr. Inverarity, report ...	256	

	Page.	Para.
Settlement— <i>contd.</i>		
(3) of the claims of the Sirdars— <i>contd.</i>		
(h) Government reply ...	257	
(i) Government of India's approval ...	259	
(4) of First Class Jagirs—		
(a) Major Goldsmid's report ...	231	333
(b) Mr. Ellis's report ...	231	333-3 to 25
(c) Bombay Government letter ...	240 241	
(d) Government of India's letter ...	242 243	
(e) Secretary of State's despatch ...	244 250	
<i>Vide</i> Garden Grants.		
Pattadari Settlement.		
Khairats—Settlement of		
Hissadari Settlement.		
Thar and Parkar Jagirs.		
Upper Sind Frontier Jagirs.		
Settlement Department—		
Relations of—with the Jagir Department ...	199 204	312—318
to settle boundary disputes ...		
to refer to Jagir Department as to the number, &c., of alienations before commencing their operations ...	201	314

	Page.	Para.
Sharers—		
Evils arising from recognition of ...	38	50
Rules for disposing of claims of ...	139	216
„ for apportioning shares among ...	139— 140	217
<i>Vide</i> Birathari, Sangat, <i>etcætera</i> .		
<i>Shor-wa-Todah</i> ...	181	289—8
	187	293—27
	97	171—5
Sind Bigah— <i>vide</i> Napierian bigah.		
Sind Village Officers' Act—		
<i>Vide</i> Seri.		
Sirdars—		
Mr. Frere on ...	190	
Information called for regarding ...	196	306
„ supplied „ ...	205	322
Selection of ...	205	323
Tribes of ...	207	
Characteristics of ...	208	
Necessity of educating children of ...	209	
<i>Vide</i> Second Class Jagirdars—and Settlement.		
Sirkari bhag— <i>Vide</i> Government share of the produce—		
Sodhas—Chief of ...	289	414
Statistics—regarding Jagirs ...	106	179
	110	183—4

	Page.	Para.
Statute labour—		
Abolition of—by Sir Charles Napier... ..	60	104
<i>Vide</i> Water-rate.		
Sub-division of Jagirs—		
Sir Charles Napier's views on	84	142
Sub-division of Jagir produce	272 274 277 280 281	381—9 385 394 396
Submission— <i>Vide</i> Salam.		
Succession—		
of collaterals or distant relatives to Jagirs prohibited	33	42
in what cases allowed	149	224
of females discussed	82—86	139—145
<i>Vide</i> Grandson.		
Summary Settlement—ordered and countermanded ...	281 283	398 400—405
Survey— <i>Vide</i> Measurement.		
T		
Talpur Grants—		
Majority of alienations	1	1
<i>vide</i> Mirpur Mirs' grants—		
Khairpur Mirs' grants—		
Talpur Jagirdars—		
(a) belonging to the Four Great Families— <i>vide</i> Settlement (2).		

	Page.	Para.
Talpur Jagirdars—<i>contd.</i>		
(b) belonging to Sirdars class— <i>vide</i> Settlement (3) and Talpur Sirdars.		
Talpur Sirdars	227	331—25
Tenure of Upper Sind Frontier Jagirdars	300	439
Thakbust maps	202	316
Thar and Parkar Jagirs—Chapter I, Section VI.		
Position of the Thar and Parkar Chiefs	287	408
Karanji succeeds Rana of Parkar	287	409
His possessions at the Conquest of Sind	288	410
Possessions of Chiefs of Virawah	288	411
Sir Charles Napier's confirmatory sanads	288	412
Compensation to Chiefs for abolition of town and frontier duties	289	413
Other alienees—	289	414
Confiscation of the Jagirs after revolt in 1859	289	415
Commencement of revolt	289	416
Causes of revolt	290	417
Services of Phulbai, Samatji and Habbaji	291	418
Jagirs proposed for them by Colonel Evans sanctioned by Government... ..	293	419
Other Jagir grants... ..	294	420
Grants of Thurrs and Hurlas	294	421

	Page.	Para.
Third Class Jagirdar—		
(a) according to Captain Stack's proposals ...	131	
(b) according to Mr. Frere's... ...	143	
(c) according to Major Goldsmid's ...	165	253
	172	271
Two sections of— ...	172	271
to have the privilege of selecting the land and having all dues fixed ...	174	276
	187	293—26
Mr. Frere on ...	191	
Thulli— <i>vide</i> Seri.		
Thurrs ...	289	414
Tolls— <i>vide</i> Poll tax		
Town duties— ...	100	171—14
	288	413
<i>Vide</i> Poll tax.		
Transcription of Sanads ...	167	260
Transfer of shares among co-sharers of a Jagir...	78	129
<i>Vide</i> Alienation of Jagirs.		
Transfer of Jagirs by Jagirdars— <i>vide</i> Alienation of Jagirs by Jagirdars.		
Travellers—Grants for shelter to ...	432	687—689
Tree planting—Grants to encourage ...	432	687—689
Turk Ali ...	297	430
	298	431
Two anna Tax— <i>vide</i> Duanagi.		

	Page.	Para.
U		
Ukka Malday	288	412
Umarkot—Rana of... ..	291	418
	293	420
Uninterrupted possession—		
not stringently insisted on—in deciding claims of Sirdars... ..	206	323
Upper Sind Frontier Jagirs—Chapter I, Section VII.	293	420
Classification	295	422
Origin of Jagirs and the terms on which they were granted	295	423
Settlement of the Hill Tribes	296	424
Murad Wah canal and parts of Mirwah handed over to them	296	425
Their progress as agriculturists	296	426
Further free-grants to them	296	427
Formal and informal grants	297	428
Description of land granted and rent-free grants made by Major Goldney	297	429
Major Goldney's grants restricted by Mr. Pringle to one season	297	430
Mr. Pringle reconsiders his decision— ...	298	431
Major Jacob recommends that the Jakhranis be allowed to hold their lands rent-free ...	298	432
Major Jacob's letter referred to the Acting Col- lector of Shikarpur	298	433
His reply in favour of Major Jacob's proposal ...	298	434

	Page.	Para.
Upper Sind Frontier Jagirs—Chapter I, Section VII— <i>contd.</i>		
Mr. Frere authorizes remission of assessment ...	299	435
Grants covered by Mr. Frere's sanction ..	299	436
Effect of Mr. Frere's letter	299	437
Limitations on indefinite increase of free cultivation	299	438
Nature of tenure defined by Sir W. L. Merewether.	300	438
Summary	300	439
Object of the grants	300	440
Other grants made owing to wrong interpretation of a Government Resolution	301	441
Most of the grants made by the Political Superin- tendents without even the Commissioner's sanction	301	442
Existence of Jagir villages reported by the Settle- ment Officer	302	443
List of Jagirdars without Sanads called for ...	302	444
Attention of Government drawn to remissions and free-grants on the Desert canal and report called for in a Government Resolution	302	445
The Resolution leads to inquiry	303	446
No cess or water rate paid by Jagirs in Upper Sind Frontier	303	447
Government decide that the cess should be levied.	303	448
Objections to the payment of water rate and the cess	303	449

	Page.	Para.
Upper Sind Frontier Jagirs—Chapter I, Section VII— <i>contd.</i>		
Commissioner's proposals	304	450
Government Resolution exempting Jagirdars from cess and water rate, under certain limitations...	305	451
Who were to be exempted	305	452
Report to Government on alienations in Upper Sind Frontier by the Commissioner ...	306	453
Names of persons recommended for Jagirs ...	307	454
Questions discussed	307	455
How far the orders of the Political Superintendents to the Kardars and the subsequent declaration of Sir W. L. Merewether bound Government	307	456
If Government not bound is it advisable or ex- pedient to continue the grants	307	457
Recommendations regarding recent grants ...	309	458
Commissioner's views as to the payment of the Local and Village cess and water rates ...	311	459
Government Resolution according sanction to the hereditary continuance of several Jagirs ...	311	460
Form of Sanad drawn up	313	461
Jagirdars refuse to pay cess and water rate ...	315	462
Warning to mortgagors of Jagirs	315	463
Usufruct of water—how far enjoyable by Jagirdars ...	423	666
<i>Vide—Fisheries.</i>		

				Page.	Para.
V					
Valuation of Jagirs...	...	...	...	189 222 248 267	294 325—17 and 326 348 376
Vasaipotras—Chief of	...	...	...	289	414
Village—(Deh)					
Grant of	...	...	...	153	230
No distinction to be made between Grants of specified or measured land and of unmeasured—as regards resumption of waste	...	...	...	154	231
defined	...	...	...	200	312
modern and ancient	...	...	...	200	312—313
Village Maps—none before 1855...	...	...	...	200	312
Village sites—Grants for	...	...	...	436	697—98
Virawah—Chiefs of...	...	...	...	287 288	408 411
W					
Wali Muhammad	...	...	...	227	331—24
Waste lands—					
Option to give up—or pay 2 annas per bigah	...	...	...	55 64	91 109
Grants of—by Amirs	...	...	...	69	118—3
Resumption of	...	...	...	72	120
Rules for resumption of	...	...	...	134	208
„ „ resubmitted to Government	...	...	...	146	
Defects of „ „ „	...	...	...	163	251

	Page.	Para.
Waste lands—<i>contd.</i>		
below 50 Napierian bigahs not to be resumed ...	157	239
Claims to—to be waived until measurement ...	166	256
Proposal to restrict resumption of—to Second Class Jagirdars ...	172	272
<i>Vide</i> Settlement.		
Water rate—		
paid in kind to the Amirs ...	8	17
Share of clearance expenditure taken for—by Sir Charles Napier ...	73	120
Incidence of... ...	148	221
On Third Class Jagirs to be settled ...	174	276
Not levied in Upper Sind Frontier ...	303	447
	305	451
<i>Vide</i> Canals.		
Water rate—Chapter VI.		
Practice in the Haidarabad District regarding— in Sir Charles Napier's time ...	378	582
Practice in the Karachi District ...	378	583
Practice in the Shikarpur District ...	379	584
Remission of Hakaba on Chowth, and deduction of canal expenses in assessing Chowth ...	379	585
Hakaba imposed on persons paying Duanagi ...	379	586
How to assess the water rate ...	380	587
Proposal to settle Hakaba negatived... ...	380	588
Rules regarding Hakaba issued by Mr. Frere ...	380	589

	Page.	Para
Water rate—Chapter VI— <i>contd.</i>		
“ Jacob’s rules” regarding Canal clearances—		
Settlement of rates for ten years	381	590
Explanation of Rule 11 as to the levy of 3 annas per bigah... ..	381	591
Practical effect of Jacob’s rules	382	592
Hardship of these rules on Chowth-paying Jagirdars	382	593
The hardship remedied	382	593
Hissadars not liable to pay Hakaba	383	595
Jagirdars when entitled to Hakaba	383	596
Settlement of water rate produces dissatisfaction...	384	597
Hakaba to be fixed by Settlement Officers ...	384	598
Provisions regarding Hakaba in the Sanads ...	385	599
Changes in Rules in 1867—Water rate part of assessment on settled lands	385	600
Rules issued in 1868 for fixing Hakaba in settled lands	385	601
3rd and 4th Class Jagirs assessed to Hakaba as Ryoti lands in anticipation of lapse, &c. ...	386	602
New system in 1871	387	603
Commutations and leases	387	604
Discontinuance of the levy of local fund cess on Hakaba	387	605
Rate of 6 annas per acre too low in Fuleli Division	388	606
Too high in the Ghar Division	388	607

	Page.	Para.
Water rate—Chapter VI.—<i>contd.</i>		
New rates sanctioned	388	608
Inequality of the new rate in the Fuleli Division...	389	609
Opinion of the Conference of 1878	389	610
Final orders	391—392	
Wells—Grants for	435	690
Widows of Jagirdars—		
Provision for	159	243
Wijuhat	125	199
Z		
Zamindars—		
Relations of—to Jagirdars	50	82—89
Sir Charles Napier's orders as to their position in Jagirs	61	105

CHAPTER I.

SECTION I.

* *THE JAGIR SYSTEM BEFORE SIND BECAME A BRITISH POSSESSION.*

1. The great majority of the lands found in alienation at the date of the conquest (1843) had been originally granted by the Talpur Amirs, who about the year 1783, A. D., had revolted against the Kalhora dynasty and had succeeded in establishing themselves as Rulers of Sind.

Majority of alienations found at conquest, by whom granted.

2. The holdings which the Talpurs themselves had previously enjoyed under the rule of the Kalhoras are perhaps fair examples of the nature and origin of the tenures then prevalent. "Sacred by extraction," says Captain Pelly, "and addicted rather to agrarian than warlike pursuits, the Kalhoras encouraged agriculture, and required mercenaries. The Talpurs, like

Origin of the alienations known as—'Deradari' and 'Seri.'

* The materials for this Section are :—

I. Captain Stack's Memorandum, dated 10th March 1848.

II. Lieutenant Farrington, Collector of Shikarpur's letter to the Commissioner in Sind, No. 109, dated 20th February 1850, reporting on Captain Stack's Memorandum.

III & IV. Captain Rathborne, Collector of Hyderabad's letter to the Commissioner in Sind, No. 402, dated 2nd April 1850, reporting on Captain Stack's Memorandum, and No. 598, dated 12th June 1850.

V. Captain Preedy, Collector of Karachi's, No. 1785, dated 12th October 1850, reporting on Captain Stack's Memorandum.

VI. Captain Stack's No. 10, dated 22nd February 1853, to the Commissioner in Sind.

VII. Captain Pelly's No. 2, dated 1st January 1856, to the Commissioner in Sind. Each of these documents is quoted in the text by its indicative number : the paragraphs being shown by small numerals. Thus I—1 signifies the first paragraph of the document here marked I.

“other Baluch tribes who had immigrated from their western
 “ mountains, took service ; received in charge extensive districts
 “ (Deradaris) situate in the neighbourhood of ancient Brahminabad ;
 “ selected the present village of Shahdadpur as their headquarters ;
 “ and were paid by yearly or six monthly assignments of a cer-
 “ tain extent of crops (Seri) lying within the limits of their
 “ charge.”

3. “The assignments so made varied, according as they
 “ might be of standing crops of the current season, or of crops
 “ grown upon a given area cultivated by the grantee. The
 “ ‘Deradar’ also enjoyed that portion of the produce, grown
 “ within his ‘Deradari’ generally, which constituted the difference
 “ between the quantity which he demanded from the agricultu-
 “ rists by process of Batai (division of crops) and the quantity
 “ which at low rates (Kamrakab) was demandable from him by
 “ Government. (VII. 9 to 11).”

4. On the expulsion of the Kalhoras the country was di-
Accession of the Talpurs
and division of the ter-
ritory. vided among the Talpur leaders. Mir
 Fateh Ali and his three younger brothers
 reigned jointly at Hyderabad. To Mir Suhrab (from whom the
 Khairpur family spring) was assigned Khairpur and its depen-
 dencies ; and to Mir Thara (the grandfather of Sher Muham-
 mad) Mirpur, and the adjoining territory lying to the east
 of Hyderabad. Four other distinguished Talpur Chiefs (Aludo,
 Muhammad Khan, Ghulam Hussen, and Feroz) received,
 at the same time, large tracts of land, but they were granted
 no independent regal jurisdiction, and were for purposes
 of Government, considered subordinate to the Hyderabad
 Amirs. The lesser Baluch Chieftains were quartered with their
 followers in different parts of the country,
Nature of ‘Deradari’
and ‘Seri’ under the
Talpurs. each having in a manner charge of the
 district round about him, which was called
 his ‘Deradari,’ from ‘Dera’ a Sindhi word signifying ‘head-

'quarters.' They were, as already explained, paid by yearly or six monthly assignments of a certain number of Bigahs of green crops, denominated 'Seri,' grown on the lands included in their 'Deradari.' (I—10).

5. Mir Fateh Ali was a strict Ruler, and under him but little land was alienated in addition to that mentioned above, as given to the Four Great Families. A few other Chiefs, however,

Conversion of 'Deradari' into grants of town land and of 'Seri' into Jagirs under Mir Fateh Ali, 1783-1802.

received from him, after a time, grants of town lands which they had at first held in 'Deradari,' and occasionally grants of 'Seri' were converted into Jagirs. Although nominally Fateh Ali's three brothers, Mirs Ghulam Ali, Karm Ali, and Murad Ali, were associated with him in the government, yet while he lived, he reigned supreme, and all Sanads bore his single seal. (I—2).

6. Mir Fateh Ali died A. D. 1802, and Mir Ghulam Ali

Growth of Jagirs under Mir Ghulam Ali, 1802-1812.

then succeeded to the management of affairs. Under his rule Jagirs grew considerably, a great number of the assignments of 'Seri' being changed into Jagir grants. When grants of 'Seri' were thus converted into Jagir holdings, the extent of land over which the grantee had previously had a claim to 'Seri' (green crops) was usually quadrupled and the whole assigned to him as 'Jagir,' the extra three shares being added to allow for fallows. This Amir, however, made but few completely new grants. He contented himself with converting existing 'Seri' grants into Jagir holdings. (I—3).

7. Mir Ghulam Ali died in A. D. 1812. The two remain-

Growth of Jagirs under Mirs Karm Ali and Murad Ali, 1812—1828.

ing brothers, Mirs Karm Ali and Murad Ali, appear then to have carried on the administration jointly, for Sanads have been found sealed in the same year by one or other or

both of them, as the case might be. Karm Ali, however, being of a quiet and serious disposition, did not mix much in public affairs, and therefore his Sanads have been more rarely met with. He died in A. D. 1828. (I—4).

8. Both of these brothers continued the system of cancelling the 'Seri' assignments and giving land instead, till at last 'Seri' became quite or almost unknown. But meantime another kind of remuneration had come into fashion, viz., that of ready-money cash payments to Baluch chiefs and their followers. In course of time many Chiefs who had obtained Jagirs also contrived to secure this cash allowance in addition; and like the assignments of 'Seri' these cash payments were frequently converted into grants of land, the usual rate of exchange being one bigah of free land for each Kora rupee (a little less than 12 annas of the Company's coin) yearly pay. For instance Mir Murad Ali in a short time avoided the disbursement of 5 lacs of Kora rupees of pay, by assigning lands instead. He made many fresh grants too* (though always in small quantities) to other Baluchis, generally to grown up sons or relations of men already holding free lands. Such grants always mentioned the number of bigahs. (I—5).

9. During this Mir's Government, and indeed under that of Ghulam Ali also, the localities of these grants were constantly being changed. It was not that the term of grant in any place was limited, for the Sanads generally said 'Fasl-ba-Fasl' (season by season) and 'without a fresh order being needed,' but the grantees themselves seem to have been constantly desiring a change of ground, and sometimes in one season, a man would get 2

* According to Captain Rathborne (II—8), it was after Sobdar's revolt that Murad Ali began to give away land in Jagir.

or 3 Sanads for differently located Jagirs, one cancelling the other ; he being either dissatisfied with the land first given, or some difficulty having arisen about its being made over to him. But it was on the death of Mir Murad Ali in A. D. 1833, that the most general and extensive shifting and alteration of Jagirs occurred. Then all the lands belong-

Partition of the country after Murad Ali's death and general shifting of Jagira.

ing to the Hyderabad Amirs (save and except the Jagirs of the great chieftains, which continued uninterruptedly and unchanged in the hands of their holders) were divided by umpires into four portions for the four younger Amirs, Mir Sobdar, son of Mir Fateh Ali, Mir Muhammad, son of Ghulam Ali and Mirs Nur Muhammad, and Nasir Khan, sons of Murad Ali. All the Jagirdars in the country then ranged themselves separately under the different rulers, so that when a Baluch holding a Jagir in the portion of the country that fell to the lot of one Amir, became the follower of another, it was necessary to change his estate to the possessions of his master. In this way about $\frac{3}{4}$ ths of the Jagirs of the lesser chiefs changed place in one season. (I—6).

10. Mir Nur Muhammad died in 1840, and was succeeded by his sons Shahdad and Hussien Ali, who divided his possessions between them. Here again great shiftings took place in settling the followers of each Amir on their master's lands. (I—7).

Further shifting of Jagirs after the death of Nur Muhammad in 1840.

11. Under the four and (on Mir Nur Muhammad's death,) five younger Amir's, Jagirs increased considerably, sometimes by being granted in lieu of money or grain-pay, and sometimes by new grants given to new followers, or an increased grant made by one Amir as a bribe to the follower of another to draw him to his service : for they were very jealous of each other's power. Some lands indeed lapsed from the death of holders,

Increase of Jagirs under the younger Amirs.

or from occasional reductions made, but these bore a small proportion to the grants made.

12. It may be added that two or three of the Talpur Chieftains, and the heads of certain tribes like the Numrias, and Jokhias, who had held land under the Kalhoras were continued in them by the reigning chiefs, that “no land was ever granted or alienated without a regular Sanad under seal of a reigning Amir, which was always carefully registered in the Amir’s Daftar; that the original Sanad, on which the land was held, was generally carefully kept by the persons concerned; that by far the greater number of Sanads showed the grants were made not personally to the Chief or Chiefs named in them, but to them, their followers (Sangat) and brethren (Birathari); and also that sometimes particulars at foot of the Sanads themselves and generally the accounts and the lists of followers in the Amir’s Daftar, clearly enumerated these followers, discriminating their shares, thus affording every means for an equitable enquiry into the title of each individual sharer.” (VI).

Continuance of Jagirs to certain heads of tribes.

The title-deeds issued by the Mirs.

13. According to Captain Stack, the amount of land held in Jagir in the Hyderabad Collectorate in February 1843, was not less than 40 lacs of bigahs, divided amongst nearly 15,000 individuals.

Estimate of total amount of land in alienation at the conquest.

14. The above account of the Jagir System under the Talpurs was declared by Captain Rathborne to be “in all essential particulars correct.” Mir Karm Ali, however, according to him, was not of a serious disposition but rather the reverse. “The fixedness of tenure” wrote Captain Rathborne “whether as regards the possessor or his heirs depended very much, as it will always in

On what fixity of tenure depended under the Amirs.

“ such cases, on the influence of the possessor, and on the relative power; at the period, of the Sirdars generally and of the Crown.”

15. As regards the sub-division of Jagirs among followers and others, he said, it had been “ for ages
 How sub-division was effected among followers and others. “ a matter of daily occurrence in Sind.”
 It was effected by dividing the land into lots, bad lots being allowed more land. The division rested with the possessor, the selection with the person claiming the division. It was therefore the interest of the former to divide as fairly and equally as possible. “ The whole of Sind,” he continued, “ was divided among the Talpurs in this way after
 “ the death of Mir Murad Ali, and the plan has been one perpetually in operation, both as regards Jagir and Ryoti land, both before and since. I suppose that that there is scarcely a Jagir
 “ in Sind of 60 years’ standing that has not for mere purposes of family arrangement, been subjected to at least half a dozen
 “ such sub-divisions, within that period, irrespectively altogether of the changes and divisions made whether by the Talpur
 “ Government or our own.”

16. Captain Rathborne also stated that the Mirs used to specially reserve the right to town duties and miscellaneous taxes in their Sanads to Jagirdars. He knew only five exceptions, those of the Chiefs of Adam Khan ka Tanda, Meri, Muhammad Khan ka Tanda, Jam ka Tanda, and Baga ka Tanda. The dues collected by these, however, amounted only
 Reservation of the right to Town Duties and Miscellaneous taxes by the Amirs.
 “ to half a pice in the Rupee’s value of goods *in transitu* in return for which they furnished *chokis.” They had moreover
 “ to pay heavy duties to the Mirs on all goods sold to themselves, and all grain the produce of Jagirs was assessed by the
 “ Mirs at double the town and transit duties levied on Ryoti

“ grain, an assessment the grain of these very Sirdars was not
 “ exempted from. Moreover all produce of gardens in Jagir was
 “ liable to a tax of ten per cent. *ad valorem* on its sale—a tax
 “ from which the produce of Ryoti gardens was free.” The
 differential duty on grain amounted, when grain was cheap,
 to as much as 20 per cent. besides collecting fees.

17. The Jagirdars, under the Amirs, had no paramount
 power within their Jagirs according to Cap-
 tain Rathborne. None of them had sepa-
 rate armies or courts. “ On the contrary,
 “ every one was compelled to be in constant attendance on his
 “ Mir, unless when he had permission to be absent. Many of
 “ them were holders of land producing less than thirty rupees
 “ per annum, and the majority of them were holders of lands
 “ producing less than a thousand rupees per annum clear. . . .
 “ To be sure as far as doing justice on a criminal is concerned,
 “ or disposing of a robber found in the neighbourhood, any
 “ Baloch did that who pleased, not because the Mirs’ authority
 “ was not paramount every where, but because he knew that if
 “ he failed to execute justice himself, under the latter Mirs at
 “ least, no one else would take the trouble. But the Mirs or-
 “ ders ran as freely in Jagirs as in Khalsa lands. At important
 “ fairs held within Jagir boundaries, the Mirs, not the Jagirdars,
 “ furnished the police protecting force. Jagirdars themselves
 “ offending, were arrested, when it was thought proper, and cri-
 “ minals were arrested, when necessary, on their lands, without
 “ reference to them. A Jagirdar had not the power to dispossess
 “ a Mukhadim (sub-lessee) on his estate, or even to raise his
 “ rents beyond the Government rate. Many Jagirdars paid
 “ water tax in kind, and their Jagirs were *battaied* by the Mirs
 “ Kardars—and all Peshkash, Sarshumari, Water tax, Kangan
 “ as well as the produce of gardens and fisheries, were levied by
 “ the latter from the Jagirdar’s tenants direct, precisely in the
 “ same way as they were on Khalsa lands. Indeed to this day

“ those lands of Mir Ali Murad, an independent Sovereign—which
 “ are watered by British Canals, are *battaied* in the same manner
 “ by our Kardars without remonstrance or complaint on the
 “ Mir’s part, and they were so always before the conquest.”

18. Captain Rathborne admitted that, the Jagirdar exercised
 Judicial functions of some kind of civil and criminal administration
 Jagirdara in his own Jagirs. The pettiest kind of
 civil cases were settled by him or by his agent, and if he was a
 Sirdar of position, the case was generally submitted to his decision
 by the parties themselves. Criminal justice was executed by him
 or his Khizmatgar or Kardar, but only “ when the case was not
 “ of a nature to make it the interest of the Government authorities
 “ to interfere ” All cases in which questions of Muhammadan law
 arose were settled by the Kazis; and the Panchayets under the
 Mukhis disposed of all other important cases, the Mirs interfering
 if appealed to. Nearly all the considerable Sirdars were non-
 resident Jagirdars, and sometimes selected their Kamdars, from
 “ their khizmatgars, slaves, and cooks.”

19. Jagirdars in Sind were not a compact class, with uniform
 rights or immunities. “ The term Jagirdar in Sind ” wrote Cap-
 tain Rathborne “ embraces classes as various
 Jagirdars in Sind not a compact class with uni-
 form rights or immunities. “ as the term “ Government ” servant does with
 “ us. There are some Government servants
 “ at home, for instance, who are peers of the realm, and members
 “ of the Royal family, and there are others who are too happy
 “ to clean ensigns’ boots and shoes for a penny or two extra per
 “ diem to the pay they receive daily. So it is with Jagirdars in
 “ Sind. There are some whom no one of proper feeling would
 “ think of treating with less consideration than he would show
 “ towards an English gentleman of the highest rank, while there
 “ are others, whom the Sirdars so treated would consider suffi-
 “ ciently honored by them, if they put them upon a footing with
 “ their grooms. In short there are as many grades as exist

“between a Sirdar of the Deccan of the 1st class and that
 “pettiest of inamdars, a village watchman.” (III).

20. Captain Rathborne in his No. 598, dated 12th June 1850,
 (IV) further gave important information regarding Jagirs held in
 lieu of pay. “In Jagirs assigned for the
 Nature and conditions
 of a Jagir held in lieu of
 pay. “maintenance of troops, those troops are
 “enumerated in the original Sanads in a no-
 “minal roll, or reference is made in the Sanad to the Seri or pay
 “roll in which they already stood enumerated, making the assign-
 “ment for each individual soldier, in effect a separate Jagir de-
 “pending on his life. But though each man’s share was thus set-
 “tled, the obligation to maintain the required number of troops
 “was at the same time.....a transaction between the State
 “and the Jagirdars, and became open to a re-consideration on the
 “demise of the latter, when it might be replaced or cancelled, as
 “a whole, without reference to casualties among the individual
 “holders.....

“A Baluch chief was like a Baron of old, or a Captain of Free
 “Bands in Italy during the middle ages, and not very dissimilar
 “to a political partisan in England when politics were made more
 “a trade of, than they are at present. In dealing with the Chief
 “the question was what followers he had whom he could bring
 “with him to the side that he embraced: the reply was so and
 “so with so much; so and so worth so much; so and so worth so
 “much, and a certain number of lesser partisans worth say, so much
 “a head all round. The batch was then taken into employ and
 “the Sanad made out. On the death of any one of the number,
 “his share lapsed to the Government, unless his son or a substitute
 “of equal worth was allowed by the Mirs to take his place; but
 “at the same time at the death of the leader the whole transaction
 “fell to the ground and ended, unless the leader left a son or
 “nephew, or man of equal influence, whom the Band were incli-

“ ned to obey implicitly and follow equally blindly, whether for
 “ good or ill.”*

21. The following is a specimen of Sanads issued in lieu of
 Specimen of Sanad (title pay. It is taken from Captain Rathborne's
 deed) for Jagir in lieu of letter last quoted (IV).
 pay.

Translation of a Sanad under the seal of Mir Fateh Ali Khan,
 Talpur, dated 18th Rabi-ul-awal 1208.

To the present and future Kardars of Jati.

“ Of our pleasure we have granted 3274 Jirebs of land, being
 “ the double of 1637 Jirebs of Seri (or standing crops), in the names
 “ of Ali Khan, Gulbeg, Esub, Rakhio and other Fakir Changs, in
 “ lieu of their former Seri and Deradari, from the Rabi 1205, as
 “ Jagir *adam zabt* (numeasured), in the names of the above Fakirs,
 “ out of the makans of Lur and Bangar. This is therefore written
 “ that you may know this, and according to the extent of land
 “ above stated, measure as a Jagir to the above-named Changs, out
 “ of the makans of Lur and Bangar, land cultivated and unculti-
 “ vated but capable of cultivation, and give it to them, that they
 “ may superintend and cultivate these, and enjoy the revenues with
 “ the exception of *Abwabs* (dues) viz.—

Ijara Khushki (Land Customs).

Mir Bahri (Fisheries).

Pesh Kash Mahajan (Personal Taxes on Hindu traders).

Sarshumari (Poll tax).

Isnafgari (Taxes on Artisans).

“ according to the custom of Jagirdars, and be ready for the
 “ service of the Sirkar. Mulchand the present Kardar of Jati is to
 “ attend to what is here directed.

* Sir Charles Napier, as will be seen later on, so far broke through this system, as to allow each follower to retain his share for his life, notwithstanding the leader's death.

Ali Khan, Chang, was in possession of 94 Jirebs of Seri,			
	Jagir granted of...	188	Jirebs.
Gulbeg, Chang,	do.	94	
	Jagir granted of...	188	„
Khando and Mustak, Changs,	do. do.	60	
	Jagir granted of...	120	„
Daud and Rais, Changs,	do. do.	60	
	Jagir granted of...	120	„
Fakir and Gula, Changs,	do. do.	135	
	Jagir granted of...	270	„
Bhags and Shahdad,	do. do.	97	
	Jagir granted of...	194	„
Khabar Rakhio and Sammandar,	do.	229	
	Jagir granted of...	458	„
Esan and Lal Khan,	do. do.	126	
	Jagir granted of...	252	„
Esab, Manak and Muthara,	do. do.	188	
	Jagir granted of...	376	„
Mir Khan,	do. do.	45	
	Jagir granted of...	90	„
Balach and Wadu,	do. do.	120	
	Jagir granted of...	240	„
Baji, Kamal, Hathi, Nihal and Saheb,			
Changs,	do. do.	369	
	Jagir granted of...	738	„
Total, being double the quantity of Seri,		3,274	„

22. Captain Preedy also vouched for the accuracy of Captain Stack's description of the Jagir System in force under the Talpurs. He added that with a few exceptions all the Jagirs in his Collectorate were either granted as pay for troops or as remuneration for Civil Offices. "Under the Government of the Amirs"

The tendency of Jagirs to become hereditary. he continued, "the principal Jagirdars were "tacitly allowed to exercise Civil and Military authority over the Royts of their respective Jagirs, from

“ whom they also levied the Government share of the revenue ;
 “ they also possessed influence at Court in proportion to the weight
 “ of their personal characters and to the number of their followers.
 “ Each Chief of a tribe, moreover, exercised to the fullest extent
 “ patriarchal authority over his clansmen. It is true that the
 “ greater part of the Jagirdars held their lands at the pleasure of
 “ the Amir whom they served, but at a Court so constituted as
 “ that of Sind, strife and petty jealousies were always rife, and
 “ each Chief knew full well that if deprived of his possessions by
 “ one Amir, he was sure of being taken into the service of another,
 “ between whom and his former master enmity existed, and from
 “ whom he was pretty certain of obtaining a larger Jagir than
 “ that which had been taken from him. In the same manner
 “ although his lands were not secured to his heir by title deeds,
 “ &c., each Chief knew that if possessed of but a moderate share
 “ of abilities, his son was certain of being confirmed in his father’s
 “ possessions, and if not, that he would be able to obtain others of
 “ equal value by enlisting under the banner of a rival Amir.” The
 Jagirdars and their followers, according to Captain Preedy,
 “ composed the Military force of the country, and, as such, were
 “ a fierce turbulent body, like the Mamelukes of Egypt, formid-
 “ able alike to princes and people, and capable at any moment, by
 “ union amongst themselves, of controlling both.....It
 “ was by their clamorous and outrageous behaviour that the
 “ Amirs were compelled to violate the treaty which they had
 “ signed with us, and hastily and tumultuously to rush to arms.”

23. Lieutenant Farrington who had long been a Deputy
 Collector, and was in 1850, Acting Collector of Shikarpur, stated
 that Captain Stack’s report agreed “ nearly entirely with the
 “accounts” he had gathered of the tenures of Jagirs under the
 first Khairpur Amir, Mir, Suhrab father of Mir Ali Murad, “ who

Growth and value of
 Jagirs in the Collectorate
 of Shikarpur.

“ continued some of the ‘Deradari’ tenures
 “ and modified others into regular Jagirs ”
 He said that Jagirs had been bestowed in

limited numbers until the retired Mir Suhrab threatened to disturb the previous partition he had made of his territory among his three sons, in order to make provision for his new born fourth son Ali Murad. Rustam to whom he had given the turban of Rais-ship was unwilling to accede to his father's demand, though Mubarik one of Rustam's brothers was. "The supposed approaching contest" led to the bestowal of Jagirs more freely, "both to support troops and reduce others from the opposite party. The Sukkur and Shikarpur districts were then held by the Pathans, and Jagirs, therefore, were given only on the Eastern Bank of the Indus comprising the Rohri, Ghotki, Khairpur, Mirpur, and Ubauro Districts. After the seizure of Shikarpur it was divided between the Haiderabad and the Khairpur Mirs. Baghban (Mehtar) and Chandika (Larkana) belonged even before this event solely to the former." "The value of Jagirs" continued Lieutenant Farrington, in this Collectorate may be estimated at 90,000 Rupees per annum, being a little less than $\frac{1}{12}$ th of the whole revenue, and (the Jagirs) may be classed as follows :—

"1st Those for Military Service, which form the most important portion. These lands under the Classes of alienations in Do. "Amirs were held on a most precarious tenure; so far from being hereditary, the parties were in some instances not sure of retaining them for a complete year, and were frequently liable to a reduction of $\frac{1}{4}$ th, $\frac{1}{3}$ rd, or $\frac{1}{2}$.

"2nd. Those for Civil Service to which (although a very limited number) the above remarks are also applicable.

"3rd. 'Religious tenures' a very numerous class, but the allotments less extensive. These were on a somewhat firm footing, arising of course from the religious scruples of these Muhammadan Rulers.*

* "In the Rohri District," wrote the same officer in another part of his letter, "I find a few Sanads for religious tenures bestowed by the Kings of Delhi and bearing date 170 or 200 years (A. H.)"

“ 4th. The ‘Pattadari’ Jagirs, which are, I believe, unknown, excepting in the District of Shikarpur itself. This last class is chiefly composed of Pathans, who appear originally to have obtained these Pattadaris under the Pathan Rule; they receive variously from $\frac{1}{3}$ to $\frac{1}{8}$ th or even less of the Government share of the revenue of certain Sub-divisions or villages. The origin of these grants appears to have been, in some instances, when a wealthy man purchased up certain lands, encouraged cultivation, and promoted agricultural improvements, and in consideration of which he was granted a ‘Patta’ (a slip of paper) giving him a certain share of Government produce; in other cases, perhaps, there was no ‘purchase,’ but the individual had shown much interest in cutting canals and other improvements. These tenures were held entirely at the will of the Sovereign, and were also burdened with Military Service. On the accession of the Talpurs they found it politic to confirm many of these, and others they modified*

24. “ From the wording of the Sanad is apparent in almost every case, the service for which a grant has been bestowed. For instance in a Military Service tenure, it would be ‘such and such land is granted to you provided always you present yourself and are in attendance when called upon.’ This is also frequently inserted for Civil Service; but in that case, the known position of the man shows the nature of the grant. For example were a grant given to a person known to have held a fiscal appointment under any Amir, it would be conclusive that the reward was for wielding the pen and not the sword. On the other hand when we see a Baluch holding a Jagir no one would accuse him of having obtained it for Civil Service rendered to the state. Again as regards ‘Religious Tenures’ it would be thus: ‘We assign you such a

* Lieut. Farrington furnished a return showing these modifications.

“ place and you must always offer up prayers and alms, and also “ pray for our success and welfare.’ ” Lieut. Farrington further observed that, generally speaking, Jagirs were not more ancient than the Talpur Dynasty, but that their equivalent known as Deras and some religious grants, had been in existence prior to that period. Jagirs held in common, he said, were managed conjointly by the parties, the produce being divided among the sharers. The *land* had been divided in very few instances.

25. The rules regarding Jagirs, under the Talpurs were very arbitrary. “ A drained Treasury, the expenses of a regal marriage, or the outlay on a costly funeral, were considered quite becoming occasions for resuming $\frac{1}{3}$ rd, $\frac{1}{2}$ or $\frac{2}{3}$ rds of certain Jagirs.” The Jagirdars levied what was called “ chauthai or chungi,” *i.e.*, one-fourth of the stolen property restored by them to the owner, and to levy this chungi, according to Lieut. Farrington, “ many of them kept thieves on their estates” Under the Amirs they had various avocations, and their families, generally numerous owing to polygamy, were not in want of employment. For example, “ a man of family would be appointed a Kardar although he could neither read nor write; the work was actually done by a Hindu, the supervision resting with himself.” “ In conclusion” wrote Lieut. Farrington, “ I must request you to bear in mind the wide difference between the powerful Jagirdars of Hyderabad (frequently near connections of the exiled family), and the petty grantees of the Upper Sind Collectorate, the principal men of whom again hold grants in this District, and reside in that of Hyderabad.”

Arbitrary resumptions
of Jagirs in the Shikarpur
Collectorate.

Difference between the
Hyderabad and Shikarpur
Jagirdars.

SECTION II.

THE JAGIR SYSTEM UNDER SIR CHARLES NAPIER.

1. The battle of Meani was fought and won by Sir Charles Napier on the 17th February 1843. On the 5th of March he issued a proclamation in Persian, warning the Baluch Chiefs and the people at large that any further resistance would be at their peril, and winding up with the following promise: "But if you rest in peace and retire to your homes, your Jagirs will be confirmed to you; the English Government will become your friend; and you will always remain happy."

Sir Charles Napier's promise to confirm Jagirs in his Proclamation of 5th March 1843.

2. On the 12th of March, Sind was annexed to the British Empire under an order from the Governor General, Lord Ellenborough. On the 24th March, the battle of Haidarabad* was fought, and Sher Muhammad defeated. He was pursued into Thar, and on the 4th April, Umarkot was taken. On the 8th, Sir Charles returned to Haidarabad. On the 13th, he issued another Persian proclamation, ordering the people of Sind to pay to the British Government the "produce of the country" which they formerly paid to the Amirs; and on the 17th, under orders from the Governor General, he abolished duties on goods imported into Sind.

Events after the promise.

3. By this time he had received the homage of several chiefs, but to secure the submission of all, he issued the following proclamation in Persian, on the 20th May 1843.

Promise repeated on May 20, 1843.

* Called also the battle of Dabba or of Nareja.

“ In God’s name. You Baluch Sirdars are required to present
 “ yourselves before the Governor, and make your salams to him,
 “ and your Jagirs and other property will be confirmed to you
 “ by the British Government, and no diminution will take place
 “ in your rank, &c. Be assured that this invitation will not be
 “ countermanded ; so fail not to avail yourselves of it.”

4. This Proclamation did not state the time within which the
 Salam should be made, but by a Proclamation
 issued on the 10th September, the time was
 limited to the 1st November 1843.

Time limited for sub-
 mission.

Captain Rathborne, the first Collector of Haidarabad, how-
 ever, pointed out, on the 22nd September, that there were several
 small Jagirdars, “ in a position little above that of the smallest
 “ farmers at home,” who were utterly without means of proceed-
 ing to Karachi. “ Considering as I do,” he continued, “ the Salam
 “ to the Governor simply as the token of feudal homage, or mark
 “ of submission to the British Government, and knowing His

Smaller Jagirdars with-
 out means of proceeding
 to Karachi permitted to
 file written submissions.

“ Excellency’s humane wish that the indul-
 “ gence granted by him should embrace
 “ as large a portion of the people as possible,
 “ I think it but proper to bring the above fact to your notice, and
 “ would respectfully suggest that the smaller Jagirdars, who may
 “ be without means of proceeding to Karachi, be permitted to
 “ file written submission here.” Sir Charles agreed to this proposal
 in his No. 750, dated 26th September 1843, but directed that the
 Jagirdars should wait upon General Simpson, and that a list of
 those who should do so, and file their submission in the Collector’s
 Office, should be forwarded to him.

5. The time for submission was further extended to the 24th

Time for submission
 extended. Question raised
 as to regrant to heirs of
 Jagirdars who had died
 in battle.

May 1844. But on the 25th November
 1843, Captain Rathborne enquired if the
 heirs of Jagirdars who had died in battle
 should be held entitled to a regrant, instan-

cing the case of Mir Ali Bakhsh and the younger brother of Mir Jan Muhammad. "While speaking on this point," he continued, "I would say that it would be found a most excellent plan, if Government would, in regranting Jagir lands, instead of granting them as Jagirs, grant them as Ryoti on the payment of a nominal rent per annum. This would give the grantee all the benefit he could wish for, consistent with good government, namely, land rent free, while it would cut short at once all those pretensions to feudal rights, immunities, and powers, which, under the Jagir system, will always (where they can be so) be claimed; and till the higher classes in this country have learned to exercise such privileges in a mode consistent with our notions of the general good, it is as well that they should be kept as much as possible in abeyance." The Secretary replied on the 28th November as follows :—

6. "The subject of demanding rent on Jagirs regranted, appears to the Governor to be a most important one, and His Excellency would therefore wish you to make further enquiries and again report on it."

7. On April 5th, 1844, the following proclamation was issued :—

Proclamation issued for a Durbar to be held on the 24th May 1844, at Haidarabad.

"By order of the Governor General of India, the Governor of Sind proclaims to all Jagirdars that he will meet them at Haidarabad on the 24th May, which is the anniversary of Her Majesty's birth. The Governor thus calls the Chiefs together from all parts of Sind to make their Salam to the Queen in one vast assembly, and thus to cause a great rejoicing and peace, throughout the land for ever. Let every Chief wear his sword and shield as a mark of his readiness to serve the Queen. No Jagirdar is to be absent from this great meeting, or he will lose his Jagir. The Governor will then arrange any matters that

“ are in doubt, and he hopes, that all men will afterwards return
 “ to their homes contented and happy under the British Rule.”

8. In order, however, to spare a long journey to the Chiefs of

Upper Sind Chiefs excused from attendance at Haidarabad and required to wait on General Simpson.

Upper Sind, they were required to wait on General Simpson at Shikarpur.

9. On the 3rd of May, Sir Charles, expecting a very large

Precautions taken in expectation of a large gathering.

gathering, issued a general order, prescribing the precautions which were to be taken by the Police and the Army. In accordance with this order the Captain of Police, sent men to Kotri and to the Phuleli, to prevent armed men, other than Chiefs, crossing to Hyderabad. No Chief was allowed more than one follower, and that unarmed.*

10. At the gathering, a proclamation was read restoring the

Proceedings at the Darbar. Issue of Salam Parwanas.

Jagirs (held under the Amirs) on condition of fealty and good service. A list was taken of those making submission, and they were each provided with a Salam Parwana loosely called a Salam Sanad, signed by Sir Charles and sealed with his seal, to this purport, *viz.*, A. B. having come in and made submission is to receive back all Jagirs held by him in undisputed possession on the 17th February 1843, (the date of the battle of Meani).

11. “ This Salam Sanad each man took to the Collector who,

Restoration of Jagirs by the Collectors on the authority of the Salam Parwanas.

“ then issued an order to the Kardar of the
 “ Parganna where his lands lay, to give
 “ them up to him. The Amirs’ last Sanad
 “ granting the land, actually in the man’s possession at the time
 “ of the battle, was then given to the Collector by the Jagirdar,
 “ who forwarded it to the Governor, for his seal, having first

* Sir Charles’ General Orders (Military), Sir William Napier’s “ Conquest of Sind, ” and Persian records.

“ examined into its genuineness and compared it with the office
 “ copy which had been carefully kept in
 Jagirdar's last Sanad sealed by Sir Charles after enquiry. “ the Mirs' Daftars. On being sealed it was
 “ returned to the grantee.” (Stack's Memo. of 1848, para. 10).

12. “ I may here mention,” Captain Stack proceeds, “ that Jagirs
 “ in Sind, as elsewhere, were considered
 The Salam Parwana not a guarantee for permanent or hereditary possession. “ grants only for the term of life of grantor
 “ and grantee. If an Amir died, his successor issued new Sanads, or gave to each a Hukumi Parwana
 “ much to the same effect as Sir Charles' Salam Sanad. If the
 “ holder died, the Jagir lapsed, but generally it was granted
 “ under a fresh Sanad to a son or other near relation of the deceased, that had been previously unprovided for. Frauds, however,
 “ often occurred, and casualties were concealed from the
 “ authorities, or by the authorities from the Mirs. I have sometimes, too, met with a set of names in a Jagir Sanad when they
 “ all turned out men of straw.” (Ibid., para. 11).

13. “ It was rare that a Sanad was complete in itself. It referred one to previous Sanads and they
 The last Sanads in Jagirdars' hands not complete in themselves as they mostly referred to previous ones. “ again to others. A Sanad continuing a
 “ grant generally ran thus : A & B have
 “ come in and stated that they and their Sangat,* &c., held Jagirs
 “ in such and such places by Sanad, dated so and so, and that
 “ for such a reason they have now lost their land, or want to give
 “ it up. Therefore you are to examine into their title to the
 “ former grant (the responsibility of which duty seems to have
 “ been almost invariably left to the executive officer), and to give
 “ them so much land from such a place in lieu of, and on the
 “ same terms as the former grant, which is cancelled by this.”
 These documents were generally addressed to the Kardars.—
 (Ibid., para. 12).

* Followers, or people with them.

14. " It became therefore an important matter to examine, as
 " early as possible, all these back Sanads, to see who were the
 " actual sharers in a Jagir, and to enquire
 " who of them now remained alive. But this
 " was no easy task. The number of Sanads
 " of one family often lengthened out to 50,80, or 100, all referring
 " to one another : where at first glance appeared but 10 sharers, a
 " little enquiry would bring forth 50 : here was a deduction on
 " account of so and so, then an additional grant for such a cause,
 " leaving it sometimes difficult to find out from whom of the
 " party or to whom, till at last the series ended in the original
 " grants dated perhaps 50 or 60 years previous to the last Sanad.
 " Fortunately all the old Daftars of the Haidarabad Amirs had
 " fallen into our hands, with the exeption of a few papers. But
 " for them and the copies of the Sanads found in them, it would
 " have been impossible to go into these cases at all, for the Jagir-
 " dars seldom kept their old papers, and even, had they done so,
 " it would have been their interest to conceal them. The old pay
 " and Seri accounts found in the Daftars showed also frequently
 " the shares in a grant." (Ibid., para. 13).

15. " On the title of a Jagir being examined, as I have described,
 " and the share of each partner ascertained,
 " a new and separate Sanad was made out
 " for each of the survivors, was sealed by
 " the Governor,* and given to the grantee. The old Amirs'
 " Sanad, which had been sealed by Sir Charles, remained in the
 " Collector's Office." (Ibid., 14).

16. This was the procedure followed in the Haidarabad District.
 The same practice was adopted in the Kara-
 chi District, but with the following excep-
 tions. The Jagirdar took his Salam Par-

* On the 6th June 1844, the Secretary informed Captain Rathborne, "that in all grants of land to parties in Sind, the Sanad must be forwarded for the signature and seal of His Excellency." There is no previous order on record.

wana to the Collector, together with the Sanads in his possession, granted to him by the Amirs; the Collector caused these Sanads to be carefully examined and copied in his office, and then issued Parwanas to the Kardars to make over the lands in the Jagirdar's possession at the time of the battle of Meani, "agreeably to his latest Sanads. The Collector had neither the old Daftars of the Amirs, nor copies of the same with which to compare the Sanads." The Collector, for the same reason, had no means of ascertaining the shares of partners from the Sanads presented, as they almost invariably referred to former ones. (Major Preedy's No. 1785, dated 12th October 1850, to the Commissioner).

17. In the Shikarpur District—"subsequent to the various
Difference in the procedure in the Shikarpur Collectorate.
"Jagirdars making their Salam, all their
"Sanads were forwarded with a translation
"to Karachi, from whence they were received back bearing the seal of His Excellency the Governor, signed as 'examined' by the Secretary to the Sind Government. They were then sent to the Kardars who placed the party in possession of his grant, enquiry being made into his actual possession at the conquest. This as well as the boundaries were always decided by the evidence of the neighbouring Zamindars who, in the majority of instances, executed a bond as to the correctness of their statements, and their liability to punishment if the same proved false." This plan was resorted to, as no records of the Khairpur Amirs came into the hands of the Collector, and the Haidarabad records were with the Collector of that District. "Invariably, in all cases, when Sanads were translated, the fact of any apparent interpolation was noted, and also whether the grant purported to be a Military, Civil, or Religious tenure, as the case might be." Paras. 11 and 12 of Captain Stack's Memo. (quoted above) were "quite applicable to Upper Sind." "The absence of documents of reference in this Collectorate precluded the research adverted to in para. 13 " of the same Memo. No final Sanads like those mentioned

in para. 14 of the Memo. were granted. (Major Farrington's No. 109, dated 20th February 1850, to the Commissioner).

18. Sir Charles Napier had no intention of interfering with the possession of the incumbents who had made their Salam. But it became a serious question, what Jagirs should be made hereditary, and what for life, and what should be the terms on which the former should be regrant to the heirs of the holders at the date of conquest.

19. On the 7th June 1844, the Secretary to the Sind Government, accordingly addressed the following circular letter to the three Collectors :—

“ By direction of His Excellency the Governor, I have the honor to inform you that, His Excellency has determined upon restoring to the heirs of Jagirdars who may have made their submission to Government, the Jagirs of their ancestors, taking however a small rent upon each. This rent His Excellency wished to fix, if possible, according to the expense to the Jagirdars of the military aid the ex-Amirs looked to them for. Should you be unable to furnish information as to the extent of such aid required from Jagirdars in your Collectorate, it will be necessary to fix the rent according to the produce of the Jagir. In this latter case, you are required to give your opinion as to what should be the amount of such rent, which His Excellency does not wish to be heavy.”

Collectors' opinions invited. Military aid not being required from Jagirdars the rent to equal the cost such aid entailed upon the Jagirdars.

20. The Collector of Haidarabad, Captain Rathborne, replied on June 10th, 1844, that it was almost impossible to ascertain the cost of the Military aid exacted from the Jagirdars, and expressed his opinion that the rent should vary according to the nature of the Jagir. He considered that $\frac{1}{8}$ th of the Government or Jagirdar's share (“ equivalent on an average

Rathborne distinguishes between ancestral Jagirs and recent ones granted as pay for military services: $\frac{1}{8}$ th of the Jagirdar's share to be taken from the former as rent on regrant. The latter to be continued only for life. Cost of military aid not calculable accurately.

to $\frac{1}{4}$ th of the gross produce ") should be levied on ancestral Jagirs, or Jagirs held for a considerable term of years in the family, and that all separate rights to tolls, customs, ferries, &c., should be renounced by the heirs to such Jagirs. " But " he continued, "in regard to those Jagirs, which, since the British " first came to Sind, have been lavished on Baluchis with the great- " est profusion, as payment in lieu of money, for the large standing " army the ex-Amirs then began to keep up, I think on every " principle of justice they might be dealt with as of the same " nature as pensions to disbanded troops, and, if continued beyond " the lives of the present holders, might be reduced one-half on " being regranted to the heirs, and after that extinguished altoge- " ther."

21. Captain Preedy, the Collector of Karachi, in his No. 360,

Terms of regrants according to Preedy :—

1. $\frac{1}{4}$ th of the net average profit of the deceased Jagirdar during the 2 or 3 years before his death to be charged as rent for life.

2. Residence of Jagirdar or of his brother or near relation on the Jagir.

dated 26th June 1844, agreed with Captain Rathborne, in holding it almost impossible to estimate the exact money value of the aid rendered by the Jagirdars in war, and drew attention to the fact that many Jagirs had been given by the Mirs to confidential servants, without any hope of military aid.

He also thought it impossible to fix the rent according to the extent of the Jagirs, because so much depended upon the quality of the land, and the quantity lying waste and under cultivation. "The Jagirdars," he continued, "nominally receive the Govern- " ment share of the actual produce of the land, though in " reality many of them receive much less, as the Ryots often " drive a hard bargain with them, and refuse to cultivate " unless they are allowed to have the land on easier terms " than they can obtain from Government. I am of opinion, " therefore, that the only mode of fixing a fair rent will " be to ascertain the amount of produce for two or three " years previous to the Jagirdar's decease, and the amount " of clear profit realized by him from the Ryots and Zamindars

“cultivating the land. This might be ascertained by the Collector
 “or his Deputies by enquiries made on the spot. From the amount
 “of clear profits the Government might take $\frac{1}{3}$ th as rent, and as an
 “encouragement to the heirs to whom the Jagir was restored to
 “cultivate the waste land, a promise might be given that the
 “amount of rent levied should not be increased during his lifetime.
 “Few, if any, of the Jagirdars reside upon their Jagirs, and it
 “would, I think, be a great advantage not only to the country
 “generally but to the Jagirdars themselves, if when a Jagir is res-
 “tored, a clause were inserted binding the Jagirdars, either per-
 “sonally to reside upon and superintend the estate, or to appoint
 “one of his brothers or sons to take charge of it.”

22. The reply of the Collector of Shikarpur cannot be traced

Reply from Collector on the records.
 Shikarpur not traceable.

23. On receipt of the Collectors' replies, Sir Charles, on the 30th June 1844, issued another circular letter, inquiring whether the Jagirdars' heirs “would not prefer, in lieu of paying rent, to trans-

Sir Charles inquires whether Jagirdars would not prefer to part with land equal to such fair rent as may be decided upon.

“fer to Government such portions of their
 “Jagirs as would supply an equivalent, say
 “ $\frac{1}{3}$ th or such portion of the produce as may
 “be decided upon as a fair rent. The re-
 “mainder of the Jagir would then be enjoyed by them or by
 “their heirs, free of rent, for life or for a tenure of, say, 50 years.”

24. Captain Rathborne in his No. 505, dated 3rd July 1844, replied as follows :—

“I am of opinion the Jagirdars might prefer promising
 “to pay Government a rent, to parting with any of their land,

Rathborne answers in the negative, though he advocates the proposal.

“but at the same time I have no doubt
 “that in the great majority of cases the
 “true interest of both Jagirdars and Go-

“ Government would be best consulted by the plan mentioned of
 “ transferring a portion of the Jagir in lieu, as under the rent
 “ system there would be frequent failures on the part of the
 “ Jagirdars in paying up their rent, and coercive measures on the
 “ part of the Government would become as often requisite.”

“ Where, however, the Jagirs are old family estates (of which
 there are not perhaps a dozen instances in the Collectorate),
 “ I think the choice of alternatives might be left to the possessors,
 “ there being in such cases old associations connected with the
 “ property, which they would, by common consent, treat with
 “ indulgence.”*

25. The Acting Collector of Shikarpur in his No. 394, dated
 27th September 1844, stated that the
 Collector of Shikarpur
 also answers in the nega-
 tive. heirs would prefer to pay $\frac{1}{3}$ th of the produce,
 rather than give up any portion of their
 Jagirs.

26. The reply of the Collector of Karachi
 is not on record.
 Reply of Collector of
 Karachi not traceable.

27. Before this important question could be disposed of, another
 pressed for solution. The Collector of Ka-
 rachi caused some Jagirs, confirmed by Sir
 Charles, to be measured, and he found a
 vast difference between the land specified
 in the Amirs' Sanad, and the quantity actually held previous to
 the battle of Meani. It may be mentioned here, once for all,
 Another question raised
 viz, as to the course to be
 adopted when Jagir land
 is found in excess of that
 granted by the Sanad.

* On July 17th the Secretary called upon Captain Rathborne to submit “ a list of all
 “ heirs of Jagirdars (whose Jagirs since the 16th February 1843, have lapsed to Government)
 “ detailing the extent and position of their Jagirs.....with the view to ascertaining the
 “ feasibility of arranging some method of taking rent from such heirs to whom the Jagirs
 “ of their ancestors are returned.” A list of all the Jagirdars in the Collectorate had been
 previously called for, but it could not be sent up until the 20th of May 1846. No separate
 list of lapsed Jagirs appears to have been submitted.

that the settlement of the boundaries of a Jagir, and the extent held on the 17th February 1843, were matters generally determined by the testimony, of the neighbouring Zamindars. According to this testimony, the Collector found that, in several cases the areas actually held almost doubled the quantity granted by the Mirs. For example the Jagir of Khet-ka-Makan of the Gungani family was, he said 10,309 bigahs according to the Sanad, but it measured 20,000 bigahs. He therefore asked whether “all land found in excess of the quantity granted by the Mirs, “should be resumed on account of Government.”

28. Captain Rathborne also wrote in his No. 784, dated 28th September 1844, on the subject of certain complaints preferred against him by Mir Ahmad Khan Shahwanis Vakil (Agent) I “have throughout acted on the supposition” as follows: “that His “Excellency’s (Salam) Sanad merely intended to convey to persons “who made their Salams, such land as they were legally or equitably possessed of, at the time of the battle of Meani. With regard “to the Vakil’s assertion that no body ever questioned Mir Ahmad “Khan’s right of occupation of this land, I would beg to know what “Kardar was likely to do his duty when the property of a Mir or “any other influential man was in question; besides it was very “customary in the Amirs’ time, to hold land to which the holders “had no earthly title, by bribing Government revenue servants not “to take notice of the matter. Several Jagirdars held land, this “way, in some places, without any Sanad at all, while in others, “under cover of a Sanad they took twice the amount of land that “the Sanad conveyed.”

92. Sir Charles Napier in his No. 3139, dated 23rd October 1844, ordered the Collector of Karachi, to resume the land in excess of the amount granted by the Sanad.

Sir Charles orders resumption of such excess.

30. As the Jagir enquiries proceeded and the Sanads came up for seal, Sir Charles saw clearly that an enormous amount of land had been granted in Jagir by the Mirs. It was to limit the extent of such land, that he mooted his proposal to resume a certain share on regrant, and it was doubtless with a similar end in view that, on the 2nd of November 1844, his Secretary issued the following circular order to the three Collectors:—"I am directed to inform you that in future on granting Jagirs to any parties, His Excellency the Governor has determined that 5,000 bigahs shall be the largest of all such grants. This is to be considered a Rule, and the smaller the extent of Sind Jagirs the better in His Excellency's opinion it will be."

31. The words "granting Jagirs" were not a little ambiguous. Did they include admitting to possession those who had received Salam Parwanas from Sir Charles himself, or did they refer merely "to such new cases as may arise on Chiefs submitting hereafter." Captain Rathborne in his No. 945, dated 10th November 1844, put this question, and was informed on the 16th that the Parwanas already given to parties on making their Salams clearly restored to them all lands possessed by them on the 17th February 1843, that Sir Charles' order did not apply to them but only "to land to be in future granted."

This order construed by Sir Charles as not affecting those in possession of Salam Parwanas.

32. Sir Charles Napier must have been very much occupied with his scheme of retrenching the enormous proportions of Jagir holding on regrant; for we find him again putting himself in communication with Captain Rathborne in order to ascertain the exact share of Government alienated to the Jagirdars. Captain Rathborne in his No. 1065, dated 23rd December 1844, replied that, 'the Government or Jagirdar's share' of the whole crop was $\frac{1}{3}$ rd $\frac{2}{3}$ th or $\frac{1}{2}$ of the whole crop accord-

Sir Charles inquires what was the exact share of Government alienated to Jagirdars. Rathborne's reply.

ing to the Parganna Batai rates, “ the remainder forming (usually
 “ in equal proportions) the Zamindar’s and labourers’ portions.”
 “ I find ” he proceeded, “ that the Mirs in granting Jagirs in lieu
 “ of pay to troops, allowed the Chiefs 10 bigahs of land for each
 “ private soldier borne on their Rolls, and in granting Jagirs in
 “ lieu of money payment for personal service, one bigah for each
 “ Haidarabad rupee per annum of the grantee’s former salary.
 “ Six hundred bigahs thus represented 50 Rupees a month or
 “ 600 Rupees pay, and so on.”

33. On the 30th December 1844, Captain Rathborne enquired whether the Government should take the “ proprietary share of the grain ripe and reaped of a lapsed Jagir.” Sir Charles replied on the 1st of January 1845, that it should be handed over to the heirs of the deceased Jagirdar and that this should be “ considered a Rule in future.”

Sir Charles orders the proprietary share of the crops of a lapsed Jagir to be given to the heirs of the deceased Jagirdars.

34. It may be here stated that Sir Charles had on October 7th and November 3rd, confirmed grants under one common Sanad to several persons, only one of whom had made his Salam, and on November 9th, in a letter to Captain Rathborne, the Secretary had explained that this course had been adopted because such grantees had evidently supposed that, the submission of one of them was the submission of all, and because “ it would be difficult to make an arrangement whereby in a case of relatives those who had made their Salam would not suffer equally with those who had not.” Captain Rathborne’s letter of the 23rd December 1844, evidently recalled these grantees to Sir Charles’ mind and remembering that he had not given any instructions on the point to the Collectors of Karachi and Shikarpur, he issued a

Sir Charles rules that the Salam of any one of several holders under a common Sanad should be held to be the Salam of all.

Circular order on the 20th March 1845, to the effect that the submission of any one of such Jagirdars “ shall entitle all the parties to their shares of the Jagirs ” held under a common Sanad.

35. Anxious to have the benefit of the advice of all his experienced subordinates on the question of regrants, Sir Charles wrote to Captain Goldney Officiating Collector of Khangarh, (now Jacobabad), to ask his opinion as to what should be the fair rent levied on regrants. Captain

Captain Goldney, on inquiry, recommends that $\frac{1}{4}$ th of the produce be taken as rent on regrant.

Goldney replied on the 28th March that he thought $\frac{1}{4}$ th of the produce was a fair rent.

36. On the 1st of April 1845, while on board the Steamer "Napier," the Secretary accordingly issued the following Circular letter to the Collectors :—" It is the wish of His Excellency

Sir Charles issues a circular directing $\frac{1}{4}$ th of the produce (chowth) to be taken as rent on every regrant sanctioned by Government.

that the lands of Jagirdars on their decease shall not be granted to their heirs until the sanction of Government be first obtained.

" As a rule His Excellency has determined that on lands of deceased Jagirdars being in future granted to their heirs, the said heir shall be called upon to pay as the Government share $\frac{1}{4}$ th of the produce of their Jagirs." This share came to be called 'chowth.'

37. It was not clear from this order whether it was to apply to

Jagirs regranted to heirs of Jagirdars dying in battle subjected to this payment.

the heirs of those who fell at Meani or Dabba, or only to the heirs of Jagirdars since dead. On Captain Rathborne asking for definite instructions on this point, he was informed

by the Secretary on the 29th of April 1845, that " His Excellency's instructions should be considered a general rule for all cases since the 17th February 1843, and for the future." On the strength of this order the estates of all Jagirdars in the Haidarabad Collectorate who had died at Meani or Haidarabad were subjected to the liability of paying $\frac{1}{4}$ th of the produce.*

* In the Karachi Collectorate no such payment was exacted as appears from a letter of Captain Preedy's No. 1031, dated 17th November 1846, to the address of the Deputy Collector of Jherrak.

38. On the 9th of May, Sir Charles Napier directed that, whenever a regrant subject to the payment of $\frac{1}{4}$ th produce should be made, a fresh Sanad should be prepared for confirmation.

Fresh Sanad for every regrant to be made out.

39. Sir Charles contemplated as early as February 1845, a plan for opening a door to the honourable ambition of the Sirdars. He proposed, to quote Captain Rathborne, "to elevate a select number of them to the Magistracy leaving them the liberty granted to noblemen and gentlemen at home of executing the functions or not, as their taste or talents might lead them." Some correspondence ensued, but "His Excellency" was then in the midst of the Hill Campaign, and afterwards war and other matters probably drove it from his mind." (Rathborne's No. 402, dated 2nd April 1850, to the Commisioner).

Sir Charles's scheme to make a select number of Jagirdars Honorary Magistrates.

40. The Baluch Chiefs were up to this time under the impression, according to Captain Rathborne (*vide* his letter No. 380, dated 24th May 1845, to the Secretary), that the promise of Government, in relation to their Jagirs, was that the Jagirs were to be granted to them and to their heirs for ever. "They look therefore" wrote Captain Rathborne "on the present order to take a fourth of the produce on the succession of their children, as a departure from the principle on which the Settlement of Sind was made, and as opening a door to further changes in a matter of vital importance to them which they considered settled for ever."

Dissatisfaction of the Jagirdars with the levy of 'chowth.'

"It is not alleged that they had any distinct promise from any one to this effect, but it appears certain that the understanding, however founded, was universal among the Chiefs; and indeed the misconception was quite possible, as I myself, though I never heard a word either one way or other on the subject, viewed the matter in the same light, till made aware

“ of my mistake by a letter from you towards the end of 1843,
 “ regarding the holding (of) some lands by the heirs of a Chief
 “ deceased at Halla.” He added that there was not the least
 wish on the part of any one to cavil at His Excellency’s orders,
 and that he had been desired to say so by the Chiefs themselves.
 “ On the contrary” he continued “ all feel very grateful for what
 “ His Excellency has already done for them, and are prepared
 “ to bow implicitly to his decision ; at the same time they hope
 “ their uniform good conduct since their submission, and their
 “ poverty caused by the loss of their money incomes will tend to
 “ induce His Excellency to take a favourable view of their case.”

41. But Sir Charles Napier had made up his mind not to deviate
 from his scheme of reducing the overgrown
 extents of the Chiefs’ Jagirs, and the Secre-
 tary therefore replied on the 27th May
 1845, that His Excellency was “ not disposed to make any altera-
 “ tion in the rules laid down as to a share being paid to Govern-
 “ ment by the heirs of deceased Jagirdars.”

Sir Charles declines to
 abandon the chowth.

Sir Charles’s Circular
 declining to sanction suc-
 cession to Jagirs of other
 than lineal heirs.

42. It was to be expected from the policy adopted by Sir
 Charles Napier, that he would not counte-
 nance the succession of collaterals to Jagirs.
 A case arose shortly after the date of his
 last order, which elicited from him a definite
 ruling on the subject. On the 9th of June 1845, Captain
 Goldney, Collector of Shikarpur, reported the death of one
 Burhan Ali, without lineal heirs, and forwarded a Sanad regrant-
 ing his Jagir to his nephew, subject to the payment of $\frac{1}{4}$ th
 produce, for the Governor’s seal. But the Sanad was returned
 unconfirmed on the 17th June 1845, with a letter, in which the
 Secretary was directed to say that, “ as a matter of course the
 “ Jagir does not go to so distant a relation as a nephew,” and to
 request to be informed on what account Captain Goldney

claimed it for the nephew. The records do not show whether Captain Goldney ever pressed the claim. Probably he did not press it as Sir Charles, on the same day, issued the following circular letter to all the Collectors including Captain Goldney :—

“ It does not appear that in the time of the ex-Amirs it was
 “ always the custom to confirm the grants of deceased Jagirdars
 “ in favour of their heirs, even when sons, but certainly not when
 “ such heirs were more distantly related.”

43. It has been already stated that there were several Jagirs held in quasi—commonalty under the Mirs’ Sanads. It was not very clear whether Sir Charles’ order to exact $\frac{1}{4}$ th produce from regrantees was intended to apply to the heirs of sharers in such Jagirs. Captain Rathborne, accordingly, on the 4th of July 1845, made a reference on this point bringing at the same time, to the Governor’s notice, “ that though often
 “ several names were in one Sanad, yet that few or none
 “ of the Jagirdars held Jagirs in common.” “ A Sanad” he continued “ where more than one occur in it was like a Pay Roll,
 “ the share of each was generally accurately defined in it, and if
 “ not, the Jagir was regularly divided among the parties, and
 “ resumptions of portions were constantly taking place, as some
 “ of the grantees left the service of the grantor to better themselves under other Mirs.

“ Since His Excellency decided towards the close* of last
 “ year on confirming the whole grant or number of grants expressed in a Sanad, where one of the persons named therein had
 “ made his Salam, the practice has been uniform in this Collee-
 “ torate, so to give over lands. It was not so before, because the

* It was in March 1845, that the rule was made.

“parties who brought Salam Sanads neither claimed nor expected
 “apparently any thing but the portions they had themselves
 “possessed in the times of the Amirs ; and according to the pre-
 “vious customs of the country under the Talpur rule, were en-
 “titled to nothing more”.

44. Sir Charles' orders were as follows. They were passed on
 Sir Charles circular. the 17th July 1845, and were communicated
 to all the three Collectors.

“All cases of the death of Jagirdars should be reported to
 Lapse on death with- “Government, when, should they have no
 out heirs. “heirs, their Jagirs will revert to Govern-
 “ment.

“In cases where one or more Jagirdars holding a Jagir on a
 Every sanctioned regrant “common Sanad, may die, leaving heirs,
 to heir of sharer to be “should His Excellency the Governor decide
 subject to chowth. “upon restoring the deceased Jagirdar's share, it will be on condi-
 “tion of the heir's paying $\frac{1}{4}$ th produce to Government.”

45. Thus under these various rules, all Jagirdars whose fathers
 Review of Sir Charles' had not died fighting at Meani or Dabba,
 earlier orders. and who had made their Salam were con-
 firmed in all their possessions. Their lineal heirs and the heirs of
 those who had fallen at Meani or Dabba, were not necessarily to be
 continued in the Jagirs. Their collateral heirs were out of the ques-
 tion. The death of every holder or sharer in a holding had to be re-
 ported to Sir Charles Napier, and it depended upon his will to make
 the regrant or not, but as a rule every regrant allowed was to be
 made conditional on the payment of quarter produce. This rule
 had an exception as will be seen later on. Every Salam Sanad
 entitled its holder to the restoration of the whole Jagir, whether
 held by him solely or in common with others, provided always
 (1) that the Jagir was possessed by him on the 17th February
 1843 ; (2) that its present area did not exceed what was held on

that date according to the Sanad if the Sanad specified the area, or according to oral testimony—if the Sanad specified Makans or Dehs ; and (3) that the Sanad itself could be verified from the Mirs' Daftar, or its genuineness otherwise satisfactorily substantiated. The non-entry of a Sanad in the Mirs' records was not, to quote Captain Rathborne's words (*vide* his No. 765 dated 25 august 1847, to the Secretary) "any absolute proof of its invalidity, for if the Munshis were engaged, and any delay was likely to take place, Sanads were not infrequently taken away by the grantees without being entered." "At the same time" said he, "the absence of this entry takes away from the Sanad the best and surest proof that it is a valid one and was acted on, and makes it much more difficult for the holder of it to establish his right incontestably, and unless in every case he does so establish it, his claim should certainly not, I think, be recognised by the British Government". It should however be remembered that the general order issued on the 13th May 1843 by Sir Charles that, all civil functionaries employed under the Government of Sind were "amenable to, and under the protection of, the Military Law" was not rescinded by him until the 30th of September 1847, from which date the Government was declared "a civil, not a Military Government". Under this *regime*, therefore, the proclamations and the rules issued by the Governor, had not the inflexible rigidity of legislative regulations, and Sir Charles was always ready to admit exceptions whenever sound and cogent reasons were adduced.

46. The system of Jagir enquiry inaugurated by him possessed one great advantage, *viz* that it was mainly concerned with documentary evidence. But Jagirs were so much prized, that forgery of title deeds became almost a refined art. It was not seldom that Salam Sanads as well as Mirs' Sanads were forged, although a list of the former was kept in the Governor's Persian office, and a register and copies of the latter were found in the records of the

Jagir enquiry being mainly concerned with documentary evidence forgery becomes frequent.

Haidarabad Mirs. The records of the Mirpur Mirs however were not so reliable as those of the Haidarabad Mirs, and moreover near relationship to the rulers was often pleaded as a reason for the absence of Sanads. Some produced Ahdnamas instead of Sanads, and the Ahdnamas generally bore no dates, and being solemn records in private Korans their copies were seldom available for comparison. Experts in handwriting were therefore always in requisition for the detection of frauds, and in order to prevent them stringent penalties were soon found imperatively necessary.

47. On the 5th of July 1845, the Secretary to the Sind Government returned unconfirmed certain Sanads sent by the Collector of Haidarabad for seal, on the ground that either they or their accompanying Salam Parwanas appeared to His Excellency “by alterations and additions to have been falsified”. “You are requested”, the Secretary went on to say, “to enquire particularly into this subject, as, if the parties are unable to clear themselves of the charge of having so falsified these documents, they will be deprived of any Jagirs they may hitherto have possessed”

48. Captain Rathborne on referring to the Mirs’ records and to the list of Salam Sanads which had been previously furnished to him by the Secretary, came to the conclusion that in only two of the eight suspected Sanads were there any alterations or additions of a dishonest character (vide his No. 703, dated 27th August 1845).

49. Accordingly Sir Charles Napier on the 15th September, refused to confirm these two Sanads, and ordered that, their holders “should be deprived of “Jagir lands”, adding considerably, “unless they clear themselves.” One of them, Budho Laghari, offered to take the most solemn oath in the Masjid of Hazratshah as to his innocence, and as his previous character was unimpeachable, Sir Charles agreed, at the instance of Captain Rathborne, to exempt him from the penalty.

50. The ambiguity of the words "followers" "brethren" and

Evils arising from recognition of sharera.

1. Frauds.
2. Increased establishments.
3. Impediment to extension of canals.
4. Indebtedness of sharers.

Rathborne's proposals.

"et cætera" which often occurred in Sanads, led to many frauds which it was often difficult to bring home to the guilty parties.

Moreover the recognition of the shareholders operated unexpectedly as an impedimentalike to the extension of canals and to the extension of cultivation. Captain Rathborne on

the 14th October 1845, laid great stress on this inconvenience in a demi-official letter to Captain Brown the Secretary to the Sind Government, in which he stated that about 290 Jagirs had yet to be confirmed by the Governor, and asked whether it was "still too late to carry into effect the plan of only giving to those who had themselves made their Salam and who alone (were) entitled." "If this were done" he continued "a very large portion of the land would still be saved ; and as to those who had under the former decision got land irregularly, were a rule made that in cases where the father had not made his Salam the son should have no claim to a regrant in one generation, (the present one, which as the Jagirdars are mostly elderly may average ten or twelve years of duration), the whole of these lands would come to Government. And these small shares are precisely the ones that cause needless trouble, loss and inconvenience. The owners of them constantly attempt to extend these holdings, and to watch them, adds considerably to the Kardar's establishment. They have perpetual water disputes, and these Jagirs tend to perpetuate an idle class in the community, above work, and yet with patrimonies insufficient to enable them to live honestly without it. If these and those who held Jagir in lieu of pay for offices no longer in existence were knocked off, after the present incumbents' deaths a very large saving would be effected by the State; no right whatever would be infringed ; and the difficulties be in a great measure obviated, which arise from the intermixture of so many small Jagirs among the Government lands, the holders

“ of which neither can nor will pay their fair share of the impro-
 “ vements necessary, but which would be at least as beneficial
 “ to them as to the Government, and which Government cannot
 “ effect for its own lands without their reaping the benefit on
 “ theirs: as occurred the other day when a man objected to pay
 “ share of a watercourse which I was obliged to take through his
 “ lands, to water a large tract of Government (land). He said he
 “ never asked me for water as he knew he could not take water to
 “ the lands without their flooding his, as his were lower. In fact
 “ these petty Jagirs are obstacles to all improvement in the hands,
 “ (as) they now are, of men in debt beyond any hope of repayment,
 “ and the more we can get rid of them the better. Large Jagirs
 “ on the other hand appear good as continuing a race of nobility
 “ who, by their expenditure will benefit the country—will, many
 “ of them, have wealth enough to aid instead of obstruct impro-
 “ vements, and who will probably be kept loyal by the vast stake
 “ they have depending on their fealty.”

51. A copy of this letter was sent on the 20th October 1845,
 Rathborne's proposals to each of the remaining Collectors for their
 sent to the other Collectors. remarks.

52. Captain Preedy saw no objection to the proposal that those
 Preedy's views on the alone should get their holdings who had made
 above. their Salam, and no others, and that Jagirs
 held for pay should revert to the state. Jagirdars should not, he
 thought “be permitted to throw impediments in the way of
 “public improvements.” He was of opinion that the Jagirs,
 which should come in the way of improvements, should be resumed
 and their holders compensated by allotments of land of equal
 value elsewhere, and if their inability to pay a share of the cost
 of improvements should arise from want of means—then with some
 money in addition (*vide* his letter No. 904, dated 25th October
 1845).

53. Captain Goldney, Collector of Shikarpur, considered Sir Charles' rule in favour of holders under a common Sanad, "an equitable and liberal rule" which for the credit of the British name" he would not abandon. But he fully agreed in Captain Rathborne's remarks as regards petty holdings. "All these minor grants" he said "were undoubtedly as personal and resumable as a commission in the British Army" His Highness Mir Ali Murad wrote to me sometime ago, "and begged me not to forward grants under His Excellency's seal to Ghotki, as he himself was resolved not to confirm one of them on the cession of that District by the British. In like manner he has resumed the major part of the Mirpur and Ubaura Jagirs.

"The Pattedari rent charges should I think be placed on the same footing as the smaller Jagirs. This tenure is peculiar, I believe, to Upper Sind, and to my own immediate districts around Shikarpur. Captain Pope in his letter No. 31 of 1843, describes this tenure pretty accurately, but I find that the amounts receivable by the Pattadars have been reduced at various times by successive Amirs.

"The condition of the Jagirdar is apparently much improved pecuniarily. Under the Mirs they furnished the police: a grantee near this (sic) for 1844, received Rs. 2,480 from his Jagir. I obliged him to pay Rs. 400 to clear the canal that waters his lands, half of which only are rent free. But Jeytmal when Kardar here under the late Government always exacted from him 10 to 15 horsemen in constant attendance; and in time of war his quota was 25 horses.

"The concluding para. of Captain Rathborne's letter seems to be in strict accordance with sound policy and justice, for the large Jagirs though subject to revisions and curtailments were seldom resumed for obvious reasons." (No. 929 dated 31st October 1845, from Shikarpur).

54. On receiving these replies the Secretary sent the following letter No. 2930 dated 11th November 1845, to the Collector of Haidarabad. "His Excellency is not disposed to alter the rule "which has already obtained in Sind, with reference to all parties, "who may have land on a common grant, having their shares

Sir Charles confirms his previous order regarding sharers under a common Sanad with the proviso that all such sharers who made no Salam themselves should hold their shares only for life.

"restored to them on the Salam of one of "their party having been accepted. Those "whose Sanads have already been confirmed "should not now be deprived of their shares, "of a Jagir, because they have not made their "Salam. Neither could one rule apply to "them, and a second to those who may have been slow in sending "their Sanads for confirmation. His Excellency however, deems "it but fair that on the death of any such parties (who have not "made their Salam) their shares of the Jagir should revert to "Government.

55. "In the same way on the death of present holders of Jagirs "granted as remuneration for certain offices "no longer existing, such Jagirs or shares "shall also revert to Government.

2. Orders resumption of Jagirs granted in lieu of pay on death of incumbents.

56. "In the case of petty Jagirdars holding small grants among "Government lands and who will not pay "their fair share of the improvements, necessary and from which they and the Government would alike benefit, His Excellency would wish them to "be granted, instead of such lands, Jagirs of equal value, in some "other part of the country where they cannot impede the public "good."

3. orders removal of Jagirdars obstructing canal extension to other lands.

57. A copy of this letter was sent to the Collector of Karachi, and also to the Collector of Shikarpur, but with the following additional paragraph in connection with Pattedari tenures.

"His Excellency would wish the Pattedari rent charges in "your Collectorate to be put on the same "footing as the small Jagirs."

4. Orders Pattedaris to be put on the same footing as small Jagirs.

58. On receipt of the Secretary's reply, Captain Rathborne submitted some fresh questions for definite settlement.

Captain Rathborne's proposals regarding measurement of regrants in one piece with a standard rod; regarding the determination of the boundaries of Jagirs granted by the Mirs without measurement, and regarding the abolition of the Jagirdar's right to levy tolls, &c.

"You are aware," he wrote in his No. 867, dated 3rd December 1845, "that some Jagirdars besides the produce of the land, now levy Poll-tax and Customs duties. Whatever arrangement may be made in the cases of Jagirdars who held under the Amirs' Sanads, it appears to me that this

"great stumbling block in the way of general improvement might be advantageously removed on issuing regrants by the British Government to heirs, by inserting a clause in every new Sanad to the effect that permission to levy such duties was expressly withheld.

59. "In regard to the measuring of Jagirs there prevailed in the Mirs' time much fraud, partly winked at by the authorities partly not, in consequence of which some men got a great deal more land than their grants would warrant, others occasionally less; some by corrupting the measurers managed to get their Jagirs so measured as to include all the best pieces of land in a Parganna, leaving all the waste land to Government (though in the Sanads it is usually insisted that lands are to be measured out as they come, cultivated, uncultivated, or fit for cultivation) while some few others, though they can show no order for it, say their Jagirs were measured with measures made for the purpose, of nearly double the standard rod.

60. "There are also a great number of Jagirs called Makan Adam Zabt" (places not measured). Of these many have been uncultivated or nearly so, for years, and the boundaries are ill defined. When one of the Government Kardars cultivates any land on the border of the vast waste, the owners find out, about the harvest time, that the land is theirs, and bring Zamindars to swear it, and in nine cases out of ten, by dint of hard swearing, there is every chance of their succeeding in establishing their claim.

61. "To show the value of this kind of testimony I append translations of papers* received only yesterday.

62. "With a view therefore of remedying these abuses I would submit:—

"1. The advantage of measuring out (their lands) to all new grantees who claim as heirs of former Jagirdars with the standard Sind Jagir measure of 5 feet 9 inches, for Jagirs in Nasir Khan's Pargannas, and of 6 feet 5 inches, in the Pargannas of all the other Amirs; or as the Jagirs in Mir Nasir Khan's Parganna amount to about a third of the Jagirs in all Sind, an average might be taken for measuring regrants, and a uniform standard measure for all, fixed at 6 feet 2 inches.

"2. That in all cases of disputed boundaries in unmeasured Jagirs, the fact of the spots claimed by the Government Kardars (if the claim appears reasonably just) having been uncultivated for the three years previous to the battle of Meani, shall be decisive against the claimants. I mean in cases of Government Jagirdars, not of course as relates to the lands of foreign princes within our territories, like His Highness Mir Ali Murad, or in reference to our State boundaries.

"3. That Jagirs instead of being measured so as to include a field here and another there, just as the parts are cultivated, shall in all cases of regrants be measured straight off in the way called in Sind "*Ek tarf*", that is taking the land as it comes, and measuring it out in a single piece so as to be enclosed in a ring fence and thus perfectly distinguishable from the neighbouring Government lands."

* The first was a letter from Gurdassing, Kardar of Manjari, to the Collector, giving the substance of a statement made by one Mulla Kaka, Zemindar, and stating the result of further enquiry. The second was the full statement of the Mulla himself. It appears from the former that there was a dispute regarding the ownership of certain land between Mir Muhammad Hussen son of Mir Rustam of Khairpur and Mir Sobdar. The Mulla admitted having received "one charkha of bajri and jowari" from Mir Muhammad Hussen on condition of deposing that the land in question belonged to that Mir. He now asserted that it was a part of the Parganna and belonged to the British Government.

63. The reply, if any was sent, is not on the records. But it will be noticed that the first of the above suggestions was evidently the origin of the Napierian measure, and that the third was the origin of the clause usually inserted in all Sanads, issued after the Jagir settlement, in 1861. As regards the right to levy tolls, customs, &c., it is certain that it was withheld on regrants, but no order to this effect is traceable in the old records.* And there is nothing to show whether the course suggested by Captain Rathborne for settling disputes regarding the boundaries of unmeasured Jagirs was ever adopted.

64. Several other points were raised by Captain Rathborne. In his No. 897, dated 14th December 1845, he enquired whether the rule regarding the recovery of quarter produce from regrantees, applied to “the sons of persons who died previous to the battle of “Meani—whether a few days or years before—where the son “(could) bring proof, he continued to hold his father’s Jagir un-

Chowth, not to be levied from persons found in possession of their fathers’ Jagirs at the conquest, and confirmed therein, though holding no Sanad of regrant from the Mirs.

“disturbed, though he did not take out a “new Sanad in his own name, and his title “consequently wanted confirmation.” It was usual for the Mirs to issue new Sanads to regrantees, and the purport of Captain

Rathborne’s question was whether persons in undisturbed possession, but without any Sanads in their own name, should not be deemed, on being confirmed in their possession by the British Government, regrantees within the meaning of Sir Charles’ rule.

65 Sir Charles’ reply, dated 21st December 1845, was:—“All “whom we found in undisturbed possession of Jagirs on the 17th “February 1843, should on making their Salam, have their lands “restored to them.” This meant of course that the status quo was to be maintained—and that valid and lawful possession was a good title, even in the absence of a Sanad in the name of the holder, and that no *chowth* should be levied from such holders. Two other questions put by Captain Rathborne were as follows :

* The despatch of the Court of Directors, dated 22nd September 1852, authorized “the abolition of all customs duties in Sind.”

66. "In case of a Jagirdar dying, leaving no sons, but having

If no sons alive should a grandson succeed?

To whom should a regrant be made of a share held under a Sanad granted to A. B., and others of the same tribe.

"a grandson by the male line, is the grand-

"son to get the Jagir, and if so, with what

"deduction. In case of, as is common, the

"words, 'and others of the same tribe,' being

"affixed to one or more names detailed in the

"Sanad, and the party, or one of them, whose names are mentioned,

"dying leaving heirs, what is to be the arrangement for the regrant

"of the Jagir, or of his share of it....."

67. The Secretary's reply No. 3352, dated 25th December 1845,

Sir Charles' decision.

was :—"The Jagirs belong only to those

"parties whose names are mentioned in the

"Sanad." No answer was given to the first question regarding

the succession of a grandson. Probably Sir Charles was not pre-

pared to lay down any rule on the subject. He preferred dealing

with each case as it arose on its own merits, instead of com-

mitting himself to a general declaration of definite policy.

68. * There was yet another matter requiring decision. The

Whether infancy, old age, or illness, was a good excuse for not making Salam.

restoration of Jagirs depended upon the

holder's homage. What, if he should have

been prevented from rendering homage by

infancy, old age, or illness? Sir Charles in reply to Captain Rath-

borne's letter No. 907, dated 24th December 1845, on this point,

ruled, in his No. 6, dated 1st January 1846, that all such cases

should be made subjects always of special reference, as all parti-

culars of each individual case, could alone enable His Excellency

to decide, whether or not to return Jagirs to such.

* Major Goldsmid in his collection of rules quotes Captain Rathborne's letter No. 902, dated 18th December 1845, as his authority for the following proposition :—

"None but the Rais or Ruler of the country competent to alienate land. In the case of grants held under lesser authority, the tenure to be acknowledged for life only."

This opinion was given by Rathborne in a letter to the Collector of Shikarpur. It does not appear to have been sanctioned by Sir Charles.

69. On the 3rd of January 1846, Sir Charles, suspecting that the words " $\frac{1}{4}$ th produce" might have caused diversities of practice, addressed a circular letter to the Collectors, enquiring whether the term was understood to mean $\frac{1}{4}$ th of the whole produce or of the Jagirdar's share. All the Collectors replied that, they understood it to mean the latter, but Captain Goldney added that, the Jagirdars in his District defrayed also $\frac{3}{4}$ ths of all the expenses connected with the collections, as well as the cutting of canals on the estate, and also a proportion of the pay of the Civil establishment of the division (except the police) in which the lands were situated, and of the expenses on the grand feeder canals, where it derived water, according to the extent of cultivation. In the lower districts, he said the ordinary rent of land was $\frac{1}{4}$ th of the gross produce, and therefore to levy this much from the Jagirdar would be equivalent to the resumption of the Jagir.

70. The commencement of the Sikh war entailed heavy transport duties and increased watchfulness upon Sir Charles Napier and his subordinates, and on January 19th, 1846, we find him directing the Collector of Haidarabad that "should the police authorities at any time make a requisition.....for assistance to strengthen any post," the Collector should call upon the Jagirdars of his Collectorate to furnish their quota of men according to their ability. It may be here mentioned that on the 30th December 1844, he had allowed the Deputy Collector of Sukkur to call upon Jagirdars "to furnish horsemen for the purpose of carrying letters when required by the public service." The subsequent proclamation of the 24th March 1847, apparently exempted the Jagirdars from all these burdens, although, it appears that the District Officers were in the habit of exacting such services even at a later period.

Chowth, understood to mean $\frac{1}{4}$ th of the net share of the Jagirdar not of the gross produce.

Miscellaneous services exacted from Jagirdars.

71. On the 3rd of January Captain Rathborne brought the subject of Garden Grants to the notice of the Sind Government. “There are many persons in this Collectorate” wrote he, “who held gardens cultivated by themselves rent free under the late Government, who now pray that they be continued to them in the same manner. Several of these parties who possessed no other free lands or Jagirs did not come forward to make their Salam with the Jagirdars. Being chiefly fakirs, sayads, and husbandmen, not Baluchis, they did not perhaps understand it was necessary.

72. “I have the honour to submit for the instructions of His Excellency the Governor the question, as to whether, in cases of this kind the Salam should be excused, and the rent free tenure of the gardens be continued to them as before? And I would beg to support these people’s claim.”

73. The Secretary on the 8th January enquired, what were the terms of such grants, whether they were made by Sanad or otherwise, and on what ground, Political or otherwise, Captain Rathborne recommended them for confirmation. The reply was sent on the 12th of January, and as it is the first authentic report on garden grants, it is inserted here in full:—

“In reply to your letter No. 75, of the 8th instant, I have the honor to report that, some gardens in Sind are held by Sanad and others not. Where the garden has not been part of the planter’s land, it is held by Sanad, but where the garden has been made on the planter’s own Jagir, which Jagir may have since been regranted to another, the garden, however, being allowed to remain in the hands of the planter or his descendants, as was nearly always the case, then there is often no separate Sanad for it.

74. “The gardens are mostly fruit-groves of an area of from 5 to 20 bigahs, and my recommendation that they should be regranted to the claimants is made on the ground of both justice

“ and expediency. I think, the regant would be only just, because
 “ the owners had nothing whatever to do with State affairs, and
 “ therefore had only to obey His Excellency’s proclamation* to
 “ stay at home peaceably, which they did.

75. “ I think it also expedient to respect such property, because
 “ these gardens add greatly to the appearance of the country, and
 “ the comfort of its inhabitants. The taste is one that deserves
 “ encouragement. The land thus converted to such excellent
 “ use, is generally so situated as to be for other purposes wholly
 “ worthless or nearly so, (all gardens for instance where the culti-
 “ vation is by well are in this predicament), and, I think, that if
 “ Government took away these gardens from the owners, they
 “ would only, many of them, go to ruin, for in several cases, the
 “ gardens would hardly repay Government for the cost of maintain-
 “ ing and watering them, and in no case would the Kardar bestow
 “ one-tenth of the labour, money, and attention, that the owners
 “ do, who keep them up as much for their pleasure as for profit.

76. “ I may add that even where there is no Sanad, there is little
 “ possibility of fraud being perpetrated on Government as to
 “ ownership, for gardens are too remarkable properties to admit
 “ of its ever being otherwise than notorious, who the owner was,
 “ whether an individual or one of the Amirs.”

77. On receipt of this letter the Secretary wrote in his No. 142,
 dated 14th January 1846 : “ I am directed

Regrants of these grants
 allowed by Sir Charles
 whether Salam made or
 not.

“ to state that you may regrant such garden
 lands.”

78. On the 2nd of March 1846, a case of falsifying a Sanad which
 had been tried by the Civil Judge Advocate General, led Captain
 Rathborne to suggest the free pardon and reward of approvers,

Falsification of Sanads. and the corporal punishment of those con-
 victed of having Sanads altered, and of those refusing to give up
 the names of the guilty officials. The Judge Advocate General

* This probably refers to the proclamation of the 12th March 1843, annexing Sind.

was directed by the Governor to reply on the 5th of March that, His Excellency agreed to the offer of a free pardon, and the present of a hundred rupees, to any person charged with having a Sanad forged, who should give evidence sufficient to convict the real offender among the writers, but that he did not think corporal punishment desirable.

79. It has been said above that Sir Charles did not dispose of the question regarding regrants to grandsons on failure of sons, probably because he wished to judge of every case on its own merits. This view is confirmed by his action, in three cases, which arose in March 1846. Dau Khan Marri's father and grandfather having both died, he claimed the estates of both, and Captain Rathborne in forwarding a new Sanad for the regrants of the land of both, wrote thus :—

“ His father's share he is entitled to, with the usual deduction of $\frac{1}{4}$ th, but I would request orders as to the regranting him his grandfather's portion or not. I imagine he would certainly have received a regrant of it, had the Mirs continued to reign, and under our rule, I imagine, it is intended, a grandson should succeed, that being direct succession.” The Sanad was returned sealed by the Secretary with his No. 573, dated 9th March 1846, without remark.

80. The other two cases were those of Ghulam Ullah and Muhammad Khan, Nizamanis. Captain Rathborne forwarded Sanads for regrant on March 9th, 1846. The Sanad to Muhammad Khan was returned sealed. As regards the other the Secretary wrote :—

“ Before similarly confirming the Sanad prepared by you, for Ghulam Ullah, Nizamani, His Excellency would wish you to report particularly on the family of this individual, as the Jagir of the grandfather is too large to regrant without specific reason. It appears fair to regrant the father's Jagir, but to add to that the grandfather's, would render the grant a very large one.” The Collector's answer No. 299, dated 30th April 1846,

showed the family was a respectable one, and of some standing, and mentioned the amount of the grandfather's Jagir of which the regrant was requested, as being 17,888 bigahs 12½ biswas. The father's share was 9,577 bigahs 8 biswas. On this explanation, the Sanad for the regrant of both properties was returned confirmed without further remark. (No. 1283, dated 25th May 1846).

81. A material question of procedure had been decided by Sir Charles some days before this order. Captain Rathborne had pointed out, the inconvenience of the numerous alterations and deductions endorsed on Sanads conferring grants in common, on the death of any one of the co-grantees, and the delay in unravelling the complications likely to ensue on the death of other co-grantees, and had recommended that, separate new Sanads should be given in all cases of regrant, and the old ones cancelled. Sir Charles in his No. 931, dated 22nd April 1846, "approved of the measure proposed."

82. A most important question was now brought forward for solution. It concerned the relations of Jagirdars to Zamindars in Jagir lands, and the right of the former to eject the latter. On May 8th, 1846, Captain Rathborne addressed the following letter No. 335, to the Secretary. "In consequence of my having received frequent complaints from Jagirdars that, the Zamindars who have been in the habit of letting their lands will not cultivate them to the extent they might be made to bear, nor will they allow others to cultivate without their paying them certain fees in addition to the rent, which the ground is not able to bear, I have the honor to submit to His Excellency the Governor, the advisability of making Jagirdars independent of their Zamindars, so that, unless where a lease has been entered into, the latter will be removable at pleasure."

Separate Sanad to each sharer in all cases of regrant.

Relations of Jagirdars to Zamindars in Jagir land.

83. “ In cases where the Zamindar has laid out capital on the
 “ land in digging canals, forming dikes, flood gates, &c., the value
 “ of his improvements, should the Jagirdar want to remove him,
 “ ought, I consider, to be paid him by the Jagirdar, and the amount
 “ of this might be settled by three arbitrators, one to be chosen by
 “ each of the parties and the third by the Collector.

84. “ Under the new circumstances as regards cultivation in
 “ which Sind is placed, I think, it absolutely necessary that Jagir-
 “ dars should have the power of making such arrangements as
 “ they think most beneficial regarding the cultivation of their
 “ own lands, and it is obvious that no injury would be inflicted
 “ on any one by this measure, as independent of the provision
 “ made for compensation where capital has been laid out, it is
 “ quite clear that the Jagirdar’s own interest would prevent his
 “ removing any Zamindars who cultivated his land properly.”

Rathborne’s proposals
 on this subject sent to the
 other Collectors for opi-
 nion.

85. A Copy of this letter was sent to the
 Collectors of Karachi and Shikarpur for
 their opinion, on the 13th May 1846.

86. The Collector of Karachi, in his reply dated the 18th of
 May, fully concurred with Captain Rathborne. “ I have in
 fact,” said he, “ during the last twelve months granted Parwanas
 “ to all Jagirdars, who made application for my assistance, autho-
 Captain Preedy’s opinion. “ rizing them, after fair warning had been
 “ given to the Zamindars in presence of the Kardars of the district,
 “ to resume all lands (those granted on lease excepted) from such
 “ Zamindars as neglected to cultivate the same, and to make them
 “ over to others, who were able and willing to cultivate them.
 “ This has always been the rule,* and as the Government and the

* Sir Charles’ pencil note on the margin is as follows. “ Here we have Preedy and
 “ Rathborne against Goldney, and with one exception, I think they are right. It is that of
 “ considering the Jagirdar more the proprietor than the Zamindar, the reverse being proved
 “ by Goldney (and also by Elphinstone I think) to be the fact. However as Rathborne pro-
 “ tects the Zamindar, and I propose a still greater protection, I am on the whole in favour
 “ of the measure proposed by Rathborne, though even twelve arbitrators is too few. The
 “ larger the body of arbitrators the more just and public will be the decision.”

“ Jagirdars stand in exactly the same relative position to their
 “ Zamindars the same rule should equally apply to the lands of
 “ both.”

87. Captain Goldney however in his No. 736, dated 21st May
 1846, was of a different opinion. He said,
 Captain Goldney's opinion. “ I would respectfully observe that, to the
 “ best of my experience the grantee's rights over his Jagir did
 “ never hitherto affect in any way those of the Zamindars settled
 “ on his lands, and his Sanad usually transferred, merely the
 “ portion of produce payable as rent, from the Government to
 “ the grantee, or more frequently from one grantee to another.
 “ A tolerably hale Zamindar must often have seen his lands
 “ change hands repeatedly, a change which merely gave him a
 “ milder or sterner landlord, as the case might be, but never re-
 “ moved him from his land.* The rule now proposed would
 “ render that permanent which was till the 17th February 1843
 “ ephemeral, and abolish really vested rights in favour of titles
 “ hitherto depending upon a thousand caprices and contingencies.
 “ I therefore think that any generally comprehensive regula-
 “ tion by which the grantee could remove his Zamindars at
 “ pleasure, would be unfair to the latter, the really hereditary in-
 “ cumbents, the former being usually a mere servant removable
 “ at either the will of the lord, or as his own interests, in choosing
 “ a new master, might dictate, that is, provided the Haidarabad
 “ tenures do not differ from those of Upper Sind.

88. “ At present, where land has been allowed to be waste for
 “ many years, I offer it to the original Zamindar in the first
 “ instance. If he declines to reclaim it, I give it to the first applicant,
 “ declaring the Zamindari rights extinguished by the former pro-
 “ prietor's recusance ; to this extent, I am of opinion, grantees

* Sir Charles' pencil note against this passage is worth quoting “ All this is very strong.
 “ The fact is that the Zamindar is more a proprietor than the Jagirdar which is bad indeed.
 “ I look on the Zamindari system as altogether very objectionable. They are the “ middle-
 “ men of India.”

“ might fairly exercise their own discretion, beyond this their
 “ interference seems to me a hardship and an injustice.

89. “ If it be true that the interests of grantees will prevent their
 “ removing tolerably active Zamindars, it is equally evident that
 “ the interest of Zamindars will prevent their being indolent.
 “ Unluckily there are many elements besides pecuniary in-
 “ terest among men, and the social relations of life among Mussul-
 “ men offer many other inducements to the capricious exercise
 “ of the new power of ejection, with which it is contemplated, to
 “ invest the Jagirdars of Sind.”*

90. Before reproducing Sir Charles' decision, it is necessary to
 advert to another correspondence which was
 carried on simultaneously with the last.
 Rathborne's proposal to substitute a fixed assess-
 ment in cash of 2 as. per bigah for “ chowth.” On the 11th May 1846, Captain Rathborne
 pointed out the necessity of substituting the
 payment of quarter produce by a fixed assessment in cash,
 and a copy of his letter was forwarded on the 13th to the Col-
 lectors of Karachi and Shikarpur, along with his letter of the 8th
 of May. His objections to the levy of $\frac{1}{4}$ th produce were as
 follows:—

“ 1st. The Jagirdars themselves suffer much annoyance from
 “ the present system. To ensure a correct return of rent, it is
 “ necessary for a Government officer to supervise its collection.
 “ The grain cannot therefore be moved or touched without the
 “ order of this office, and the Jagirdar is no longer master in his
 “ own estate.†

“ 2nd. It gives great opportunities for fraud ; as the
 “ Jagirdar may enter into private ‡ agreement with his farmer,

* Sir Charles' pencil note to this passage is as follows :—“ It is a modified power which
 “ leaves the Zamindar his choice, first, by industry to secure the good will of his Jagirdar,
 “ and next, that failing, to defy him and go to a court of arbitration.”

† Sir Charles' pencil note was : “ He is only prevented from taking what does not
 “ belong to him. The Duke of Newcastle could not touch a grain of oats till the Tithe
 “ Proctor decided how much was the Parson's.”

‡ Sir Charles' note :—“ This puts him in the power of the Collector.”

“ lessening the amount of rent demanded for other concealed
 “ advantages, or if obliged to keep exactly to the old rates at
 “ which rent was always taken, it prevents, without Government
 “ permission, his being able to give favourable leases for the
 “ cultivation of new lands, his granting remissions in any cases,
 “ or in fact his interfering in any respect as regards the alteration
 “ of the rents of his estates. Moreover the present system of
 “ levying the $\frac{1}{4}$ th share leaves the door open to such a vast
 “ amount of bribery and corruption on the part of Jagirdars
 “ towards the Government Agents, sent to assess their estates
 “ annually, as in the present state of morality in Sind, would, I
 “ think, be productive of most injurious results ; for in regard
 “ to those estates we have generally no old accounts to go by.
 “ Nearly everything therefore, in levying the $\frac{1}{4}$ th share must be
 “ left to the integrity of the Government assessor.”

91. To avoid these evils, he submitted that, a fixed money pay-
 ment should be taken at 2 annas per bigah, a rate suggested
 to him by the following considerations : “ On occasions of the
 “ ex-Amirs granting land in lieu of a money pay to their fol-
 “ lowers, the grant was usually made at the rate of one bigah
 “ of land per each rupee kora of pay. The land was considered
 “ as averaging that value. The quarter of a kora rupee, would
 “ be in Company’s currency 2 annas and $10\frac{1}{2}$ pies. I have,
 “ however, recommended only 2 annas be taken, as I consider the
 “ Mir’s assessment high, and I do not think, taking land at an
 “ average, it will be found to bring in much more than that (it cer-
 “ tainly does not do so in the present system of taking $\frac{1}{4}$ th
 “ in battai), and in a matter which I would recommend to
 “ be made compulsory, that there may be one universal rule,
 “ it would be better to be below the mark than above it.*

* Sir Charles’ marginal note is :—“ Goldney says this is too much ; on Rathborne’s data
 “ it seems a just one. It is not *above* it. They took it from the Amirs as a favour, which
 “ proves that, the assessment is not high.”

“Those whose Jagirs are in a high state of cultivation, will,
 “I have no doubt, derive considerable profit from this arrange-
 “ment, but the owners of large barren wastes will suffer, if
 “obliged to pay rent for them. To obviate this, I would give
 “them the option of returning such lands to Government alto-
 “gether, and only paying for what they choose to retain,* and,
 “I think, there is nothing in the least unfair in this, because
 “if the land be cultivated at all, even in the least slovenly
 “manner, 2 annas a bigah will be an assessment considerably
 “lighter than the payment of $\frac{1}{4}$ th of the Jagirdar’s share in kind,
 “while, if uncultivated, I cannot see† the least valid objection
 “to Government resuming on the death of present holders such
 “tract of land, as they may have habitually allowed to lie waste,
 “and which, it may be inferred, their heirs will continue to leave
 “in a similar profitless state. Much of this land would be found
 “fit for cultivation though the Jagirdar may not have the means
 “to till it, and no doubt as the country becomes improved, and
 “canals are extended by Government, it would be gradually
 “brought under the plough, and become a source of revenue
 “instead of, as might be the case if left in the Jagirdar’s hands,
 “an obstacle to improvement.”‡

92. The Collector of Karachi considered the change proposed
 by Captain Rathborne “as most desirable,”
 as the Jagirdars complained much of the
 annoyance, which they suffered from the
 Government officers appointed to superintend the collection of
 the Government share of the produce. He thought the 2 annas
 per bigah should be levied on $\frac{1}{4}$ th of the extent of the land
 specified in the Sanad granted to a Jagirdar, and that in the

* “This, I think, is very good”—is Sir Charles’ comment.

† “Here he differs with Goldney.—I cannot judge. It depends on figures”—is Sir Charles Napier’s note.

‡ Sir Charles’ added in pencil “and cause of famine,”

event of his wishing to give up any portion of the waste land, a new Sanad should be granted to him (letter No. 376, dated 18th May 1846).

93. Captain Goldney wrote as follows :—

“ From a list showing extent and produce of Jagirs in Upper
 “ Sind, now before me, I think that in very
 Goldney's views on the same. “ many instances, they will be quite unable
 “ to pay a quit-rent of 2 annas per bigah in
 “ lieu of the Government $\frac{1}{4}$ th..... At the same time the plan is
 “ a very desirable one, and (being) based on the principle of
 “ resuming lands which the Jagirdar shall neglect or be unable
 “ to cultivate, it is feasible. For, should His Excellency judge
 “ fit to adopt Captain Rathborne's other proposal (*vide* his letter
 “ No. 335*) the grantee could not complain : as the same reason
 “ that empowers him to eject his Zemindars justifies us in eject-
 “ ing him.

94. “ But in one point of view, it seems specially objectionable :
 “ the resumption of such vast tracts of land (however salt and
 “ barren and valueless) as such a regulation must occasion,
 “ would inevitably unsettle people's minds and perplex them with
 “ that great incentive to disorder, fear of change : and with much
 “ deference, I would submit that our occupation of this country
 “ is almost too recent for such a measure ; meantime the super-
 “ vision of Government officers need not be more vexatious to
 “ Jagirdars than to any other landholders”† (No. 737, dated 21st
 May 1846).

* To make Jagirdars independent of Zamindars.

† Sir Charles' pencil note is as follows: “ I do not think this very strong, but I have not
 “ sufficient data to form a decided opinion. It is not a change which affects the poor and scarcely
 “ ought to affect the rich. What is just to the poor ought to be forced upon the rich.”

95. Sir Charles was not prepared to decide these two important

Reason for delay in disposing of Rathborne's proposals.

1. Regarding the relations of Jagirdars to Zamindars.

2. Regarding the two annas assessment (Duanagi).

questions in May, 1846. Cholera had appeared in this month in the native portion of the city of Karachi "not severely but gradually, acquiring intensity, until the night of the 14th of June, when it struck all people—Soldiers, Europeans, and Sepoys—

"with such a sudden, fearful mortality, that to feel it was to drop, and to drop was death." This visitation continued to the 18th of June, and in a mitigated form to the 30th of June. Sir Charles Napier lost his nephew, John Napier's son, and shortly afterwards John Napier himself.* "It was computed that 7,000 persons, more than a third of the population of the town and cantonment, died in the few days that this horrible pestilence lasted, and the deaths in the country around being added, not less than 60,000 persons, perished." To add to Sir Charles' difficulties "food became very scarce, because distant people dreading infection would not come in with supplies." These disasters account for the delay that took place in settling the two important questions raised by Captain Rathborne.

96. On the 30th of June the Collector of Shikarpur was allowed

Jagirdars in Shikarpur made to give horsemen for supervising canal clearances.

the permission he had asked for, to take horsemen from Jagirdars for supervising canal clearances, the Mirs having been in the habit of exacting such supervision. The

organization of a canal department under Major Scott had been completed by this time, and a general survey having been made, and "the water levels all over Sind ascertained with great cost and labour, a scientific system was laid down and the whole of the canal and water system was taken out of the Kardars' hands"†

97. On the 5th of July, Sir Charles decided a reference made

* Sir William Napier's "Administration of Sind," page 291.

† Sir William Napier's "Administration of Sind," page 296.

on June 27th, by Captain Rathborne, from which it appears

Deduction of chowth not retrospective. that the number of the Baluch Sirdars and others who made Salam, after the conquest, was so great that the Collector could not do more than give them "an order on the Kardars for what lands they had before." "Under these orders many Jagirs were given to heirs of men killed at Meani and Dabba, and many others were given over to Sirdars in full, though several of the sharers in them had been killed. On the revision of Jagirs which afterwards took place, before sending down the papers to receive final confirmation under His Excellency the Governor's seal, these errors were rectified—the fourth share of Jagirs given to heirs, fixed as rent, and the shares of those who had died without heirs, altogether deducted." The crops of the seasons of 1843 and 1844, had however been enjoyed by the holders now ousted, and Captain Rathborne enquired if they should be made to pay what was not their due. Sir Charles agreed with Captain Rathborne that they should not, and that the deductions were only to be prospective.

98. On the 2nd of July 1846, Captain Rathborne revived the

Sir Charles rules that all regrants should be measured out in one piece. question he had raised before, as to the method of measuring out regrants, and this time not without obtaining a definite reply.

He wrote :

"The Jagirs of Baluchis as granted by the Amirs were measured in two ways, according to the influence of the grantees with the people at Court. The one way was, to measure the number of bigahs enumerated in the grant "*Ek Taraf*," that is in one piece: the other way was to let the grantee pick out every separate bit of well cultivated ground in the neighbourhood, the united area of which he counted as his grant leaving out the uncultivated or indifferent parts altogether. One Jagir was thus made to consist sometimes of a dozen pieces of first rate land, while the ground intervening was left to Government.

99. "The evils of this system are great, as it makes it impossible by any ordinary means to improve the Government land properly, when it is so intersected by other lands; 2ndly, it appears most unreasonable that all the pieces of the best land in a Pargana should be picked out by Jagirdars, and all the worst left to Government. And 3rdly, this mode of giving Jagirs leaves the door open to endless fraud, as it is almost impossible to prevent

“encroachments when a Jagir is scattered in bits all over a Pargana in that way.”

100. “I find from enquiry that in the elder Mirs’ times down to the date of Mir Murad Ali’s death, no Jagir Sanads were ever given except for Jagirs to be measured *Ek Taraf* or in one piece: it was only among the later Mirs who were entirely in the hands of their servants, that the irregular system sprang up of measuring a Jagir in half a dozen pieces, and even in Mir Nasir Khan’s share of Sind the plan prevailed a little. I would therefore strongly recommend that while present holders should be allowed to enjoy their Jagirs in the way they were measured in the Amirs’ time, however that in each case might be—yet that, on all regrants by His Excellency, the Jagirs should be measured out *Ek Taraf*, in one piece, according to the old rules and customs of the country.”

101. Sir Charles on the 13th July 1846, agreed to this suggestion, and approved of all regrants of Jagirs being measured out in one piece. Copies of Captain Rathborne’s letter and of the Secretary’s reply were forwarded for their guidance to the Collectors of Karachi and Shikarpur.

102. The following extract from Captain Stack’s memorandum, dated 10th March 1848, relates to the measurement of Jagirs, and is, therefore, inserted in this place:—

“Almost all the Jagirs of the Four Great Families were un-measured, the Sanads granting them merely naming town lands. A few too of the old Jagirs of the lesser chieftains were so also. But the Sanads for all the smaller and after grants, named the number of bigahs granted. In 1845-46 a great portion of the unmeasured Jagirs in the Haidarabad Col-
 lectorate were measured by men sent out by the Collector, and those before measured out by the Amir’s servants, tested. The unmeasured lands that were left, were afterwards measured by order, by the Jagirdars themselves, and the accounts given in to the Collector. From these a rough estimate was framed of the amount of alienated land. The boundaries and measurements were not of course considered fixed by the Jagirdar’s Survey, though at the same time it was a check to his extending his boundaries and claiming afterwards more land than he then stated he possessed. These measurement accounts generally enumerated the quantity of land under cultivation, the quantity of waste but fit for the plough, and the quantity utterly barren. From these papers the alienated lands in the Haidarabad Collectorate were estimated.....at 35 lakhs of bigahs, and it was found they were, though ill cultivated, generally the best lands of the Collectorate.” (Paras. 16 and 17).

Jagirs of the Four Families mostly un-measured when granted, measured under order of Capt. Rathborne. Areas of measured Jagirs tested.

Survey by Jagirdars.

103. On the 31st of July, Captain Rathborne submitted for orders,

Garden grantees found in possession on the 17th of February 1843, continued in their grants even though unable to produce any Sanad of the Mirs.

a list of 24 claims to garden grants in support of which no Sanad had been filed. Some of these claims were to Huris, and one was to "16 mango trees." On August 10th the

Secretary sent the following reply. "The claims are allowed if you believe the parties to have possessed the gardens, &c., on the 17th February 1843." The "&c.," evidently referred to the Huris and the mango topes.

104. It was about this time that rumours arose about

The circumstances under which Sir Charles disposed of the two proposals of Captain Rathborne yet undisposed of.

the restoration of Sind to the Amirs by the British Parliament, and that Sir Charles wrote his Memoir on the state of Sind, for the perusal of Lord Ripon, President

of the Board of Control. From this Memoir we learn that Sir Charles had abolished the "system of regulating labour by a tariff," although, on account of opposition, he had not been "able entirely to enforce the rule yet"; that he had "deprived all persons of the right of bearing arms in public except the chiefs," that the people had grown orderly; and that some system had been introduced into Revenue, as well as Judicial administration. The following extract, besides being instructive in itself, is the best explanation of the Circular Sir Charles issued in September, on the subject of levying a fixed assessment, and the extension of cultivation by Jagirdars :—

"I divided Sindh into three great Collectorates placing at the head of each a Collector with Deputies under him, English officers. They are all Magistrates, but with restricted powers as to punishment. To them I gave the whole establishment employed by the Amirs for collecting money and inflicting vengeance; as to punishing moral crimes those princes never interfered; the only crime in their eyes was disobedience of their orders, and those orders had but two objects, amassing money, and administering to their debaucheries. The last was only painful to certain individuals. The first opened a door to great and general calamities, injustice, torture, and ruin to the country at large. Their machines for extortion were the Kardars,

* *Vide* Sir William Napier's "Administration of Sind," page 307 *et seq.*

“ the headmen in each village who collected the taxes, the Umbardars who
 “ took charge of the grain when collected for the Amirs. Both Kardars
 “ and Umbardars had their familiars to execute their orders ; and what
 “ those orders were depended generally on what the Kardar himself was,
 “ but not always, as the following facts show. If grain was high, the Amirs
 “ ordered the Kardars to sell it at a certain price beyond the highest in the
 “ market, and to send the amount received at once to the treasury. The
 “ Kardar assembled the richest people of his District, compelling each to take
 “ a portion of the grain, and pay instantly the Amir’s price, perhaps more for
 “ their own profit. If any refused he was hanged by the thumbs to a beam,
 “ and a hot ramrod was placed between his thighs. The money being thus
 “ collected, God help the Kardar if it was not, each Zamindar or farmer took
 “ his forced purchase away and divided it in like manner, and with like per-
 “ suasion, amongst his ryots or labourers, who being poorer, had a larger
 “ allowance of hot ramrods and other tortures. The Kardar in such cases
 “ could not help himself if he would ; but it generally gave him opportunity
 “ to extort money for his own profit.

“ All these Kardars and Umbardars, I made over to the new Magistrates
 “ to work with, and thus enlisted a large body of influential men in favour
 “ of the conquest. They of course robbed us at first, as the English officers
 “ were ignorant of what ought to be paid ; but now the Collectors know
 “ their work well, and from their systematic military habits and experience
 “ of men, they quickly got the whole machinery into high order, working
 “ hard, and the revenue rapidly improved and will yet improve. The Collec-
 “ tors and their deputies keep diaries which are sent to me weekly, and I thus
 “ learn what goes on in each district. They are read to me by the Secretary
 “ to the Government, Captain Brown, an officer from whom I have received
 “ such able assistance that I ought in justice to call him my colleague rather
 “ than Secretary.”

105. The Circular referred to above was probably drawn up by
 Sir Charles’ decision. Sir Charles himself as it is in his own hand-
 writing, and it was communicated to the three Collectors on the
 10th of September 1846. It ran as follows :—

CIRCULAR TO COLLECTORS.

“ With regard to the proposition of Captain Rathborne for making
 “ Jagirdars more independent of their Zamindars, by enabling the former
 “ to eject the latter, when they do not properly cultivate their lands, I have
 “ come to the following decision on the subject.

“ 1st. In cases where the Zamindar has laid out capital on the land,
 Jagirdar not to eject “ in agricultural improvements, or indeed in any
 Zamindar without giving “ way, he must be remunerated to that amount by the
 compensation for improve- “ Jagirdar before the latter can eject him.
 ments.

" 2nd. The Jagirdar must (before ejection) adduce proof that the Nor without adducing " Zamindar has not properly cultivated his land for proof of failure to culti- " two previous years. vate for the two previous years.

" 3rd. The Jagirdar must give the Zamindar, three warnings consecu- Nor without 3 warnings " tively with an intervening period of six months each after 6 months. " between each, that if he does not cultivate the " land better, he (the Jagirdar) will make application to Government to " have the neglectful Zamindar ejected.

" 4th. When the Jagirdar applies to the Collector for the ejectment Nor without the inter- " of a Zamindar, the Collector is to order a Pan- vention of a Court of ar- " chait consisting of twelve Zamindars, four of which bitrators chosen by the " are to be chosen by the Jagirdar, four by the Jagirdar, the Zamindar, " Zamindar, and four by the Collector, and the Collector.

" This Panchait is to decide in all questions which may arise " as to the justice of ejecting the Zamindar, including the value of the " outlay he has made, and which the Jagirdar is to repay.

" The proceedings of the Panchait must be confirmed by the Collector, Nor without the confir- " either party having a right to appeal to the head of mation of the proceedings " the Government with this understanding, that if of the Court by the Col- " the final decision of the Panchait be confirmed, the lector. " defeated party shall be mulcted to the amount " claimed from the Zamindar as compensation from the Jagirdar, and should " no claim have been made of the Jagirdar for outlay, the fine to be levied, " is to be decided by the Governor according to the conduct of the parties.

" By the above arrangement, it will be seen, that I have entirely con- " curred in the principle contained in Captain Rathborne's proposition, but " with regard to the details, I have increased the number of arbitrators, " to twelve, and directed a warning to be given: these additions I have " made for the protection of the Zamindar who is, in fact, more the proprietor " of the land than any Jagirdar. I think that three arbitrators would, " probably, be bribed by the Jagirdar, whereas twelve would be less " manageable, and make the whole transaction more important and more " public. At the same time I am very averse to maintain the Zamindari " system, for the Zamindar appears to me, to be nearly the " middleman" " of Ireland, that is to say, a man who is very injurious to the people, for " he diminishes the wages of the poor and robs the rich. I believe in India " that the Zamindar robs the Jagirdar and the Ryot. For this reason I am " strongly inclined to do him away, when it can be done without individual " injustice, and I beg of the Collectors to apply their best exertions to carry " into effect the Ryotwar system, so strongly advocated by Sir Thomas " Munro and found to answer perfectly wherever it has been tried. I need " not say that the Ryotwar system is that which brings the Government and " the Ryot together, the first receiving its rent from the last without the " intervention of Zamindars, and as I think it a good and wise policy to " support the Jagirdars, as the aristocracy of Sind, without allowing them

“ any privileges, I wish to see them adopt the system or principle in their
 “ Jagirs. If they do not, their Ryots will quit them, and the fault will be their
 “ own. It may be said that I, thus in reality, make Zamindars of Jagirdars.
 “ I do so because I wish to see the nobles of the country justly supported,
 “ and in their places. If we put them down, we shall put ourselves down, in
 “ times to come, for injustice will have a reaction sooner or later.

“ With respect to the proposal of Captain Rathborne to make the Jagir-
 “ dars pay two annas per bigah for every bigah held
 The principle of levying an assessment in cash in lieu of chowth sanctioned. “ in Jagir, I have read all that has been said on the
 “ subject by all three Collectors, and my mind is
 “ made up that the great advantages of this proposi-
 “ tion overbalance the objections made to it. The advantages are:—

“ 1st By paying a rent for uncultivated land, the Jagirdar will bring
 “ the whole into cultivation.

“ 2nd. It will save the Jagirdar from the interference of tax gatherers, and
 “ give all the advantages which are reaped from a commutation for tithes in
 “ England; and among other advantages fixes certain payments and certain
 “ receipts which enables both parties to calculate upon their means. This I
 “ hold to be a matter of much importance. I therefore adopt the proposal
 “ and order it to be put in force.

“ But the question raised by Captain Goldney that the amount of two
 “ annas is too much, must be determined on hereafter. I see no reasons
 “ adduced, for thinking it is too much, as far as I am able to judge from what
 “ is before me.”

106. On the 15th September, Captain Goldney informed the Secre-

Option of Jagirdars to pay Chowth or Duanagi, not taken away. Jagirdars at liberty to surrender lands, so long as the land retained is kept tolerably compact.

tary that he had prepared orders in Persian and English in strict conformity with the above Circular, and had directed “ the
 “ new rates, affecting heirs of deceased
 “ grantees, to take effect from the com-
 “ mencement of the next agricultural year

“ viz., the spring crop of 1258,” but that he required instructions on the following points—

“ Are grantees at liberty to surrender scattered patches of
 “ ground, retaining more fertile irregular parcels adjacent to and
 “ intermixed with the former; or should there be a general
 “ average by which the plan of a grantee's estate shall be
 “ continued tolerably compact and appreciable.

“ Whether it will be left optional with heirs to Jagirs, to
 “ forfeit one-fourth the produce, or to pay two annas per bigah,

“surrendering their unproductive lands, an option which would
“deprive the regulation of any unpopularity it may possess.

107. In reply the Secretary enquired what the Collector meant by the new rates, and then wrote as follows—(No. 2448, dated 21st September 1846).

“On grantees’ surrendering portions of their Jagir lands,
“you should as far as may be practicable, strike a general average,
“by which the plan of the Jagir land left to the grantee, shall
“be continued tolerably compact.

“His Excellency of course will leave it to the heirs of Jagir-
“dars to pay to Government the $\frac{1}{4}$ th share of produce of their
“Jagir, or, as a commutation, 2 annas the bigah, as they may
“think proper.”

108. Captain Goldney on September 27th, explained that, by the new rates he referred “to the commutation of $\frac{1}{4}$ th produce to 2 annas per bigah,” and that this being left to the option of the individuals there could “be no longer any objection on their part to the arrangement.”

109. To make his meaning thoroughly clear, Sir Charles directed his Secretary on the 28th September, to issue a general Circular to the three Collectors in the following terms—

Option to pay Chowth or Duanagi restricted to cultivated lands. Duanagi to be paid on uncultivated land.	“While it is optional with such heirs (<i>i. e.</i> , of deceased Jagirdars paying $\frac{1}{4}$ th produce) to pay to Government $\frac{1}{4}$ th produce or “2 annas per bigah on all cultivated portions of “their Jagirs, it is imperative on them to pay the “2 annas the bigah on all uncultivated land.”
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No interference with Jagirdars as to their arrangements for Battai (or division of crops).	110. The result of the operation of this order on large Jagirs will be noticed later on. Sir Charles about this time had issued a regulation prescribing a new plan for “Battaing” the crops, <i>i. e.</i> , fixing the Government share of the produce.
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Several Jagirdars asked Captain Rathborne, whether “it was
“the intention of Government that they should Battai their lands
“after the old Sind fashion or follow the new plan.” Sir Charles’

reply on the 21st September was : “ no interference on our part
“ seems called for.”

111. On the 17th November 1846, Captain Rathborne solicited the Governor's orders as to the disposal of certain land, found from the previous Sanads, to be the shares of eight persons, whose names however, had not been mentioned in the later Sanad of Mir Shahdad. Mir Shahdad's Sanad granted 13,872 bigahs and $8\frac{1}{2}$ biswas to nine Nizamani Baluchis (whose names were given) “ and others.” The shares of these 9 were found to be 10,127 bigahs 5 biswas, while the remainder was ascertained to be the property of the eight persons mentioned in the older Sanads. The reference was made on account of Sir Charles' order that, regrants should be made to those, whose names were in the Sanad. Sir Charles replied to this reference as follows :—“ If these Sanads have been granted in “ lieu of old ones by which you can discover who the “ others ” “ are, His Excellency the Governor is disposed to grant to those “ others, their shares of the Jagirs. If you are unable to do so, “ their shares should revert to Government.” (No. 3006, dated 21st November 1846).

112. As the military cares of Sir Charles Napier decreased, he had more time left to devote to his civil duties. Tranquillity of the Province. “ The last financial year” to quote his words “ showed that the united ordinary and “ extraordinary expenses of the Civil Government of Sind, including the expenses of a Police force of 2,400 horse and foot, “ amounted to only 15,01,754 ; that the revenue for that year was “ 41,42,912, Rs. and consequently that 25 lacs were paid last year “ towards defraying the military expense incurred, *not* by the “ conquest of Sind in 1843, but by the previous occupation of “ Sind and by the disturbed State of the Panjaub.”* Tranquility

* General Orders of Sir Charles Napier, page 122.

prevailed throughout the province, and on the 27th January 1847, the Army of Sind was “ordered to be broken up, and the number “of troops reduced, so as in future to form the ordinary garrison “of a Frontier province.”

113. Captain Stack who was employed in Jagir work by the Collector of Haidarabad, had in 1846 drawn up a “register of Jagirdars holding Jagirs “in the Haidarabad Collectorate,” in which he had embodied the results of his investigations regarding the Jagirs of several members of the Four Families and almost all the Baluch Sirdars. The register showed the name of the individual, the division of the family, the number and page of his Sanad (as there were regular Sanad books), the terms of the grant, the amount of each Jagir, and the Pargana in which it was situate. The measurements made by the measurers sent by the Collector, and those made by the Jagirdars, together with the confirmation regarding the extent of Jagirs, supplied by the Sanads, enabled Captain Stack to make a rough estimate of the amount of land alienated in Jagir in the Haidarabad Collectorate. According to this estimate the total area of such land was about 35 lakhs of bigahs.* The Four Great Families “held about 17 lakhs of bigahs” of which about one lakh and a half had been granted within twenty years prior to the battle of Meani. About 4 lakhs were held by others who had been Jagirdars more than 20 years prior to the battle of Meani,

Stack's Jagir inquiries in 1846, and his estimate of the extent of alienations.

* Captain Rathborne in his postscript to his No. 157, dated 5th March 1847, gave the following figures :—

1.	Total extent of Jagirs ...	...	...	...	...	=	35,73,413 bigahs.
2.	Lands granted more than 20 years before 1843	...	...	...	...	=	18,86,904 „
3.	Lands granted within 20 years of the battle of Meani to the Four Families	...	..	...	...	=	2,67,551 „
4.	Lands granted to others within 20 years of the battle	...	...	...	...	=	14,18,957 „
5.	Lands likely to lapse, being for pay...	...	...	...	...	=	20,00,000 „
6.	Lands likely to be resumed, being waste	...	...	...	...	=	9,00,000 „
7.	Lands likely to remain rent-free	...	..	...	...	=	4,00,000 „
8.	Lands likely to be regranted subject to <i>Duánagi</i>...	...	...	...	...	=	2,00,000 „

though their possessions had been subject to changes. Their lands were better cultivated, and Captain Stack estimated their waste lands at $\frac{2}{3}$ ths of the whole area, while he estimated those of the Four Families at $\frac{1}{3}$ ths. Of the remaining 14 lakhs, a very large portion was held in lieu of pay. (*Vide* Captain Stack's Memorandum dated 10th March 1848).

114. On the 22nd February 1847, Sir Charles Napier, while at Haidarabad appears to have enquired into the whole subject very fully, and to have come to certain conclusions which he embodied in a minute. This minute contained his scheme of hereditary Jagirs and resumption of waste lands. He divided Jagirs into two classes ; 1st those " held uninterruptedly for 20 " years previously to the battle of Meani, or held under a solemn " agreement not to resume, written in a Koran or Sanad," and 2nd those " granted within twenty years of the battle of Meani." From both these classes of Jagirs, the portions held in lieu of pay to followers, were to be resumed on the death of the present holders, and no regrant was to be made except of cultivated land. None of the then incumbents was to be disturbed in his possession, but if he wished to see his Jagir made perpetual in his own lifetime he had to accept certain terms. If belonging to the first class, he had to resign all his uncultivated lands. If to the second, he had in addition to pay 2 annas a bigah, unless he was not liable to the payment of quarter produce. If the Jagirdars had no wish to accept these terms, their heirs if re-granted their Jagirs would have to pay 2 annas per bigah. The Jagirdars of the Four Great Talpur Families were to be treated as falling within the first class, " irrespective of the dates of their " grants."

Collectors' opinions invited.

115. These proposals were sent to the Collectors for their opinion.

116. Captain Goldney considered them " extremely desirable and Goldney's opinion. " well adapted to the interests of the country

“and the rights of individuals.” He presumed that in regranteeing cultivated land, His Excellency would “allow considerable latitude “to the heirs of grantees” as land in Sind required to lie fallow for one, two, or even three years, and he thought that, “the parties “should have the option of considering all ground actually under “the plough, within the four years immediately preceding the “demise of their predecessors, as “cultivated land within the “meaning of the present rules” (No. 397 dated 1st March 1847).

117. Captain Preedy “fully concurred” in all the proposals. He
 Preedy’s opinion. suggested that the proposals as soon as they should be definitely settled, should be translated into Persian and circulated, and that the Jagirdars should be allowed a limited time, say until 31st July 1847, by which time all the seed of Kharif 1259 would have been sown, to declare whether they would accept the new Settlement (No. 151 dated 2nd March 1847).

Rathborne’s opinion.

118. Captain Rathborne wrote as follows
 (No. 157 dated 5th March 1847).

1. “In the wording of the rules I have ventured to suggest one or two additions (which I have added in the enclosed copy in red ink*) simply with a “view of making them as clear as possible; for the additions do not affect the “original purport or sense of the document.

2. “I would beg strongly to support the proposed arrangements for the “following reasons.

3. “In Sind it so happened, whether from the hoarding qualities of the “ex-Amirs, or from other causes, that the incumbents of all civil and military “offices held under them by Mussulmans, were paid almost entirely by Jagirs. “It was not here as in other countries, where the chief nobility only had Jagirs; “almost every one in Government employ, down to the commonest Sepoy, “and even some menial servants had Jagirs, by way of pay in Sind. When “therefore all Jagirs in the possession of parties at the time of the battle of “Meani were guaranteed, Government guaranteed to continue *pro tempore* “the payment of more than half of the whole civil and military and some of

Jagirs generally held for “the personal establishments of the ex-Amirs, who pay under the Amirs. “had by the introduction of British rule been thrown “out of employment. The Government of Sind, therefore, is at this moment “bearing a double charge: it is paying a large portion of the civil and military, “and some of the personal establishments of the ex-Amirs, while as the

* All these additions were approved by Sir Charles and are now printed in Italics at pages 72-73. They certainly affect the original purport in several places.

“Jagirdars render no service in return, and if appointed Kardars or to other
 “offices, require to be paid as other people are who have no Jagirs Government
 “has also to pay in cash its own establishments for doing the work for which
 “these Jagirs were mostly given as pay. But it is not the large revenue thus
 “given up which is to be considered because, under the circumstances of the
 “country, no one could doubt for a moment that, the benefits of the measure
 “were well worth the cost; but subsequent enquiries into the number, position,
 “and extent of Jagirs have shewn that, besides the lands producing revenue,
 “other vast tracts have been given away, for the ex-Amirs were in the habit,
 “as much as possible, of reserving the rich portions of the land for their imme-
 “diate favourites, while to the generality of their servants they gave Jagirs
 “large in proportion to their unproductiveness or distance from water. The
 Grants of waste by the “great portion of the Jagirdars in this Collectorate
 Amira “hold large tracts in extent, where perhaps not more
 “than a hundred or two hundred bigahs, often not near so much, are cultiva-
 “ted by the holders of them, or are even likely to be cultivated, for, the pos-
 “sessors are most of them in debt beyond redemption, and for improvements
 “have neither the money nor inclination.

4. “In the time of the Amirs this mode of granting land signified little; the
 Their arbitrary power “Amirs were not themselves an improving race, and
 of resumption. “when they did choose to dig a canal through any
 “particular district, they resumed summarily all lands lying on both sides of
 “it whosoever they were. They did not care, therefore, how much waste
 “land they gave away; the more, I suppose, they thought, the better, for it
 “saved them paying cash to their servants, and they could resume it whenever
 “it became worth while to do so.

5. “The result of this policy is, however, now most injurious to our Govern-
 “ment in this Collectorate and in those other parts of Sind, where irrigation
 “is carried on by means of canals, or other artificial means: for as Jagirs were
 Jagirs obstacles to im- “nearly always granted riverward, while the Govern-
 provements. “ment lands lie more back, the possession of all these
 “waste lands by Jagirdars is an obstacle to improvement, that, if not removed,
 “must eventually become fatal. For while it is quite certain that where the
 “land belongs solely to Government, no canal or work of any kind for irriga-
 “tion can be constructed that will not pay, and amply; yet while all the land
 “towards the river continues in possession of others, the result of any outlay
 “of this kind will always be problematical; for if Government gives water to
 “the Jagirdars through whose lands the canal passes, there will not be water
 “sufficient, at the end, to water land enough to pay a quarter of the sum ex-
 “pended; while if Government refuses to give water to them, it has at any
 “rate such an immense length of canal to excavate (often twenty miles) before
 “it can get to its own lands, that little or no profit can be expected from the
 “work. When the cost of the twenty miles of unproductive canal is taken
 “into consideration (money that is owing to the present system of Jagir
 “arrangements purely thrown away) the profits on the Zamindaris must be
 “very extravagant to make up for the loss, on the portion of the capital which
 “brings no return.

6. "Such are the evils arising to Government from the present system, and
 Merits of the new arrang- " which the new arrangement, if assented to, would
 ment. " at once remedy.

"It is true that in any case the evil arising to Government will remedy
 "itself in course of time. The present possessors of Jagirs will die, and then
 "of course it will always rest with Government to make its own terms for a
 "regrant. Under the rules at present existing, lands granted in lieu of pay
 "will lapse at the death of the holders entirely to Government, as will also
 "the shares of sepoy and followers, and those of persons who have not them-
 "selves made Salam, though sharers with other Jagirdars who have done so ;
 "while, I infer, from what His Excellency said here that, in respect to the others,
 "waste lands will not henceforth be regranted under any circumstances, and
 "if they were, the rent of two annas a bigah would operate as a preventive
 "against the Jagirdar taking more than three fallows, or four times the
 "amount of land actually under crop.

7. "Then again, as regards the cutting of canals, provisions are already in force
 "which enable Collectors to exchange for lands out of the line of inundation,
 "Jagirs lying in the path of new canals, where the owners of them refuse to
 "contribute their portion of the expense of the new work.

"Still on the one hand to wait for the death of the present holders is a
 "work of time, while to carry into effect endless ejectments is a painful duty.
 "The Jagirdar too on his part, at present, labours under great disadvantages,
 "for if in Ireland or Scotland it is found almost impossible for a pauper land-
 "lord of an entailed estate, in which he has only a life interest, to raise money
 "for its improvements, how much more impossible must it be in Sind where
 "the estates are not even entailed, but only held during the pleasure of Gov-
 "ernment.

8. "Taking therefore into consideration the difficulties under which both
 "the Government and the Jagirdars now respectively labour, it does seem
 "to me that the most equitable solution of them is to be found in the proposed
 "arrangement. The Jagirdar, by it, sacrifices his waste land during life, to
 "secure the cultivated to his heirs for ever ; while the Government in raising
 "up a permanent proprietary body, who will have the means of thoroughly
 "cultivating what they, under the new rules, may possess, will itself enter into
 "immediate enjoyment of the advantages to be derived from the improve-
 "ments in irrigation it has commenced making, but which, unless some arrange-
 "ments be made regarding Jagir waste lands, will only be able to be carried
 "out, either at a ruinous expense, or by summarily ejecting all the Jagir-
 "dars on the line of improvement : as they will, I fear, never be brought to
 "contribute their quota of money or labour to the works undertaken by us.

9. "Whether the arrangement will be accepted by the majority of Jagirdars
 "or not, I cannot tell ; they did once, the principal among them, declare their
 "concurrence at my house, but when the time comes for the formal acceptance
 Chances of acceptance of "of it, they may think differently. I have heard
 Settlement proposed. "indeed that some of them have decided to keep their
 "waste lands, no matter what terms we offer for them, as it is plain that we
 "cannot by any possibility get water to our millions of bigahs in the rear,

“ without cutting canals through their Jagirs; and they think that after form-
 “ ing a large canal establishment, and having as they suppose unlimited
 “ command of money, we will not stop in our career of improvement, even
 “ though three-fourths of the profit of every work be diverted as it would be,
 “ from Government into the pocket of the Jagirdar. Those who are staking
 “ their estates on this card will probably soon be undeceived by the operation
 “ of the rule already in force, that they who will not contribute their quota to
 “ the canals, will have to remove to lands where there are no canals to contri-
 “ bute to; but if it be, as it is said, really an argument with any, it shows how
 “ hard they must be put, to find any equitable reason against the arrange-
 “ ment when they adopt one, which in plain English is little better than the
 “ avowal of an organised scheme of public plunder.”

119. To this was added the following postscript :—

“ With regard to the note* regarding letting those, whose lands
 “ have been granted within twenty years, convert
 “ into perpetuity also not paying rent,† I am of opi-
 “ nion that if great care be taken that, improper peo-
 “ ple are excluded, and that perpetuities so granted be *only* in favour of chiefs
 “ of old families whose Jagirs may have been changed for others held pre-
 “ viously, and not new grants within twenty years, and if all pay to sepoy
 “ and followers and for Civil offices be cut out, then, I think that the advan-
 “ tages of an immediate and final settlement on so advantageous a basis of
 “ the whole Jagir question, are so great as to make it worth while for Go-
 “ vernment even to grant this, great as the alienation of land rent-free might
 “ be. It would too, I have no doubt, greatly facilitate the carrying into
 “ effect the arrangement, as a great objection exists among these people to
 “ holding land paying rent :—They would rather have small grants rent-free
 “ than larger Jagirs paying rent to Government.

“ As it may appear that there will be some difficulty in carrying out
 “ the measure even if approved of, I would add (speaking of course only of
 “ my own Collectorate) that the amount of cultivated,
 “ land in any Jagir may be ascertained in a moment.
 “ I can test the truth of any Jagirdar’s rent roll pretty
 “ accurately, by referring to the account of his last payments of water-tax.
 “ All therefore I should have to do, to see how much land he has cultivated,
 “ would be to call for his Rent-Roll, and so test it; then as the average
 “ Government share of cultivated land, in this Collectorate is 4 Kasas of
 “ bajri, 5 of wheat, barley, &c., spring crops, and 7 of rice,‡ and as bajri culti-
 “ vation requires three times the land sown to give three fallows, wheat
 “ half as much again, and rice one-tenth more than is under crop, all I should
 “ have to do is to take the Rent-Roll, multiply the number of Kharwars of
 “ bajri, wheat, and rice therein detailed, by 15, 12 and 8‡ respectively, and
 “ then multiply the product again by 4 for bajri, and for wheat add half, and
 “ for rice add one-tenth of the product, which gives me the result required.

* The note related to the Jagirs of the Four Families,

† i. e., without subjecting them to the payment of rent.

‡ Per bigah.

" Thus, given the rent 100 Kharwars bajri, wheat, and rice, to find amount of
" cultivated land including fallows for each.

" Bajri... $100 \times 15 = 1,500 \times 4 = 6,000$ bigahs

" Wheat $100 \times 12 = 1,200 + 600 = 1,800$ "

" Rice... $100 \times 8\frac{1}{4} = 857\frac{1}{4} + 85\frac{1}{4} = 942\frac{1}{2}$ "

" In the district above Sehwan and at Shikarpur the averages of produce
" would be larger, but must be well known, and therefore the ascertaining the
" amount of cultivated land by Rent-Roll equally simple."

120. Sir Charles' proposals with *Captain Rathborne's alterations* (in italics) will appear from the following extract :—

"(1) 1st Class— Of all Jagirs held uninterruptedly for 20 years previous-
ly to the battle of Meani, or held under a solemn
agreement not to resume, written in a Koran or Sanad,
and not being pay to troops now disbanded or of
Civil Offices abolished, the cultivated land may be con-
verted into a perpetuity, on resignation of the un-
cultivated land to Government.

Draft Rules embodying
Sir Charles' scheme and
Rathborne's suggestions.
N.B. The alterations made
afterwards are shown in
the foot notes.

"(2) 2nd Class— Of all Jagirs granted within 20 years of the battle of
" Meani, *not being pay to troops now disbanded or of Civil Offices abolished*,
" the cultivated land, after deducting the shares of sepoys and followers, may
" be converted into a perpetuity on resignation of the uncultivated portion,
" and on the payment of two annas a bigah in lieu of quarter share, to com-
" mence from the death of the present holder if he be not liable to payment
" of $\frac{1}{4}$ th share, or at once, if the present holder be liable to the quarter share.*

"(3) Such Jagirs or portions of Jagirs as are in lieu of pay for *Civil*
" *Offices now abolished or of troops disbanded*, or to followers no longer enter-
" tained or required for the service of Government, *and all shares of parties*
" *who have not made their Salams*, to revert to the state at the death of the
" present owners, *as they do under instructions regarding regrants in force*
" *at present*.

"(4) † In future, regrants of Jagirs only to include in the regrant the
" cultivated land, the uncultivated not to be regranted, and in cases of regrant
" the rent to be 2 annas a bigah— the rule for all cases.

"The conversion into perpetuities to be perfectly optional with the
" Jagirdar. If he pleases to accept the terms, he may; if he prefers continuing
" to hold the whole of his lands on the present tenure, he may do so too; but
" then on his death, *the waste lands and all Jagirs given in lieu of pay for*
" *Civil Offices now abolished, or troops and followers disbanded, will lapse to*

* This is put in the proclamation as follows:— " And that on the decease of the present holder his son should pay 2 annas per bigah in lieu of $\frac{1}{4}$ th share to Government, and those Jagirdars now paying $\frac{1}{4}$ th share for the regrant of their fathers' Jagirs are to pay in lieu thereof 2 annas per bigah. "

† This meant that if ever uncultivated land was regranted it would be liable to Duanagi.

“ *Government*; will be liable to *pay quarter share if regranted; and be treated
“ in all other respects on the footing of other Jagirs as they stand at present.

“ Note 1.†— Of course the Jagirdars would like very much if no quarter
“ share was levied, but that is entirely a question as to the extent of property
“ Government may be inclined to give up in perpetuity rent free.

“ Note 2.— All lands *not being pay of Civil Offices abolished or of troops*
“ *now disbanded* of the *members of the* Four Families to whom His Excellency
“ promised a remission of the $\frac{1}{4}$ th share *that is such of the Shahdadani,*
“ *Shahwani, Khanani and Manikani branches of the poor ‡ tribe as are in*
“ *possession of hereditary estates held unquestionably uninterruptedly since*
“ *the days of Mir Fateh Ali or previously,* to come under class 1st, irrespective
“ of the dates of grants, in consideration of their rank, their having been already
“ promised remission of the $\frac{1}{4}$ th share, and the extent of land they will have
“ to resign.

“ Finally all Jagirdars who may be granted lands in perpetuity are ab-
“ solved from Military Service, as the tenure of their tenement, and subject
“ only to any general demands for personal service in defence of the country,
“ receiving pay for such personal service.

“ *P. S. Jagirdars whose lands are now watered by Government canals, will*
“ *continue to have them so watered if they please, but they will have to pay*
“ *annually, as they now do, their share of the clearances, ; as they will derive*
“ *no advantage from new works, so neither will they be called upon to pay*
“ *towards them.*”||

121. On the 14th of April 1847, the Secretary called upon the

Sir Charles' adds 3 more
Rules and invites Collect-
ors' opinions.

three Collectors for their opinion, “ whether in
the proclamation about to be published on
the subject of Jagirs in Sind, it would be

advisable to add the following rules.

Rule—“ 5. All Jagirs under 20 bigahs, if held by those who have no other

* The meaning is that, if the perpetual settlement be not accepted, the regrantees shall
have nevertheless to surrender their waste lands and be subject, as before, to the payment
of quarter produce which of course they could commute by paying 2 annas per bigah.

† This note in the original draft of Sir Charles' was omitted from the rules finally
issued.

‡ In the proclamation the words are “ who are poor ” (Muflis).

بی حرف و گفتگو § are the words in the proclamation— without cavil or ques-
tion.

|| This clause runs as follows in the proclamation— “ and from those who should derive no
“ advantage from new canals no one will demand the expenses of canal clearance.”

“ land* to be granted in perpetuity provided that they be not in the centre of
 “ other Jagirs, but adjoin them.

Rule—“ *6. No grant in perpetuity to exceed 50,000 bigahs.

Rule—“ *7. All grants in perpetuity, failing of direct heirs, to revert to
 “ Government.

Captain Rathborne's opi-
 nion.

122. On the 20th April, Captain Rath-
 borne discussed Rules 5, 6, 7 as follows—

“ I am of opinion that if the clause conferring perpetuities be to confirm
 “ grants of gardens, land cultivated on pukka wells, mango topes, and Huris or
 “ plantations of fruit trees, Subz-bari or vegetable patches, and such like
 “ small pieces of land held by small proprietors who cultivate them themselves,
 “ (as I suppose it is), then I think the proposed rule No.5 will be most excellent,
 “ and a great boon to a deserving and industrious class:— But patches how-
 “ ever small, in the hands of Baluch paupers who neither cultivate themselves
 “ nor assist any one else in cultivating, but just come down at harvest, and
 “ take what they can pick up in the scramble, these Jagirs I would not recom-
 “ mend to be continued be they of what size they may.

“ Regarding Rule No. 6, I should certainly prefer not to see the limitation
 “ to 50,000 bigahs made in the proclamation, because if the rule be adhered
 “ to, of granting only cultivated lands, there are not three men who will have
 “ estates over that amount in Sind, and not one whose estate will greatly
 “ exceed it, so that the limitation will exist in fact, though not laid down by
 “ law; while I think laying down the rule in direct terms would afford a
 “ handle to persons, whether Europeans or natives, opposed to this Govern-
 “ ment, to descant on grasping policy, and a determination to curtail the estates
 “ of the great Sirdars, when it is in fact the object to place landed property on
 “ a strong and permanent foundation.

“ Regarding the 7th proposed rule, I would submit that, the effect of this would
 “ be to establish the system of entails, a system which has not been found to
 “ answer in Europe, and which would, I think, be destructive of improvement
 “ in a country where every thing has to be done as in Sind. To have a landed
 “ proprietary body is, I think, most advantageous, but having once established
 “ that, I am of opinion that the rest should be left to the natural course of
 “ events. No one will sell probably as long as he is able and fit to perform the
 “ duties of a landlord, and no one will buy land except those who intend to
 “ make the most of it. It appears therefore advisable to leave an opening to
 “ enable the spendthrift who merely encumbers the land, to get rid of his
 “ estate, and replace himself by one whose industry and talent may have al-
 “ ready placed him in a fit position to perform the duties of a landlord with

* Rules 6 and 7 were finally omitted from the rules issued. In rule 5 after 'land' the words "and actually cultivate such lands with their own hands" were inserted by Sir Charles Napier afterwards.

“ effect; while the power to sell will still put off the evil day with landed
 “ proprietors to the latest moment, and give them always the greatest possi-
 “ ble chance of retrieving their affairs, because it gives them the power of
 “ mortgage, and so enables them on one part of their estates to raise money
 “ to cultivate the other. And as to questions of policy relative to the defence
 “ of the country, those who have the property will fight for it whoever they
 “ be; and none the less that they have paid for it in hard cash. The purchasers
 “ of the national domains in France at the time of the Revolution shewed by
 “ the sturdy way in which they fought for the retention of their purchases,
 “ that to make one a staunch defender of property, it is not necessary it should
 “ have come to the possessor by inheritance.

“ I would say, therefore, establish landed property on a sound basis, but
 “ having established it, take such measures as shall leave the possession in
 “ future open to all, instead of letting it stagnate in the hands of families,
 “ long after those families have fallen to decay; give the means of the tree being
 “ retained in perpetual vigour, by the clearing away the dead and rotten
 “ branches, and affording facilities for new and vigorous shoots to sprout forth
 “ in their place, a process nature unaided will carry out gradually without any
 “ destructive convulsion, if left to itself and allowed to work unimpeded. It
 “ appears to me further that this policy may be adopted with peculiar effect
 “ in Sind, where the families, an opposite course would tend to bolster up, are
 “ not the oldest but on the contrary the newest families in the country. It
 “ would further tend, as the partial abolition of entails did in England, to
 “ amalgamate the Baluch conquerors with the conquered, to do away with dis-
 “ tinctions among the people where now all are subject; and enable the Sam-
 “ mahs and other Sindi descendants of the ancient possessors of the soil, to
 “ regain by industry that position they lost by the Kalhora and Talpur
 “ swords.”

123. Sir Charles' minute on this was as follows :

“ I entirely concur in all Captain Rathborne says about entails and their
 “ results, but I do not see why the 7th rule should establish a system of entails,
 “ nor do I see why it should prevent the sale of property. It merely gives the
 “ Government the right which all other Governments possess of being heir to
 “ that which has no legal claimant. However, it has no very immediate bear-
 “ ing because Government will inevitably take such land as has no heirs.”

124. Captain Rathborne's remarks with Sir Charles' minute

Captain Goldney's opin- were sent to Captains Goldney and Preedy
 ion. for opinion. Captain Goldney considered the
 gradual extinguishing of small holdings such as those contem-
 plated by rule 5, more desirable than their continuance. He
 wrote :

“ I find Pathan families here clinging to a well or a small piece of
 “ ground insufficient to furnish them with a bare subsistence, yet making this
 “ an excuse for idleness. The subdivision of such plots will also be a continual

“ source of litigation. I am now preparing a Sanad dividing among 5 sons ½th of a well and 30 bigahs.*

“ The 6th and 7th clauses have my entire approval, and I confess that I would never willingly see any grant made ‘for life.’ ” (No. 643 dated 20th April 1847).

125. Captain Preedy stated that with regard to Rule 5, so far Captain Preedy’s opinion. as his Collectorate was concerned, “ no advantage would result from adding it in the proclamation, as with the exception of a few grants to religious mendicants, there were no Jagirs of so small an extent as 20 bigahs.” Rule 6, he thought, would give much dissatisfaction to some of the principal Jagirdars such as Khan Muhammad Talpur, Nawab Muhammad Khan, Shahdad Jamali, and others, the extent of whose Jagirs varied respectively from 95,000 to 2,99,000 bigahs, whereas not one-tenth part of this land was cultivated.† Rule 7, he thought, it was advisable to adopt. (No. 350, dated 21st April 1847).

126. The proclamation which was finally issued contained all the Rules and notes (except note 1) at page 73 as amended by Captain Rathborne, and Rule 5 of the 3 additional Rules, with the amendment mentioned in the foot-note at page 74. The proclamation was translated in Persian, and forwarded for general publication to the three Collectors on the 7th June 1847. An English copy of the Rules was also sent to each of them on the same date.

* Sir Charles’ pencil note was as follows : “ The division of small farms into minute parts is the great objection made by the advocates of large farms and large estates, but since it became the law in France to subdivide property by the abolition of the law of primogeniture, that country has flourished beyond belief, and this improvement is chiefly ascribed by the French to that law. It is known that when the heirs are too numerous to profit by the division, they make it over to one who pays the others by instalments and they apply these shares to trades or professions for subsistence. I therefore think this should be our rule with one alteration but which alteration was my intent. I only wished those poor men to hold their land in free-hold who cultivate it themselves.” This may have been true when written, but further experience showed that sub-division leads to much indebtedness among the petty holders, and the French law had to be changed so as to prevent sub-division below a certain point.

† It was doubtless after reading this opinion that, Sir Charles wrote against Rule 6, in the original draft as follows :—“ Two oppose this. I do not alter my opinion, but I will not run the risk of affronting the great Jagirdars, so I give up No. 6.”

127. On the 28th June, Captain Rathborne solicited explanation regarding two questions which had

The perpetuity intended by the proclamation not absolute but determinable on the extinction of male heirs.

arisen out of the proclamation. The first was, whether the perpetuity granted under it was to be an absolute perpetuity, capable of sale, mortgage, and transfer by will, or whether it was only a grant for lives renewable for ever so long as there should be any male heirs of the grantees existing, and incapable of transfer by sale, will, or otherwise. He thought the omission of Rule 7, implied that His Excellency intended "these grants" should be, as at first proposed, the absolute property of the "grantees." The second point was, whether Jagirs granted within 20 years of the battle of Meani, not new grants but in exchange for others, should be considered as dating from the time of the original grant, or only from the time of the last exchange. He instanced the Jagir of Ghulam Muhammad Khatian, but he was unwilling to see the Rules so recently proclaimed, altered in any way, and therefore suggested that special references should be allowed. The Secretary replied (No. 1834, dated 30th June 1847) as follows :—

" 1. It is the decision of His Excellency the Governor with reference to the proclamation.....that the perpetuity alluded to should extend only until male heirs are extinct when the Jagirs would revert to Government.

" 2. In reference to the second point you refer to, His Excellency agrees with you that, the rule relating to Jagirs of 20 years' standing should remain as it is, future cases being made, when called for, subjects for special reference by Collectors."

This reply was circulated to the other Collectors, for their information and guidance.

128. The object of the proclamation was two-fold, to secure the attachment of the Baluch Chiefs and

Object of the new regulations according to Sir Charles.

the old nobility, by giving them a hereditary title, and at the same time to liberate large areas of waste which they could not cultivate, for the purpose of creating a class of agriculturists holding direct from

the Government. "My motives for this step" *wrote Sir Charles Napier "are that a host of poor ryots, hitherto slaves, not only "to the Amirs but to the Jagirdars will be enfranchised, and "enabled to live in comfort, if industrious ; and I know that the "nobles can never be good or contented subjects, unless we give "them public employment, and honour them. When civiliza- "tion advances, they will, under this system, find themselves "rich, and they will embark in mercantile pursuits and agri- "cultural improvements, because they will find their property "safe, and need not, as heretofore, make themselves formidable "as Military Chiefs to retain it. But had I left them in posses- "sion of their enormous Jagirs, and their military tenures, and "their royalties, they would have always been dangerous sub- "jects. We have now put them down as Military Chieftains, "and we can keep them down because of their semi-barbarism ; "but, hereafter, we should find it very difficult to deal with their "more civilized sons, if they continued to hold such immense tracts "of land, which advancing civilization will change from wastes "to fruitful possessions. Even under my system they will "become very powerful, but I have established a counter check "by opening a way to raise a race of independent farmers "attached to the Government. This is all I can now do for "Sind and its fine people."

129. The new Rules made no provision for the transfer of shares, although it appears from the Secretary's letter No. 1337, dated 17th May 1847, to the Collector of Haidarabad, that such transfer was allowed if executed in the presence of the Collector. The case which elicited this remark, however, was that of three brothers transferring their shares to a fourth brother.

Transfer of shares exe-
cuted in the presence of
the Collector allowed.

* *Vide.*—Sir William Napier's "Administration of Sind," Page 336,

130. On the 2nd of July, Captain Rathborne suggested the introduction of a compulsory registry by Jagirdars of all births of their male children, in the Collector's office to prevent fraud on the part of supposititious heirs, as the perpetuity granted under the new Rules only extended to the period during which there might remain heirs male of the grantee. Sir Charles' reply cannot be traced in the files. The proposal of Captain Rathborne however, deserves mention, as it was probably the origin of the register of heirs afterwards taken in hand by Major Goldsmid.

131. The petty sharers in Jagirs still continued to give trouble. Such sharers often omitted to report the decease of their co-sharers holding on military service, or of those who had made no Salam. "The only remedy for this" wrote Captain Rathborne (No. 546, dated 29th June 1847) "that strikes me is to affix so heavy a penalty to this species of fraud, on discovery, as might be calculated to deter sharers in Jagirs from attempting it." Sir Charles accordingly laid down (No. 1903, dated 5th July 1847) that on Jagirdars omitting to report the decease of joint sharers in their Jagirs, the whole Jagir should lapse to Government. He then invited Captain Rathborne's opinion "as to what time after the decease of the parties should be fixed within which the above report should be made." He also thought that rewards should be offered to informers in these cases.

Reward to be offered to informers. Captain Rathborne on the 8th July 1847, (No. 581) recommended 6 months as an equitable limit, and thought the reward "might be fixed at a percentage of the amount recovered through the instrumentality of the informer to Government," and that taking the analogy of the reward given on the discovery of debts due to the late Amirs, it should be 12 per cent.

132. On receiving this reply, the Secretary forwarded the corres-

pondence to the other Collectors, and issued the following Circular dated 12th July 1847.

“ His Excellency has decided that when Jagirdars shall omit to report
 Rule issued by Sir Charles. “ the deaths of sharers in the Jagirs within six months
 “ of such death, without assigning good reason for
 “ such omission, the whole Jagir shall revert to
 “ Government, and any party giving information by which such omission
 “ having taken place may be proved, shall receive as reward 12 per cent. on
 “ the amount for one year so reverting to Government.”

133. On the 3rd August, Captain Rathborne asked, “ whether
 Penalty for falsification of boundaries and inclusion of Ryoti land. “ any and if so what punishment should be
 “ awarded to Jagirdars, who having a Sanad
 “ for a certain area of ground which has
 “ been measured out to them or a certain town land unmeasured,
 “ afterwards falsify the boundaries and include large portions
 “ of Government Ryoti land within them.” He wrote :—

“ The amount of fraud practised in this way is almost beyond conception.
 “ To cheat Government in the matter of Jagirs by every means in their
 “ power, whether by bribery of Kardars or subornation of perjury by the
 “ Zamindars, seems by the Jagirdars of Sind to be hardly looked upon as
 “ criminal. But this system of morality, or immorality rather, absolutely
 “ requires a check and a strong one, or there will be no possibility of protecting
 “ the rights of Government from the most serious encroachments, in a country,
 “ where as in this, about $\frac{2}{3}$ ths of the cultivated land is in Jagir.”

He then cited several telling instances of fraud, and stated that as he had no funds at his disposal to pay measurers to go out every year and check encroachments, the penalty of resuming double the land encroached upon, should be fixed and rewards allowed to informers.

134. The Secretary replied as follows
 Sir Charles' Rule on the subject. (No. 2224, dated 27th August—

“ His Excellency the Governor requests that you will give all publicity in
 “ your Collectorate that should it be hereafter discovered that, any Jagirdar
 “ shall include Government Ryoti land within his Jagir, land shall be con-
 “ fiscated from his Jagirs to double the amount of that he has thus fraudu-
 “ lently appropriated.

“ This mild punishment His Excellency agrees to, in the first instance,
 “ but should it be found that the above malpractice is still continued, more
 “ serious steps will be adopted.

“ With the view to aid in the discovery of such malpractices, a reward
 “ will be given to those parties instrumental in the detection of such frauds
 “ to the extent of 12 per cent. on the first year’s rent of the land so recovered
 “ by you.

“ This will be considered a standing order and should be entered in
 “ the Civil Order book.”

135. On the 1st of September Captain Rathborne, brought two
 important questions to the Governor’s notice
 and solicited his instructions. These arose
 out of the case of Mir Jahan Khan Talpur,
 who had run inextricably into debt, and
 were as follows :—

Are Jagirs liable to be
 attached for debt ? What
 relief should be given to
 indebted Jagirdars.

(1). “ Are the Jagirs which the Government has accorded for the sub-
 “ sistence of the Baluch Sirdars and their retainers, liable to be attached for
 “ debt. * ”

(2). “ When a Baluch Sirdar has altogether out-run his means what is
 “ to be done.”

136. As regards the first point, Captain Rathborne stated that
 Jagirs were not liable to attachment under
 the Amirs, or under the feudal system, and
 that the result of now holding them so liable,
 would be to throw the Jagirs into the hands of money-lenders, while
 to allow their mortgage but not their sale would be to create
 “ pauper landlords without the remedy, transfer by sale provides.”
 On the next point Captain Rathborne thought the policy of im-
 prisoning any one for debt was doubtful, “ unless to compel him
 “ to give up hidden property,” that the incarceration of a Talpur
 of the rank of Jahan Khan would be a very extreme measure,
 that the greedy grasping creditors were no better than the reck-
 less extravagant borrowers, but that nevertheless “ there must be
 some check to people getting into debt.” “ My own idea is,” he
 continued, “ that the best way in cases of this kind would be to
 “ leave the Jagirdar’s person free, attach any personal property
 “ he might have, and place his Jagirs in the hands of trustees

Captain Rathborne’s
 views on the question.

* This question had been previously raised though in another form by Captain
 Preedy on the 5th of June, in connection with Bhawal Khan’s Jagir in the Sehwan
 Division.

“appointed by the Collector, then out of the produce of those
 “Jagirs, award him what might appear a sufficiency for his
 “maintenance annually, and apply the surplus, be it great or
 “small, for the liquidation of his debts, warning all that any who
 “lent him money afterwards, would infallibly lose it.”

137. The Secretary, on the 6th September, replied on the first point
 Sir Charles' decision. that, “Jagir land accorded by Government
 “to Baluch Sirdars cannot be attached on account of the debts
 “due by those Sirdars,” and on the second, that His Excellency
 entirely coincided in opinion with Captain Rathborne as to the
 best mode of proceeding “against Baluch Sirdars who like Mir
 “Jahan Khan have altogether out-run their means.”

138. This order was the basis for the rules framed by Sir Bartle
 Frere on the same subject, and is the first
 Further origin of rules and regulations on the subject. link in the chain of remedial measures
 adopted for the relief of Jagirdars which cul-
 minated in the Sind Incumbered Estates Act of 1876.

139. It now only remains to state Sir Charles Napier's views on
 Succession to Jagirs. the question of succession to Jagirs. He
 had previously ruled that distant or collateral heirs should not be
 allowed to succeed to Jagirs; and on the 30th June 1847, he
 had further ruled that so long as a Jagirdar's male heirs were alive,
 no hereditary Jagir should lapse to Government. But only 5
 days later we find the Secretary inviting the Collectors' opinions
 “relative to female heirs succeeding to Jagirs of deceased Jagir-
 “dars in Sind in like manner as heirs male direct are now per-
 “mitted to do.” “His Excellency,” he informed them, “is of
 “opinion that no difference should exist on this point between the
 “rights of heirs male and female.” This question was not
 definitely settled by Sir Charles, as he retired from the Govern-
 ment in the end of September 1847. But the correspondence be-
 sides showing his opinion regarding succession to Jagirs, indicates
 the object and reason of the clause afterwards inserted in all Sanads
 issued to hereditary Jagirdars limiting their succession to their
 male heirs, and the principles upon which the Government has

generally acted, of awarding pensions and subsistence allowances to the female members of the family of a Jagirdar dying without lineal male issue, and is on this account instructive.

140. The Secretary's letter elicited the following reply from Captain Rathborne (No. 589, dated 8th July 1847).

"I am of opinion that it would be desirable to admit female descendants
 Captain Rathborne on female succession. "to inherit the Jagirs of those who earn a title to
 "of their waste lands during life time ;* but in respect of those who decline
 "the consideration of Government by the surrender
 "to make this sacrifice, if sacrifice it can be called,
 *Sir Charles' noted on this. "I think it would be very inexpedient to grant
 "Of course no one is to get "them any more absolute property in their lands
 "his or her title without the "surrender of waste lands." "than they possess at present, that is a tenure during
 (Signed) C. N. "good behaviour and revertible to Government on
 "the failure of heirs male.

"It is of the utmost importance to the interests of Government that the
 "uncultivated land should be surrendered as early as possible, and I think it
 "therefore most desirable to connect every new boon granted to Jagirdars in
 "Sind with the condition on their part of acceding to the new arrangements
 "in respect of such lands. Those who prefer to keep to the old tenure for its
 "advantages should be made to submit to its disadvantages too. I would
 "not allow Jagirdars to combine the profits and sweets of the new and old
 "system, and leave to Government only the loss and disadvantages attending
 "both."

141. Captain Preedy wrote as follows. (No. 655, dated 9th July
 Captain Preedy on female succession. 1847). The marginal annotations are those
 made by Sir Charles Napier:

"It is so contrary to the customs and ideas of Asiatics that females
 "should inherit property in the manner
 *(a) "I would have no "heirs male direct." "proposed *(a) that I am of opinion
 "I would make the father to leave his estate "were such a regulation to be intro-
 "to all his children equally obliging him to "duced, the majority of our Jagirdars
 "divide it." "would consider that we had injured
 *(b) "Mahomet's wife Cadijha was an heiress. "rather than conferred a benefit upon
 "The widow Soomroo was an heiress. I cannot "them.
 "think it contrary to the Law. However
 "show the Law, it can be ascertained. But
 "we are not all Mahomedans."
 "Supposing their daughters *(b)
 "to be married, they would, in the
 "absence of male heirs, be most thankful if their sons-in-law were permitted
 "to inherit their Jagirs,* (c) but if their
 "daughters were unmarried most of
 "them would prefer that their male
 "relations in the remotest degree* (c)
 *(c) "I am clear for both Hindoos and
 "Mahomedans leaving their Estates divided
 "among their children."

"should inherit their property in preference to such unmarried daughters.* (d)

*(d) "This is an assertion and contrary to the usual tendency of human nature. I am sure the law of the Code Napoleon should be ours. It is universally approved of, I believe. I think it divides the estate equally among the children.

"Since writing the above I have heard that the Code Napoleon divides the estates among all the children. I was sure of this because I had in my own person experience of it. The law of primogeniture was done away with in France, and the country has flourished far better ever since."

(Signed) C. N.

Captain Goldney on female succession.

142. Captain Goldney's opinion was as follows—(No. 1043, dated 12th July 1847).

"I beg leave with deference to state for the information of His Excellency the Governor of Sind, my opinion that female heirs should not succeed to Jagirs of their fathers deceased.

"By the Mussulman Law* (a) a daughter is entitled to only half the share of a son. This would point to our resuming one half the Jagirs where no son survives.

*(a) "This Law does not apply. If there be a son, he inherits unless the father chooses to leave it away from the son; for I will have nothing to say to the law of primogeniture which I think bad.

"property, is compelled to cede the other half to her uncle, or cousin, if her father leave a brother or nephew. It is very improbable that a Mussulman will

*(b) "So much the better in my opinion.

"as above would be half alienated from the family of the original grantee.* (b)

*(c) "This is the new Law in France and has enriched the State in an extraordinary degree. To me it appears very desirable.

"of each daughter would claim the shares of their mother, the property would be frittered away until it became valueless.* (d)

*(d) "So far from becoming valueless it increases its value very much. I speak from the experience they have in France and I believe Belgium also.

"where it be ascertained that the daughters of the deceased really do require

*(e) "I would leave the whole thing to the father."

"circumstances of the case may demand.* (e)

"In the above I have assumed that the Jagirdar leaves no son, and I am informed where such was the case, the late Government sometimes, where the family was of consequence, did allow a portion of the Jagir for the support of the ladies.

"But by the same Code the daughter receiving one-half of her father's property, is compelled to cede the other half to her uncle, or cousin, if her father leave a brother or nephew. It is very improbable that a Mussulman will often die without either son, brother or nephews, and the Jagir if divided

"Again all daughters, share alike; *(c) thus the Jagir would in many instances be further subdivided; and as the sons of each daughter would claim the shares of their mother, the property would be frittered away until it became valueless.* (d)

"But I think it would be a very gracious act of Government, in cases assistance, to settle upon them for life such portion of the grant as the

"But in case of there being a son, or sons as well as daughters, I do not think the latter should succeed* (f) because the habits of the people enjoin the

* (f) "I think if we entail estates we shall ruin the country."

"to provide for them, and the present

* (g) "I do not see how it can refer to their institutions, because the Jagirs were not property by these institutions. All belonged to the Amcarr."

"support of their sisters until marriage, when of course the husbands are bound

holders of grants would prefer that the

"Jagir should be entailed on heirs male

"both with a view to the stability of the

"family and as consistent with their

"ancient institutions.* (g)

"If the daughters, where there be sons, succeeded to their shares of the

* (A) No, why should it? It does not do so in England or France.

"Jagir, they would on marriage convey

"their portions to other families causing

endless disputes and inconvenience."* (h)

143. Sir Charles did not do anything further in connection with this correspondence until the 11th of September. On that date the Secretary forwarded the above letters "with the pencil remarks of His Excellency the Governor thereon" to the Col-

Opinions invited on the above annotations.

lector of Shikarpur with a request to report upon these re-

marks, and to pass on the letters to the Collector of Haidarabad, "requesting him in like manner to send them on to the Collector of Karachi".

144. On the 19th September the Collector of Shikarpur reported as follows:—

"My opinion was stated with equal reference to the rights and interests

Captain Goldney's remarks.

"of Government, as to those of the Jagirdars, consi-

"dering that the whole machinery of the old feudal

"tenure hinges upon the forfeiture of the Jagir by

"failure of heirs male.

"The structure of European society and the position and education of women, in Europe, differs so widely from that in the East, that a father will seldom, if left to himself, divide his lands among male and female children alike. Nor with so good a result to the girls if he do so; because they are almost invariably wives at a tender age, and their habits of seclusion prevent their managing their own estates.

"As widows even, their relations assume the power of disposing of them in a second marriage, if not too old. Mahomed's wife was, I think, a richly dowered widow, no longer young; and his descendants still, by the female line, inherit not property but blood. There were three Caliphs before Ally, Mahomed's son-in-law.

“As an additional inducement to Jagirdars to surrender their waste lands, it may be advisable to confirm half the succession to female heirs, but I respectfully beg to offer my opinion, that this is as much as can be conceded with due regard to the circumstances under which the great majority of the Jagirs have been confirmed by this Government or originally granted by the former.”

“My opinion of the Jagirdars as a body forbids any hope that they would; by subdividing their lands, form a valuable and industrious body of small land holders; because at present, great or small, they usually give over their shares to contractors in preference to farming or superintending themselves.”

145. Sir Charles left Sind in the beginning of October, and it was not until October 19th, that Captain Rathborne sent his remarks. He wrote as follows :—

Captain Rathborne's remarks.

“My own recommendation as regards the indulgence of allowing Jagirs to descend to females, merely went to the extent of allowing them to descend, on certain conditions, in the event of there being no heir male.”

146. The Collector of Karachi made no remarks, but simply transmitted the original letters to the Secretary on October 27th, 1847. It does not appear from the records whether any further action was taken in regard to this subject after the departure of Sir Charles Napier.

Close of correspondence.

Revision of Jagir lists by Captain Stack.

147. Before Sir Charles left, the Jagir lists in the Haiderabad Collectorate had been considerably revised.

148. As early as March 1846, Captain Stack had been directed by Captain Rathborne, to perform this task in addition to his other Revenue and judicial duties. Between that date and September 1847, Captain Stack went over 185 cases of Jagir grants under which 28,28,624 bigahs of land were alienated. In the settlement of these cases 20,81,700 Bigahs were regranted or continued to 469 individuals, generally on new Sanads sealed and signed by Sir Charles Napier, which showed exactly the quantity of land held by each individual sharer. 7,46,924 bigahs were during this investigation recovered on account of Government.

Its results.

149. This revision was carried on in the following manner. Captain Stack prepared a memo. of each case after going over all the back grants and Sanads relating to the family, and obtaining information on requisite points from the local officers in the districts where the lands lay, or *viva voce* from any person he

Its method.

thought it necessary to summon. This memo. he laid personally before the Collector, who then gave his verbal orders regarding it. New Sanads when required were forwarded to Sir Charles Napier, with a letter which merely detailed the settlement come to in the case, but to it were attached the original Sanads of the Amirs, showing the grants to the family and any other documents bearing on this point. The new Sanads were generally sealed and returned without question, the Governor being either satisfied from an examination in the office of the Secretary of the documents accompanying them, that the decision was rightly come to, or trusting to the officers who, he knew, had enquired into the case.

150. In addition to the investigating into particular cases and settling the shares of different individuals in joint holdings made necessary by the direction issued by Sir Charles in his No. 931, dated 22nd April 1846, to the effect that separate Sanads

Rolls prepared.

should be made out for each of the sharers in a common grant, rolls of all Jagirs were in the Haidarabad District during this period made in Persian and English, the quantity of land held by each grantee was ascertained or estimated, and a system of report in cases of casualty brought into use. No attempt was, however, as yet made to value the alienated land, as the small establishment allowed to Captain Stack had no leisure for such a work, without giving up what was at that time a more important duty, the investigating the correctness of the different claims. (Stack's report to the Commissioner No. 10, dated 22nd February 1853).

151. The measurement of Jagirs had not been neglected during Sir Charles' administration. A great portion of the Jagir land had been measured in the Mirs' time, specially the portion situated in Mir Nasir Khan's share of the country. In the Karachi Collectorate, Captain Preedy had employed native measurers in 1845-46, and nearly completed the measurement of Jagirs. On all regrants of Jagirs measurements were scrupulously made—the bigah used being that which had been employed in first granting them. There was, however, no regular survey on scientific principles.*

152. The internal economy of Jagirs was not much disturbed by the Revenue Regulations introduced by Sir Charles Napier. The shares of produce enjoyed by Jagirdars were those prevailing in the Mirs' time.† The Jagirdar, according to Captain Rathborne, was “not the owner of the land, but only the representative of Government in its revenue rights as regards the land in question.” He was, however, at liberty to make his own arrangements and fix his own terms for the cultivation of waste land.

* Vide Collectors' replies to Mr. Pringle's queries referred to in the next Section.

† In the Mirs' time cash rents were taken on “vegetable and garden ground and sugar-cane fields” which were called ‘Dhal ka Zamin.’ On other lands the Government share was generally taken in kind, either by way of Batai (division of crops) or by way of Kasagi (i.e., by the levy of a fixed number of Kasas (a grain measure) per bigah.) The limits of the demands of Government officers were fixed by the Rakab or Pargana rent-rate, furnished to every Pargana at the Batai season and drawn out according to ancient usage and accounts;—but a host of unauthorized exactions were levied under the general name of ‘Batai Kalam.’ In Chanduka where the old Hindu land tenures appear to have prevailed, tenants were allowed to commute Kasagi into cash rents on the basis of the average price of corn for a given period.

SECTION III.

**JAGIR INQUIRY UNDER MR. PRINGLE,
OCTOBER 1847—JANUARY 1851.**

153. Sir Charles Napier left Karachi on the 1st October 1847, and on this date Mr. Pringle took over charge of the Civil Administration of Sind.

Departure of Sir Charles Napier.

154. On the 18th September 1846, the Governor General had recommended to the Court of Directors that after the retirement of Sir Charles Napier, Sind should be annexed to the Bombay Presidency, and placed under a Commissioner, and this recommendation had been adopted. The ablest Civilian in the Presidency was to be appointed to this post, and the selection of the Bombay Government fell upon Mr. Pringle, their Chief Secretary.

Annexation of Sind to the Bombay Presidency and the appointment of Mr. Pringle as Commissioner.

155. His instructions were: "1st, to conduct the Government on Mr. Pringle's instructions. "its present footing, and 2ndly, to collect "the fullest possible information relative to the present condition of the Province, and the system of Administration now in "force, to serve as a guide in hereafter determining on the future "plan of Government."* The Governor General having requested the Governor of Bombay to pay a visit to Sind, after its annexation to the Bombay Presidency, Mr. Pringle was further directed to obtain, in the first instance, information upon all important points of Administration "in such a general way as "would supply the Hon'ble the Governor of Bombay with sufficient data to form a judgment respecting them" during his visit.

* Letter of Bombay Government No. 3462, dated 15th September 1847.

156. Mr. Pringle accordingly utilized the time during which he was Sir Charles Napier's guest, before taking over charge, to obtain as much information as he could regarding the Revenue of Sind, the administration of Civil and Criminal Justice, Police, Political affairs, Finance, and Appointments, and embodied it in a letter which he submitted to the Bombay Government on the very day he assumed charge of the Province. In this hastily-prepared document he stated *inter alia* with regard to Jagirs that there was a considerable quantity of land under life alienation, but little under hereditary alienation. "The grants," he added, "are almost entirely personal, few or none religious or charitable, and none for district or village service. There are no money assignments on the revenue."

157. He was however himself aware that this was a very superficial view of the question, so in order to collect detailed and exact information he drew up sets of queries which were forwarded to the Collectors on October 9th. But as full details have been given with regard to the Jagir system under Sir Charles Napier, the Collectors' replies need not be here summarised.

158. From a petition sent by Pir Makhdum Ganj Bakhsh the Commissioner first learned that, in the Shikarpur District, Jagirdars were liable "for a proportion of the expenses of the Establishment kept up by Government for the management of the districts in which the grant lay." Captain Goldney in his No. 1538, dated 31st October affirmed the existence of this practice, and stated that as the Jagirdars were exempt from Military duty this was a light impost.

159. On the 22nd of December, Mr. Pringle inquired whether the same practice prevailed in the other Collectorates.

Captain Preedy replied in the negative, while Captain Rathborne wrote as follows :—

“ In the Mirs’ time no such charge as that spoken of by the Collector of Shikarpur was made, and till the new Revenue Regulation* came out, our instructions were to follow the customs of the Mirs’ time. In the new Revenue Regulation the pay of Parganah Establishment was directed to be provided for by a percentage levied in addition to the assessment, and obviously therefore there was nothing to charge under them on lands whereon no assessment was levied.”

Mr. Pringle therefore wrote to the Collector of Shikarpur to discontinue the practice (No. 12 dated 3rd January 1848).

160. On the 31st December 1847, Mr. Pringle forwarded all the information† he had collected with a report of his own to the Bombay Government. In the 9th paragraph of this report Mr. Pringle dealt with alienated land, in Jagir, which he said was estimated at about $\frac{1}{10}$ th of the Government land, but only a small proportion of which was cultivated. He wrote:—

Mr. Pringle’s second report on Jagirs and his suggestions.

“ The alienations were chiefly for Civil or Military service, and in form are resumable at pleasure. Practically, however, a considerable portion of them held by families or individuals entitled to consideration were granted wholly or partially to their heirs, and this practice has been continued‡ since we got the country, at the discretion of the Government. All who made their submission within a given date were admitted to an investigation of their titles, which has been accomplished in regard to most of them, and their rights settled according to the result. It would be desirable now to fix a definite period beyond which no further investigation into titles, &c., could be gone into, except under special and peculiar circumstances. I should anticipate that a large portion of the alienated land would eventually revert to Government, but the right of resumption should be exercised with caution and consideration.”

161. It may be here noted that the resumption of grants in lieu of pay for service on the death of the parties went on as usual after Sir Charles Napier’s departure. As early as October 30th, Captain

Practice under Sir Charles Napier still continued.

* No. 24 of March 1846, issued by Sir Charles.

† This is all to be found in a bound file called “ Commissioner’s Report on the condition and mode of Administration in Sind.”

‡ In his No. 402, dated 22nd April 1850, Captain Rathborne said “ Jagirs granted to Sirdars on the implied terms of Military service generally are not resumable, only the shares of troops and followers disbanded are resumable.”

Rathborne had inquired whether the cases as they occurred should be specially reported, or the resumptions made as before, as a matter of course, and Mr. Pringle had replied (No. 3325, dated November 4th, 1847) : “ The practice in force under the “ Government of Sir Charles Napier may until further orders “ be continued.”

162. On the 12th of January 1848, the Collector of Shikarpur referring to Sir Charles’ letter No. 215 dated 30th January 1846, wrote as follows “ I have “ hitherto called on grantees to furnish mount “ ed men during the canal clearances, such “ being absolutely required to keep the work- “ men together, and also to communicate with the various works “ under the Executive Canal Officer. The levy of these horsemen “ is a legitimate imposition, and looking at the original tenures “ of their grants an appropriate one.” He laid great stress on the benefit derived by the Jagirdars themselves from such contributions, and asked whether they should be continued.

Mr. Pringle abolishes the practice in the Shikarpur Collectorate, of exacting horsemen from Jagirdars for supervising canal clearances.

163. Mr. Pringle on the 19th January 1848 (No. 127) pointed out that Sir Charles’ order only sanctioned the levy of 8 horsemen, and that the relinquishment of these could not occasion any great inconvenience. “ As it is not fitting” he continued “ that “ Jagir holders should be subject to any demands in your Collec- “ torate that are not in force in the rest of the Province, “ the requisition for the purpose referred to in your letter should “ be discontinued.”

164. On the 7th of February, the Collector of Haidarabad in his No. 144 inquired whether remissions should not be granted to Jagirdars liable to pay two annas a bigah in case of heavy casualties. Mr. Pringle, in his reply No. 677 dated the 17th of March considered the quit rent very moderate, and presumed that the profits of ordinary years at such a rate would

Remissions to be allowed to Jagirdars paying *Duanagi* under certain circumstances.—

cover any losses in those which were less favorable. He, however, wrote :—

“ But viewing the moderateness of the rate rather as a concession to the heirs of the Jagirdars, with a view to reconciling them to the payment of assessment on the land, and mitigating what might appear to them the harshness of a rigid enforcement of the right of resumption to its full extent, the Commissioner is disposed to adopt your recommendation, and therefore authorizes you to grant remissions in seasons when the land is totally unproductive, to the extent to which it is held to be productive in rating the assessment for ordinary seasons.”

This reply was circulated to all the other Collectors for guidance.

165. On the 10th of March Captain Stack while absent on leave Capt. Stack's Memorandum. at Bombay drew up at the request of the Bombay Government a long memorandum regarding the Sind Jagirs. This memorandum which has already been frequently quoted formed the basis of the Jagir inquiry later on. It is here only necessary to extract two paragraphs, Nos. 23 and 24, which show why the settlement offered by Sir Charles Napier in 1847 was not accepted by the Jagirdars.

“ It will be remarked that in this offer, the present holders (unless in Why Sir Charles' proposed settlement was not accepted. “ the cases of regrant from casualty since the war, “ that is, those now paying $\frac{1}{4}$ share) gain nothing. “ The profit is prospective to their heirs, who would “ all have a more permanent title to the land, and when their lands come “ under the 1st class, would get off the payment of the two annas a bigah rent. “ Up to the time I left Haidarabad (21st February last) no individual had “ accepted the offer, though in two or three instances it had been under discussion. One was that of the largest Jagirdar in the Haidarabad Collectorate, Mir Ali Bakhsh Talpur Shahwani. He has nearly $4\frac{1}{2}$ lacs of bigahs “ of Jagir, is the head of one of the Four Great Families, and as he has now to “ pay $\frac{1}{4}$ share, his father having been killed at the battle of Meani, he would “ gain directly and indirectly by accepting the new terms offered.

“ The proclamation offering the new terms states that no waste lands “ will be hereafter regranted on any terms to sons, &c., that is land not cultivated “ must revert to the State on the death of the present holder. But since the “ proclamation, though many sharers in Jagirs in the Haidarabad Collectorate have died, and many Jagir cases have been settled, there has been “ no instance of a regrant to sons. The Jagirs were all of the smaller kind, “ given instead of pay and therefore not regrantable. It is possible that if the “ Baluchis saw the uncultivated lands taken from the sons of their brethren, “ and the sons obliged to pay in addition two annas per bigah on what was “ left, they might be more ready to accept the offer.”

166. Shortly after this memorandum was written, the Nizamani

The Nizamani express their wish to accept the settlement.

tribe "the most influential after the Talpur tribe in Sind" begged to be admitted to the benefit of this settlement, (*vide* Captain Rath-

borne's No. 458, dated 17th April 1848,) and, according to the same authority, others did not come forward, "because that offer not having been accepted it was believed that Government was no longer prepared to grant perpetuities on the terms proposed." (Captain Rathborne's No. 402, dated 2nd April 1850, para. 15).

167. It was in the month of April that Sir George Clerk, Governor

Sir George Clerk's visit to Sind and his minute.

of Bombay, paid a visit to Sind. On the 24th April His Excellency drew up a long minute in which he devoted 20 paragraphs (11 to 29)

to the Jagir system in Sind. As these paragraphs were afterwards embodied on an official letter No. 4205, from the Government of Bombay in October 11th, 1848, which will be found quoted in extenso further on (pages 96 to 102), it is unnecessary to reproduce them in this place.

Jagirs granted as provisions for families not chargeable with debts beyond the life of the grantee.

168. On the 13th of July, the Secretary to the Bombay Government issued the following Circular in the Political Department to the Commissioner.

"I am directed by the Right Honourable the Governor in Council to inform you that in the case of grants by Government of Jagirs as provisions for families, existing incumbents will be held incapable of charging the estates with debts beyond their own lives, whether they revert to the State or to individuals."

This Circular was communicated to the three Collectors and the Judge Advocate General, Civil Department, on the 28th of July.

169. On the 9th of September the Government of Bombay transmitted to the Commissioner copy of a

Doubts regarding legal annexation of Sind to the Bombay Presidency set at rest. Bombay Regulations however declared not applicable to Sind.

despatch No. 3 dated 21st June 1848, in the Legislative Department from the Court of Directors to the Government of India, in which they ruled that the fact of a province

being made subject to a Presidency was the only mode of annexing it, that no formal declaration was necessary, and that Sind therefore had been legally annexed to the Bombay Presidency. In the last para., the Directors answered the question put by the Government of India as to whether the regulations in force in the Bombay Presidency were by the annexation of Sind extended to that Province. "We have no hesitation" they wrote "in expressing our opinion that the regulations of a Presidency are not necessarily applicable to any Province newly annexed to it; at what period and to what extent they may be so applied is in the discretion of the Government. The general tenor of our instructions, with reference to recently acquired provinces, shows that we consider it inexpedient to apply to them indiscriminately and without measures of a preparatory nature, a system of administration adopted to countries which have long enjoyed the advantages of regular Government."

170 On the same date the Government of India in their No. 38, Secret Department, communicated their general approval of the views set forth in Sir George Clerk's minute to the Bombay Government, and requested them to proceed forthwith to institute the various enquiries therein recommended, and to organize such a system of administration as might appear best adopted to the condition of the Province.

171. A copy of the letter of the Government of India was sent to the Commissioner on the 11th October with a letter No. 4204 by the Bombay Government, who also on the same date addressed the following important letter to the Commissioner :—

Bombay Government
give instructions for such
enquiry.

No. 4205 OF 1848.

From

A. MALET, ESQUIRE,

Chief Secretary to Government, Bombay.

To

R. K. PRINGLE, ESQUIRE,

Commissioner in Sind.

POLITICAL DEPARTMENT.

Dated Bombay, 11th October 1848.

“ In continuation of my letter of this date No. 4204, I am directed by
 “ the Right Honourable the Governor in Council to communicate to you such
 “ observations and instructions as appear to be called for, with reference to
 “ your communication of the 31st December last, No. 3880, on the administra-
 “ tion of the affairs of Sind.

2. “ In the 9th para. of your letter it is stated, that ‘ the land alienated in
 “ Jagir is estimated at about $\frac{1}{10}$ th of the Government land.’ This appears to
 “ Government to be a very loose estimate, but even if any approximation to the
 “ actual extent of Jagirs as compared with Government land had been made,
 “ still such approximation would, by no means, have enabled Government to

Exact information as to
 the extent and value of alie-
 nated land necessary.

“ judge of their relative value, since in Sind, this not
 “ only depends on the absolute quality of the lands
 “ themselves (culturable, rocky, or desert), but on the
 “ facility with which they can be touched by the waters
 “ of the Indus or its offsets. From appendix B accompanying your letter of
 “ the 31st December last, it appears that Captain Rathborne, the Collector of
 “ Haidarabad, estimates about forty per cent. of the cultivated land in his Col-
 “ lectorate, to be Jagir.

3. “ If this estimate be correct, and applicable to the other Collectorates in
 “ Sind, it will be requisite that you should correctly ascertain: 1st, the circum-

Under what circumstances
 alienations recognized and
 how many likely to be per-
 manent.

“ stances under which these alienations subsequent to
 “ the conquest of that province, have been recognized
 “ by the British Government, 2ndly, what portion of
 “ them is likely to be permanently alienated from the
 “ State, and 3rdly, the circumstances under, and the
 “ mode in which the remainder will hereafter form a portion of State revenues.

4. “ It would appear that under the general term ‘ Jagir,’ as used by
 “ authorities in Sind, grants are included, which in other countries have each
 “ a name peculiar to, and denoting, the object for which it has been made.

Various meanings of
 “ Jagir ” in Sind.

“ Hence in Sind the chief who was required to muster
 “ his thousands of armed retainers, the Civil Officer
 “ who was paid in land for the performance of public
 “ duties, the pensioned devotee, the menial who enjoyed his land for domestic
 “ services, and the courtier who in the freak of the moment obtained a grant,
 “ were all enrolled under the name of Jagirdar.

5. "On the conquest of Sind all alienated lands were confirmed to those who, within a given period, tendered their submission, whatever the object or origin of the grants may have been, and the holders were relieved from all conditions or expenditure attached to the tenure, and not only were the chiefs allowed to dispense with furnishing armed retainers for service, but in the extensive tracts comprised in the Jagirs over which their jurisdiction extended, Government voluntarily undertook the burden of Police management and the administration of Civil and Criminal justice. It is stated in your report of the 1st October No. 2408 of 1847, that no lists on which entire dependence can be placed, were taken of these Jagirdars at the time, but that 'their names were hastily' taken down by Sir Charles Napier's Munshi. If the Munshi alluded to was Akbarali, and the memorandum was left for any time in his possession, the entries in it cannot, in the opinion of Government, be considered trustworthy.

6. "The lands which were held in lieu of pay by the Civil Officers of the former Government, appear to have been continued to them without any service whatever being required in return, and in cases where parties holding such grants have been employed by Government, they have been paid in grain or cash to the same extent as they would have been entitled, if they had not enjoyed those lands.

7. "Major Goldney who from September 1845, has held the appointment of Collector of Shikarpur, and from the July preceding had been employed as a revenue officer in Sind, has in Appendix B to your report of the 31st December last, submitted a set of rules according to which, as he states, the Jagirs in his Collectorate have been dealt with. In reference, however, to these rules you observe in the 9th para. of your report: "this I am led to believe is rather what was under consideration than what has been actually introduced," and you also state that the investigation of the titles of most of the Jagirdars has been made and their rights settled.

"With reference to this intimation, you are requested to state: 1st, on what principles and by what rules this settlement has been made? 2ndly, what steps have been adopted for carrying out those principles and rules? and 3rdly whether the arrangement finally determined on was carried out in such a manner as to satisfy the people that it was determined on not from any avidity on the part of Government for new acquisitions, but in vindication alone of its own just and lawful rights? Government considers that these points embrace subjects of the utmost importance, and you are requested to furnish the above information at your earliest convenience.

8. "Sir George Clerk when in Sind in the early part of the present year, was, in reply to a call which he directed to be made upon your Assistant,

" Captain Brown, as to the general principles which have guided the several

No defined regulations framed by Sir Charles Napier. " Collectors in their mode of procedure, informed, " that no defined regulations were framed by Sir Charles Napier. Captain Brown, however at the same time, furnished a few extracts from some cor-

" respondence which had passed on the subject, and from these, elucidated by " enquiries made from Lieutenant Stack, an intelligent Deputy Collector

Rules and practice under Sir Charles Napier according to Government.

" employed on Jagir settlements in the Haidarabad

" Collectorate, it appeared that the following rules

" have from time to time, been in force in Sind.

" Some of these rules being deducible from practice,

" others having been formally established.

1. " In cases, in which it could be traced that, lands had been granted

" conditional on the keeping up armed followers, a

Rule regarding land granted for keeping up armed followers or for personal military and civil services.

" resumption was at once made proportionate to the

" quantity which had been assigned for the support

" of those followers, except in cases in which the

" names of the followers were ascertainable from the

" records, when these portions of land were continued to them for life, all

" Jagirs which had been granted as pay for personal, military, and Civil services,

" being resumable at the death of present incumbents.

2ndly. " That until about the close of the year 1845, on the succession of the

" first heir to any Jagir held hereditarily, however

Imposition of chowth on regnant.

" ancient the grant, and over and above the deduction

" already made on account of military retainers, a tax

" in perpetuity of one-fourth of the Jagirdar's revenue from the remaining

" estate was imposed.

3rdly. " From the close of the year 1845, and up to March 1847, the rule for

" the exaction of the $\frac{1}{4}$ of the Jagirdar's revenue

Its substitution by Duanagi.

" ceased, and in lieu thereof a tax of two annas a

" bigah was imposed on the whole of the lands com-

" prised in Jagir, unless the incumbent preferred abandoning a portion of the

" estate, and

" Lastly—Subsequently to March 1847 the last mentioned rule has been

Resumption of waste land.

" abrogated, it having been determined that on all

" future demises, a tax of two annas per bigah should

" be exacted on the cultivated and fallow in rotation, and that the uncul-

" tivated and waste lands should be wholly resumed.

9. " These rules it would seem are held to be applicable not only to Jagirs

" where the tenure is vested in one person, but also to

The above rules applicable to fractional shares of Jagira.

" all fractional shares of a Jagir where the partners

" are several. Thus one share of a Jagir held as a

" joint estate may on the demise of the partner, either lapse to Government,

" or be continued to his heir, subject to the tax of one-fourth, or be subject to

" the imposition of two annas a bigah on cultivated, fallow, uncultivated, and

" waste, or the uncultivated and waste portions may be resumed, and the

" balance continued, subject to the tax of two annas a bigah; these conditions

" varying with the time at which the demise may have taken place.

10. "The practical working of this system is exemplified in the following
 Remarks on the practical "imaginary case of Jagir held hereditarily and in
 working of the rules. Their "equal portions by A, B, C, and D. D died before
 vexatiousness. "the close of the year 1845, of his share of the annual
 "revenues, $\frac{1}{4}$ th is to be taken as a tax. As however, divisions of land among the
 "co-partners in a Jagir were not recognised, the realization of the tax on D's
 "fourth share is ensured by Government officials proceeding annually to take
 "summary possession of the whole of the grain produced in the Jagir, in order
 "that they may recover therefrom, the one-sixteenth of the Jagirdar's
 "share (say one-sixteenth of a third or fourth of the gross produce) which has
 "become the property of Government, and as if this vexatious procedure were
 "deemed insufficient, not only is the heir of D compelled, but A B and C also,
 "to bear relative proportions of the expense attendant on the sequestration and
 "partition by Government of the whole of the crops.

11. "The above arrangement, it however appears, has been intended to be
 Their stringency. "adopted as a temporary expedient only, it being
 "contemplated that eventually the one-sixteenth
 "share shall be obtained by measuring off a quantity
 "of land. When, however, it is remembered, that the position of the land, with
 "reference to the banks of the river Indus and its tributary canals, and the
 "certainty or otherwise of a sufficient supply of water being obtained for
 "purposes of cultivation, are necessary elements in estimating the value of
 "the one-sixteenth, and that the actual area of the one-sixteenth may be the
 "least important of the several considerations, it seems difficult to determine
 "in what manner the subdivision can be carried through, without prejudice
 "to the interests either of Government or of the co-partners of the Jagir.

12. "Supposing however that D died subsequent to the close of the year
 Their oppressiveness. "1845, but previous to March 1847, his heir would
 "then have to pay at the rate of two annas on one
 "fourth of the gross number of bigahs contained in the
 "Jagir. The very large proportion of land, however, necessarily waste in
 "most of the Jagirs, consequent on the want of, and distance from water,
 "want of population, desert, &c., must in many instances render this two
 "anna tax heavy and oppressive. To mitigate this burden, it was conceived
 "by the authorities in Sind, to be necessary to give the Jagirdar's heir the
 "alternative of throwing up a portion and paying tax upon the remainder.
 "Here again, however, difficulties arise in the adjustment of water-supply, so
 "as to render of some value to Government the portions abandoned without
 "detracting from the value of the Jagirdar's share. Further inconveniences
 "and embarrassments naturally arise from the integrity of a Jagir, as regards
 "the boundaries being affected by the cession of isolated portions.

13. "Lastly, should D have died subsequent to March 1847, the difficulties
 Their complexity. "enumerated in para. 11 will all be found to operate
 "as rendering complex, if not impossible, the resump-
 "tion of his share of the uncultivated and waste portions.

14. "Leaving, however, out of the question, the vexation and intricacy
 Settlements not made with sufficiently extensive knowledge or liberality. "necessarily attendant on the several plans for
 "realizing the share of the Jagir or its fraction which
 "reverts to Government, His Lordship in Council is
 "not satisfied that, the settlements have been made
 "with a knowledge or liberality sufficiently extensive. There are grounds for
 "believing that in the first instance, claims were recognized with too great
 "profusion, but that subsequently the conditions of tenure have been made
 "too stringent. If to this is added the fact, that town duties and miscella-
 "neous taxes were at an after period, summarily abolished by the late Gov-
 "ernor of Sind, in Jagir estates as well as on the
 No compensation to Jagirdars for the abolition of town duties. "territories belonging to Government, and that no
 "compensation was awarded to Jagirdars for their
 "consequent loss of revenue, it is plain that the hopes
 "raised by the first measures must have subsequently merged in feelings of
 "disappointment, and a want of confidence as to the stability of any arrange-
 "ment that might be made.

15. "With reference to the offers which Sir Charles Napier made by pro-
 Failure of Sir Charles' proposals made in his proclamation of 1847. "clamation on the 24th March 1847,* with the view
 "of inducing the Jagirdars at once to relinquish all
 "their lands, which were not at the time actually
 "under cultivation, it is only necessary to observe
 "that as yet they appear not in any instance to have
 "been accepted, and that though on first perusal, the provisions of the pro-
 "clamation may appear simple, they would, in the opinion of His Lordship in
 "Council, have been found by no means easy to reduce to practice.

16. "Independently of the foregoing consideration, the Governor in Council
 Treatment of Jagirdars at first and subsequently contrasted. "entertains considerable doubt, whether, liberally as
 "the Jagirdars were in the first instance treated with
 "regard to their estates, their subsequent treatment
 "in other respects was such as to lead them to feel
 "well disposed towards the British Government.

17. "Since the British conquest of Sind the military authority of the
 Their loss of Civil, Criminal and Police powers. "Jagirdars has ceased, and Jagirdars whose power
 "under the late dynasty was practically paramount
 "within the limits of their respective Jagirs, are not
 "now permitted to exercise the smallest Civil or Police jurisdiction, the whole
 "being vested in Government.

18. "No person acquainted with orientals can entertain a doubt but that
 Their sense of degradation and their discontent in consequence. "the Jagirdars must often find themselves bearded
 "by Government subordinates, and their sense of
 "degradation cannot fail of being the more keenly
 "felt by the Jagirdars, on finding that, a portion of
 "the power of which they have been deprived, is wielded by Hindus, whom
 "but as yesterday, they held in complete subjection. Such degradation would

* The proclamation was not issued on this date—but the first draft of Sir Charles' proposals.

“ be keenly felt, were the knowledge of the above fact confined to the circle of
 “ the Jagirdar’s own family and friends, but it cannot fail of being a source of
 “ the deepest mortification to {them, when the same spectacle is exhibited
 “ before a tenantry to whom the will of the Jagirdar was law, previous to
 “ Sind passing into the possession of the British Government. The progress
 “ of our system involving as it must do, an increased delegation of power to
 “ Kardars and other native officers, will, it is feared by Government, by no
 “ means tend to diminish the discontent which such an altered state of things
 “ cannot fail to excite.

19. “ The Right Hon’ble the Governor in Council greatly doubts the
 “ policy of the measures by which the former authority of the Jagirdars has
 “ been thus supplanted by hired officers of Government, and is of opinion
 “ that a plan for continuing to them some portion of their former conse-
 “ quence, might with advantage have been adopted.
 Continuance of their former consequence politic. The Commissioner to suggest how this should be effected.
 “ You are accordingly requested, after having given
 “ the subject your fullest consideration, to suggest
 “ how such an arrangement, could in your opinion be
 “ best effected. The adoption of such a course will,
 “ it is probable, secure the willing co-operation of the
 “ Jagirdars in preserving the peace of the country, while Government will
 “ save a portion of the very large expenditure which must attend the intro-
 “ duction of its Civil, Revenue, and Criminal arrangements into the heart of
 “ the large Jagir possessions in Sind.

20. “ The further duties which remain for you to perform in regard to
 “ the Jagir questions are, you must be aware, many and most important, and
 “ can only be satisfactorily performed by your per-
 Personal superintendence of details and direct intercourse necessary on the part of the Commissioner.
 “ sonally superintending the details of the several
 “ cases, and holding direct and frequent intercourse
 “ with the parties likely to be affected.

21. “ His Lordship in Council is the more anxious that the questions
 “ regarding Jagir and other grants should be settled,
 A satisfactory and honorable settlement necessary to neutralize effect of withdrawing support from religious men and institutions.
 “ in a manner at once satisfactory to the people, and
 “ honorable to the Government, in order that any
 “ bad feeling may be eradicated which may have
 “ been excited by the sudden withdrawal after the
 “ conquest of Sind, of the support which was ac-
 “ corded in the time of the Amirs to various religious establishments, and to
 “ persons who possessed a reputation for sanctity.

22. “ In the 4th para. of your report of the 1st October 1847, it is
 “ stated that ‘there is a considerable quantity of land under life alienation,
 “ ‘ but little under hereditary alienation. The grants are almost entirely
 “ ‘ personal, few or none religious or charitable, and none for District or Village
 “ ‘ service, there are no money assignments on the Revenue.’ The answers

“ however, to the general queries contained in Appendix N, to your subsequent report of the 31st December last, show that
 Existence of cash endowment for religious and charitable purposes under the Mira. “ cash endowments of a fixed character for religious and charitable purposes were not unfrequently made under the former Government.

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27. “ I am desired to intimate to you that in attempting to apply in Sind the general principles of the Bombay Regulations, you should take the greatest care that they be not applied in such a manner as to lead to delay in the settlement of cases, and to protracted or unnecessary attendance on the part of witnesses.
 The general principles of Bombay Regulations to be applied to Sind, but cautiously and prudently.
 “ I am also desired to remind you that the degree of exemption from our Criminal procedure and jurisdiction to be granted to individuals and States will be dependent on the completion of the arrangement alluded to in the 19th para. of this letter.

28. “ Finally with reference to the present aspect of affairs in the North-West, I am desired to inform you that the Right Hon’ble the Governor in Council is pleased to vest you with a discretionary authority, to delay for the present, should you deem such advisable, giving effect to any portion of the instructions contained in this letter, referring to the investigation directed into the rights of the Jagirdars.
 Discretionary power given to the Commissioner to postpone enquiry.

I have the honor to be,

Sir,

Your most obedient Servant,

Bombay Castle, 11th October 1848.

A. MALET,
 Chief Secretary.”

172. This letter was followed by another No. 7246, on the 18th November 1848, regarding the revenue management of the Province, and by a third No. 622, on the 12th February 1849, communicating paras. 1 to 13 of Despatch No. 20 of the Court of Directors, dated 6th December 1848, which discussed Sir George Clerk’s minute so far as it related to Jagirs. Paras. 6-12 (both inclusive) summarised the information embodied in that minute, and para. 13 ran as follows :—
 The Court of Directors sanction Jagir enquiry.

“ The subject is one which requires the best and earliest attention of the
 “ Commissioner, and we trust that after due investigation, he will be enabled
 “ to devise and to carry into effect measures for adjusting the claims to
 “ Jagirs, which, while they secure the just right of Government, may extend
 “ to the Jagirdars a due degree of liberality and consideration.”

173. Mr. Pringle proposed that an “ Investigator of Jagirs”
 Assistant Commissioner should be appointed with a separate esta-
 to carry out the enquiry blishment, and he estimated the aggregate
 at his leisure. cost at Rs. 980 per mensem. The Govern-
 ment of Bòmbay, in para. 3 of their No. 1483, dated 10th April
 1849, approved “ the eventual appointment” of such Investigator,
 but in a subsequent communication, No. 3256, dated 30th July
 1849, wrote as follows, with reference to the aforesaid para :—

“ The Right Hon’ble the Governor in Council authorises your entrust-
 “ ing the investigation into the various Jagir claims to your Assistant Mr.
 “ Inverarity, as his leisure will permit, as by this means the requisite enquiries
 “ can be conducted without creating an unnecessary distrust and alarm in
 “ the minds of the Jagirdars.”

174. Mr. Pringle, however, was opposed to this proposal. He
 consulted Captain Stäck who in a demi-
 Necessity of appointing official letter, dated August 30, 1849, ad-
 a special officer. duced several sound reasons for the appoint-
 ment of a Special Enquiry Officer. He pointed out that the presence
 of Jagirdars was generally necessary, that it was indispensable
 to refer to the account books and registers in the Collector’s
 Daftar, and that it would be “ perfectly impossible for Mr.
 Inverarity or any officer attached immediately” to the Commis-
 sioner and “ having other and laborious duties to perform, to
 “ carry on such an enquiry as it should be” carried on. The
 most pressing questions he said were : (1) “ who are the sharers
 “ actually alive,” and (2) “ what Jagirs should be continued in
 “ perpetuity.” This latter question could only be settled by going
 through each case, by consulting the Collector as to the position,
 influence, and rights of the Jagirdar, besides attending to “ Sir
 “ Charles Napier’s engagements to the Baluchis, and the rules
 “ laid down by him, as well as the general policy of Government
 “ in such matters.” It was necessary moreover to frame a

register of free grants, and to establish “ a system of reports from district officers of births and casualties among Jagirdars.” Captain Stack was of opinion that the settlement of the Jagir question would produce an immediate gain to the State, and he concluded his letter as follows :—

“ If a special enquiry be not made now it must no doubt be made on some future day, and every day’s delay will make it more expensive and more difficult. Moreover Government will be losing yearly an immense deal more than the current expense of such an investigation would come to.”

175. Before however this investigation could commence, there came a second call from Government for detailed information. On the 18th of July Mr. Pringle had in part reply to the Government letter No. 4205, dated 11th October 1848, thus expressed himself regarding the suggestion of the Government of Bombay to invest Jagirdars with police powers—

Mr. Pringle deprecates investiture of Jagirdars with police powers.

“ I would strongly recommend the adoption of the rule (or rather its retention, for it is that now in force here) of excluding rent free holders from police powers, except in special cases, in place of the course proposed in paras. 17 and 19 of the Chief Secretary Malet’s letter No. 4205, dated the 11th October last. The police is very efficient here at present, and I do not feel satisfied that its efficiency would be promoted by availing ourselves of the aid of the Jagirdars in its details. I have no reason to think that the Jagirdars feel degraded by their present exclusion, and its removal might place them in a more unpalatable position as respects our officials than at present. The general obligation of Jagirdars and other rent free holders to aid in the maintenance of peace and good order, in common with other members of the community, and in an enhanced degree in proportion to their larger stake and greater influence, is already fully understood and acted upon.” (No. 1488, para. 7, Revenue Department)

With reference to this paragraph, the Chief Secretary requested the Commissioner in his No. 3686, dated 4th September 1849, Political Department, to “ submit a report to Government “ showing the condition of the Jagirdars of “ Sind, and the extent of their possessions, embodying this in- “ formation in a tabular form.”

Tabular report on the condition of Jagirdars and the extent of their possessions called for by Government.

176. Mr. Pringle on receiving this letter addressed himself to the task of obtaining correct information

Mr. Pringle forwards Capt. Stack's Memorandum and certain paras. of the Government letter No. 4205 of 1848 to the Collectors for enquiry and report.

on the above points. He enquired from Captain Stack whether Jagir grants in the Shikarpur and Karachi Districts, differed in any way from those in southern Sind.

That officer replied in the negative. He said he had had opportunities of informing himself on this point as regards the Shikarpur Collectorate, when examining the Sanads of grantees who held Jagirs in that Collectorate as well as in Haidarabad. "I have even greater knowledge," he continued "of the grants in the Karachi Collectorate, they being more constantly mixed up with the Haidarabad cases, and I consider these too in every respect come under the same system." Notwithstanding this assurance, Mr. Pringle on the 1st December 1849, issued a circular requiring minute information regarding the nature of the former administration of Jagirs, and sent a copy of Captain Stack's memorandum of 1848, and of extract paras. 8 to 19 from the Government letter No. 4205, dated the 11th October 1848, to the Collectors for report.

177. In February 1850, Captain Rathborne inquired whether

Sir Charles Napier's rules still in force. But any extensive application of them for converting Jagirs into perpetuities deferred until Jagir question was fully reported on.

the terms offered by Sir Charles Napier in his proclamation of 1847, were to be held to be still binding as nearly all the Jagirdars in his Collectorate were "desirous of converting their Jagirs into perpetuities in

the terms proposed, following the example of the Nizamanis set so early as April 1848."

178. Mr. Pringle's reply* was :—

"I am of opinion that the late Governor's rules for the settlement of Jagirs having been established by competent authority should be held to be in full force, until authoritatively modified. It would be desirable, however, to defer any extensive application of them, such as you allude to, until the

* No. 301, dated 16th February 1850.

“ receipt of the information regarding Jagirs called for in my letter No. 2279
 “ of the 1st December last, which may possibly lead to the whole subject
 “ being reconsidered.”

179. This circular letter elicited long reports* which furnished
 Collector's reports. the Commissioner with materials for his
 reply to Government which would be quoted at length as it cor-
 rected several inaccuracies in Sir George Clerks' minute. There
 are, however, two points not fully noticed in this reply which
 Progress of Jagir enquiry. deserve a small space. The first relates to
 the progress made in Jagir inquiries. The prolix replies of the
 Collectors on this subject are summarised in the accompanying
 statement which indicates the procedure generally adopted by
 the Collectors. It may be noted here that Captain Stack†
 between September 1847, and September 1849, went over 68 cases
 in which 77,237 bigahs of land were continued to 315 individuals,
 and 63,330 recovered on account of the State. The settlement
 come to in each case was reported to the Commissioner and new
 Sanads were forwarded for seal, but they were not sealed or return-
 ed by him.

* Collector of Shikarpur's No. 109, dated 20th February 1850.

Collector of Haidarabad's No. 402, dated 2nd April 1850, and No. 598, dated 12th
 January 1850, and a list of Jagirdars on the 18th of September 1850.

Collector of Karachi's report dated 12th October 1850.

† *Vide* his report to the Commissioner, No. 10, dated 22nd February 1853.

180. The other point relates to the improvement of the status of the Jagirdars. Captain Rathborne thought that to grant any separate jurisdiction to Jagirdars "would be
 What jurisdiction and immunities (if any) should be conferred on Jagirdars. "destruction of all efficiency and subversive
 "of all public order, and that if any special
 "personal exemptions or immunities should be granted they
 "should be enforced by departmental orders and not by law." The Jagirdars had had very little civil jurisdiction even under the Amirs, but they had exercised a criminal jurisdiction which was abolished at the conquest. He continued—

"But I do not see how under our system any separate jurisdiction of this kind could be conferred. To raise up seven or eight hundred separate little jurisdictions in this Collectorate would be impracticable, and to allow Sirdars, who do not live on, and perhaps have never seen their estates, to hold Courts by deputy as in the Mirs' times, try and hang and fine through their Khizmatgars, slaves, and cooks (for such are sometimes the Kamdars of their estates), would be totally out of the question. But if separate jurisdiction, within their Jagirs, were given to Jagirdars, this is the only manner in which they could for the most part exercise it. Mir Bijar, for instance, lives at Haidarabad, his house is here and his family; how could he administer justice in twenty different Jagirs some of them perhaps above a hundred miles off? It is the same nearly with every considerable Sirdar. They are nearly all non-resident in their Jagirs."

He thought the diminution of the consequence of the Sirdars was an unavoidable result of the conquest, but he said that in his Collectorate uniform civility and courtesy had softened down the asperity of the feeling, felt at first by every conquered race, and he reverted to the proposal of Sir Charles Napier to make a select number of Jagirdars, Honorary Magistrates, as a further step in this direction.

181. Captain Preedy was of opinion that the Jagirdars had been very generously dealt with after the conquest.

"They have no reason to complain that their lands are not entailed to their heirs, on the contrary as the greater part of these estates were granted as pay for military service, they ought to be only too thankful that they are permitted quietly to enjoy a life interest in them. As their lands lapse to Government, the sons and followers of the present incumbents will doubtless, as they have already done in many instances, betake themselves

“ to agriculture or to other useful occupations, and instead of leading the idle
 “ useless lives of the latter, will become productive members of the common-
 “ wealth. I have on several occasions employed the Jagirdars of my Col-
 “ lectorate who resided on their estates both as Kardars and Battaidars, but
 “ cannot say that I have found them more faithful or more zealous in the dis-
 “ charge of their duties than others. On the contrary two Jagirdars out of
 “ three whom I employed as Kardars are at present undergoing their sentence
 “ in prison for speculation and breach of trust, and the conduct of those em-
 “ ployed as Battaidars has generally speaking been very far from satisfac-
 “ tory.”

182. The Collector of Shikarpur, Lieutenant Farrington, after contrasting in detail the position held by Jagirdars under the Mirs and under British rule came to the conclusion that so far as security of title and even extent of possessions was concerned they were no way worse off than before. “If however,” he wrote, “comparison is to be instituted as to the position in society (that is at Court) of Jagirdars, of course it will be in favour of the late rule; but this must be the case wherever the rulers of the country and the ruled vary in manners, ideas and religion.” The discontent spoken of in para. 18 of the Government letter No. 4205 of 1849, had been somewhat hastily assumed to exist. “Since the conquest up to the present moment there has not been a single occasion in Upper Sind where Military Force, however small, has been called into requisition. Nor am I aware of any discontent having shown itself in a less decided manner.” He thought it a doubtful measure to invest Jagirdars with any judicial powers.

“On our acquiring the country we found the highest offices of the State chiefly fiscal held by Hindus, but involving Police and other duties likely to interfere with the Jagirdars. Most often Kardars were Hindus. The Muhammadan of this country is found too indolent, illiterate, and unmethodical for situations of this description. One Jethmal (of course a Hindu) was Kardar of Shikarpur; he was all powerful and his myrmidons must not unfrequently have come in contact with these very Jagirdars.”

It was therefore no innovation which had been attempted at the conquest.

183. The Commissioner's reply (No. 37) to the letters of Government quoted in the margin was sent on the 3rd January 1851. He first enumerated the documents consisting principally of the Collectors' reports and statements, accompanying his reply, and then proceeded as follows :—

No. 4205, dated 11th Oct. 1848.
 No. 3686, dated 4th Sept. 1849.
 No. 622, dated 12th Feb. 1849.
 No. 3256, dated 30th July 1849.
 Mr. Pringle's final report

4. " With reference to para. 2 of Mr. Malet's letter of the 11th October 1848, the following appears to be the extent and present state of the lands alienated in Jagir as far as it can be ascertained from the totals of the statements furnished by the Collectors.

	Cultivated or Fallow.	Uncultivated.	Lands in respect of which the records do not enable the extent of arable or waste land to be ascertained.	Total.	Estimated amount in Rupees.
	Bigahs.	Bigahs.	Bigahs.	Bigahs.	Rs. a. p.
Haidarabad	6,68,030	18,55,233	10,72,078	30,95,341	20,294 6 3
Shikarpur	1,55,431	2,11,218	...	3,66,649	14,898 13 8
Karachi	62,625	2,94,936	9,14,436	12,71,997	1,869 6 2
Total	8,86,086	18,61,387	19,86,514	47,33,987	37,062 10 1

5. " The data from which the foregoing results have been taken are admitted to be, to a considerable extent, conjectural, but supposing them to be approximate to the truth, they indicate the importance of the subject, the extent of land thus alienated being upwards of forty-seven lacs of bigahs of which nearly $\frac{1}{3}$ th is ascertained to be cultivated or fallow, and a considerable portion more may with probability be inferred to be so; they also show that nearly $\frac{2}{3}$ ths of the whole is in the Haidarabad Collectorate.

6. " Information on the points to which my attention is directed in the 3rd para. of Mr. Malet's letter will be found clearly given as respects the Haidarabad Collectorate in Captain Stack's memorandum which forms the first of the series of documents now submitted. Its accuracy as regards that Collectorate is confirmed by Captain Rathborne in his letter No. 11 of the same series, and its general applicability to the other Collectorates, in so far as regards the origin and history of the Jagir tenures, is borne out by the letters of the officers in charge of those districts (Nos. 5 and 12 of the

Correctness of Captain Stack's memorandum.

“series), although in the portion of the Shikarpur Collectorate which belonged
 “to the Amirs of Khairpur there are not the same facilities for tracing those
 “details, owing to the records of that State not having come into our posses-
 “sion, as was the case with those of the Haidarabad Amirs. It is also appa-
 “rent that neither in the Shikarpur nor in the Karachi Collectorate has the
 “investigation and settlement of Jagir claims been as yet prosecuted so
 “thoroughly and satisfactorily as in Haidarabad.

7. “The observations contained in the 4th, 5th and 6th paras. of Mr.
 “Malet’s letter are I believe mainly correct. The introduction of the rules
 “referred to in the 7th para. was, as I found on further enquiry, formally
 “authorized shortly before Sir Charles Napier left the Province, and they
 “may, therefore, now be considered as the law for regulating the settlement of
 “Jagir claims in Sind, although they had not been practically acted upon up
 “to the time of his departure, and have subsequently remained in abeyance

Sir Charles’ rules, still in
 force, though his scheme of
 hereditary Jagir in abeyance.

“as respects those of their provisions which had for
 “their object the substitution of a hereditary tenure
 “on the surrender of waste lands for an arbitrary
 “tenure. The principles and rules successively in
 “force previous to the introduction of those last referred to, will be found
 “detailed in Captain Stack’s memorandum, and by these the proceedings of
 “the Collectors were from time to time regulated in the disposal of cases as
 “they came before them, but apparently with much greater care and precision
 “in Haidarabad than in either of the other two Collectorates. The arrange-
 “ment finally determined upon has not, as I have already stated, been as yet
 “fully carried out, but although its benefits as respects the Jagirdars are
 “rather prospective than immediate, it may be inferred from what is stated
 “by Captain Rathborne, as to the increasing disposition to take advantage of
 “it when its nature and objects become known, that it is not viewed with
 “any distrust of the motives which led the Government to propose it.

8. “With reference to the supposed rules deduced in the 8th para. of Mr.
 “Malet’s letter from the understood principles and practice in the disposal
 “of Jagir claims, I would make the following observations. As regards the

Resumptions made only on
 death of incumbents and
 only of grants made specially
 for specific service.

“first rule no resumptions were at once made, every
 “man who tendered his adhesion to our Government
 “was confirmed during his own life time in the pos-
 “sessions he held, by whatever title, at the time of
 “the battle of Meani. Whatever resumptions were made did not take effect
 “till after the death of the first incumbent, and when they did come into
 “operation, the resumption of Jagirs granted as pay for service did not neces-
 “sarily extend to those Jagirs or portions of Jagirs held, as indeed they all
 “were, under the general obligation of personal service when the exigencies
 “of the state might require it, but to those only which were specially assigned

No hereditary Jagirs in
 Sind.

“for specific service. As regards the second rule,
 “and with reference to the expression ‘any Jagir
 “held hereditarily however ancient the grant,’
 “no Jagirs were in form held hereditarily in Sind, and very few are of older
 “date than twenty years prior to the conquest, or in their present form

“perhaps not many older than ten years. As regards the third rule the
 Duanagi a compulsory levy on waste only, but an interchangeable charge with chowth on other lands.
 “substitution, instead of the fourth share of the
 “produce, of a quit rent of two annas a bigah on so
 “much of the land as was retained by the Jagirdar,
 “was applicable only to cases of succession subse-
 “quent to the introduction of the rule, and in these the heir might continue
 Duanagi made compulsory in 1847, but not rigidly enforced except in the Haidarabad Collectorate.
 “to pay the fourth share on the cultivated portion
 “if he preferred it, the payment of the quit rent
 “being obligatory only as respects the waste. The
 “fourth rule is as supposed, although it has not
 “always been rigidly enforced except in the Haidarabad Collectorate.

9. “The difficulty in the application of these rules as they have been
 No great practical difficulty in carrying out the rules.
 “explained, is not experienced in practice, to the
 “extent supposed in paras. 9 to 12 of Mr. Malet’s
 “letter. When the crop is to be divided under any
 “circumstances for the settlement of the mutual claims of the Jagirdars and
 “their cultivators, it adds little to the intricacy of the process to calculate and
 “assess the Government share at the same time, and where a division of the
 “land is to be effected it is done on principles which long familiarity has
 “made intelligible and satisfactory to the parties concerned. The difficulty
 “too, may be, and practically is, to a great degree, got rid of by compounding
 “with existing share-holders for the Government dues at a fixed amount for
 “a term of years, and it will eventually be got rid of altogether when the
 “latest rules for the conversion of arbitrary into hereditary tenures come into
 “general operation.

10. “With reference to the 14th para. of Mr. Malet’s letter, I hope I shall
 Sir Charles’ arrangements eminently politic and just.
 “be excused for entertaining an opinion at variance
 “with that which your Lordship in Council is dis-
 “posed to adopt. It does not appear to me that on
 “our first acquisition of the country the recognition of Jagir claims extended
 “beyond what policy required, or that in their subsequent treatment the
 “measures adopted were more stringent than justice warranted. In both
 “respects Sir Charles Napier’s arrangements, gradually matured and improved
 “as they have been by the acquisition of information, were, to my humble
 “judgement, eminently politic and just. I have not myself had occasion to
 “think that they were productive of disappointment and want of confidence,
 “and I do not perceive that they should have had that effect with any
 “reasonable men.

11. “With reference to the 15th para. of Mr. Malet’s letter, the provisions
 His scheme of hereditary Jagirs now appreciated and practicable.
 “of the proclamation to which it refers were at first
 “imperfectly known and understood, but considering
 “that their benefits were only prospective the dispo-
 “sition to take advantage of them to which I have
 “already adverted as reported by Captain Rathborne to have now become
 “so prevalent, may, I think, be fairly received as an indication that they are
 “appreciated, and I am unable myself to perceive that their practical intro-
 “duction would be attended with any material difficulty.

12. "I am also reluctantly obliged to differ from your Lordship in the
 "doubts intimated in the 16th, 17th, and 18th paras.
 "of Mr. Malet's letter, as to the policy of the treat-
 "ment of the Jagirdars in other matters than their
 "lands. That men in their position can view with
 "feelings other than dissatisfaction a revolution which has subjugated their
 "country to foreigners, it would be as unnatural to suppose as paradoxical
 "to affirm. But while the deprivation of political influence has been a ne-
 "cessary consequence of that event, any aggravation of the misfortune in a
 "wanton disregard of their feelings has neither been countenanced nor
 "practised, and I see no reason to believe that any candid reasonable men
 "among them have the impression that such has been the case.

13. "With reference to the 19th para. of Mr. Malet's letter, after giving
 "the subject my fullest consideration, I am unable to suggest any arrange-
 "ment by which some portion of the former consequence of the Jagirdars
 "may be maintained, and the expense of governing the country diminished
 "by giving them an active part in its administration,
 "further than the present practice, which has been
 "advantageously resorted to, of associating them
 "with the magistrates as a jury in the more im-
 "portant criminal trials. The Jagirdars are for the most part non-resident
 "proprietors, and have no connection with the lands from which, and the
 "people through whom, they derive their revenues, except as recipients of
 "those revenues, and even in this respect their connection with the particular
 "lands and people from which they receive them is of very recent origin.
 "Under such circumstances there are none of those local influences on which
 "as in other countries and under different forms of landed property, a gratui-
 "tous and active participation in the public adminis-
 "tration might with advantage be based, and to at-
 "tempt it in the absence of these would, in my
 "opinion, result in failure and disappointment.
 "Captain Rathborne indeed suggests a plan by which the co-operation of the
 "Jagirdars might be made available, not locally but generally, somewhat in
 "the form of an English Commission of the peace, but this I apprehend
 "would be attended in practice with more difficulty than advantage, since
 "to be effective at all under our system it would subject the proceedings of
 "the Jagirdars to a degree of surveillance, which would neutralize any
 "honorary estimation the influence of the position might otherwise be sup-
 "posed to bring with it.

14. "While, however, I am unprepared to recommend any measure for the
 "active and gratuitous employment of the Jagirdars
 "as such, in the administration of the country, I
 "would entirely approve of members of that class
 "being selected for employment in our regular sti-
 "pendiary service, whenever their qualifications and other circumstances were

No aggravation of the loss
 of political influence of
 Jagirdars.

Jagirdars may be associated
 as jurors with the magistracy
 in important trials.

Jagirdars mostly non-
 resident and not the ancient
 aristocracy.

Qualified Jagirdars to be
 selected for Government
 stipendiary service.

“ suitable and they could be induced to accept it. And I should also wish
 “ to see them treated on all occasions by the officers
 And to be treated “ of our Government with the courtesy and consider-
 courteously and consider- “ ation due to their position, and this the rather from
 ately. “ our inability to continue to them those substantial
 “ political advantages, which that position formerly carried with it. This
 “ last object has been provided for by the classified lists* recently circulated
 “ for the guidance of our officers, and the instructions under which they are
 “ to be applied.

* * * * *

16. “ For the information required in tabular form in Mr. Malet’s letter
 “ No. 3686, dated the 4th September 1849, I beg to refer Your Lordship to
 “ the statements which accompany the Collector’s reports now submitted,
 Tabular statements of the “ and which time will not admit of my embodying
 condition of Jagirdars and “ in one general statement. Any further particulars
 the extent of their posses- “ that may be required to elucidate the condition of
 sions submitted. “ the Jagirdars will be found in those reports, and
 “ more especially in the clear memorandum of Captain Stack, and the able
 “ report of Captain Rathborne.

17. “ As regards the future disposal of the Jagir claims I am of opinion
 “ that the provisions of Sir Charles Napier’s last
 Mr. Pringle recommends “ proclamation should be upheld and carried out in
 observance of Sir Charles’ “ practice, any special cases in which, on grounds of
 last—proclamation, special “ justice or policy, a modification of them may be
 cases being reported to Go- “ deemed expedient, being submitted for the orders
 vernment. “ of Government.

18. “ The progress in the disposal of these claims will be found exhibited
 “ categorically in the Collector’s replies to my queries
 Information regarding “ on the subject. In this however, as in all the rest
 progress in the disposal of “ of the details connected with the subject, I appre-
 claims. “ hend that more reliance is to be placed on the in-
 “ formation given for the Collectorate of Haidarabad than for either of the
 “ other two.

19. “ A large number of regrants under settlements made in conformity
 “ with the existing rules have from time to time been submitted for confirma-
 “ tion from the Haidarabad Collectorate during my administration, but
 “ the Sanads for none of these have yet been returned sealed, the definitive

* Of men of rank and position.

“ disposal of individual cases having been left in abeyance until the general subject should be brought under the consideration of Your Lordship. In the mean, time however, the parties are in provisional possession in conformity with the terms of the proposed settlements.

Provisional possession to those whose regant Sanads not sealed pending orders of Government.

20. “ It will be perceived that the great bulk of the claims are in the Haidarabad Collectorate, which is fortunate, inas-
Majority of claims in the Haidarabad Collectorate. “ much as the materials for their settlement are more complete there, and greater attention has been directed to their application. Even in this Collectorate, however, much still remains to be done for the satisfactory disposal of the question, and in the others almost everything. It was on this account that I recommended the special appointment of an officer for that duty, which was at first acceded to by Your Lordship, but subsequently in Mr. Malet’s letter No. 3256 of the 30th July 1849, abandoned for the plan of entrusting it to the Commissioner’s Assistant. Other duties have hitherto prevented this last plan from being carried into effect, and I am of opinion that it would be incompatible either with the satisfactory attainment of the special object in view or the proper discharge of the Assistant’s general duties, for which reasons I would still strongly recommend the adoption of my original proposition. The want of an arrangement of this kind prevented the settlement of similar claims in the late Peshwa’s territories until they had been more than thirty years in our possession, and many of them remain to this day unsettled, while the means of effecting a satisfactory settlement are in the mean time all but lost, and the revenue unduly foregone in the interval would have defrayed the cost of its execution many times over. In this Province an early and satisfactory settlement is even more urgently required, from the much greater extent and importance of the interests involved, and I am persuaded it can only be effected in the manner I proposed, nor do I see any reason to think that if properly conducted it would be attended with the distrust and alarm apprehended by Your Lordship ; on the contrary from its tendency to put a period to all doubts connected with such tenures, it would, I conceive, be hailed as a most desirable measure by those whose interests it affected. On this point, I would request the attention of Your Lordship to the demi-official communication* from Captain Stack which forms the last of the series of documents now submitted. It is unfortunate that the subsequent departure of that officer to Europe makes his own services at present unavailable for the duty he has sketched out, but should he return at an early period, I know of none whose acquaintance with the subject and general qualifications so admirably fit him for its disposal, and I would still recommend that he should in that case be selected for it.

A special enquiry officer needed.

* Summarized at pages 103-104.

21. "In conclusion I trust I shall be excused if in some of the points
 "adverted to in this despatch, I have given expression to opinions at variance
 "with those which Your Lordship had been led to adopt. They are the
 "unbiassed result of the best consideration, I have been able to give to
 "this important subject, and in stating them thus freely, I have no object
 "in view, but the interests of truth, the success of Your Lordship's adminis-
 "tration, and the good of the country with which my connection is now
 "about to be severed for ever."

184. Mr. Pringle though he thus successfully vindi-
 Estimate of Mr. Pringle's cated the policy of the measures adopted
 administration. by Sir Charles Napier, "and put an end
 to some irregular exactions to which the Jagirdars had been sub-
 jected" did little towards a final settlement of the Jagir question.
 He was mainly occupied with collecting information in all
 branches of administration, information which was afterwards
 laid before Parliament and published in a Blue-Book.

SECTION IV.

*MR. FRERE'S JAGIR ADMINISTRATION,
JANUARY 1851—OCTOBER 1859.*

185. Mr. Pringle was succeeded by Mr. Frere in January 1851.

Mr. Frere's request for a
separate Jagir establish-
ment.

As the holders confirmed in their Jagirs by Sir Charles Napier began to die off, petitions from persons affected and references from the Collectors multiplied, until on the 28th of August the Commissioner was obliged to prefer a strong request to Government for the appointment of a separate Jagir Establishment. "Nothing," he wrote, "in the way of classification, and little in the way of laying down general rules has yet been attempted, since the Jagir rules, which have not been uniformly acted upon, were laid down by Sir Charles Napier."

186. The state of the Mirs' Jagir records at Haidarabad, moreover, called for early attention, as Mr. Frere could see nothing in the arrangement of the Daftar "to prevent the wilful or accidental destruction of genuine, or the insertion of invalid documents to any extent." "What seems to me most required," he concluded, "is that an officer acquainted with the mechanical

An experienced Assistant
required.

"arrangements of the Poona Daftar, the mode of sorting, marking, and indexing the papers, &c., and with the general mode of proceeding of the Inam Commissioner, should be appointed, under my orders, for the particular duty, with a view more specially to devise and submit a plan for ascertaining the nature and extent of rent free tenures, and the evidence on which they rest, and for digesting and submitting for the sanction of Government rules for future guidance in disposing of questions connected with them."

187. The Government in the Political Department informed the Commissioner, on the 7th October, that his letter would be considered and disposed of

Reply deferred

in the Revenue Department, but it was not until the 31st of March 1852 that any reply was sent.

188. In the meanwhile several complaints reached the Commissioner of the harshness of the rules, and some of these he forwarded to Government, as a proof how urgent was the necessity for an early and conclusive settlement of the whole Jagir question.

Complaints of the harshness of the rules.
Letter to Government dated 18th October 1851.

189. Two of the three former Collectors had retired by this time, and the new Collectors found great difficulty in disposing of the many Jagir questions that arose on the death of the old grantees. To add to Mr. Frere's labours, the Commissioners appointed early in 1850 to enquire into the charges brought against H. H. Mir Ali Murad, finished their report, and (the Marquis of Dalhousie having decided that the Mir was guilty) Sahiti or the Parganas of Kandiāro and Naushahro, and the districts of Burdika, Shahbela, Chak, Saidabad, Ubauro, Mirpur, and the Tapas of Alor, Bakhar and Bambhurki, were resumed from the Mir on the 21st January 1852, and it fell to Mr. Frere to organize the administration of the new territory.

Resumption of new territory from H. H. Mir Ali Murad.

190. Accordingly on the 28th of January, Mr. Frere requested the Collector of Shikarpur (No. 180, Pol. Department), to issue a proclamation calling upon all parties who claimed to hold lands rent free within the resumed districts, to appear within a certain period at any spot most convenient to the Collector, "bringing with them all the documentary proof they might possess of their alleged rights." The proclamation was to warn them that any default so to appear would entail forfeiture of their rights. The documents produced were to be registered in a statement (the form of which was prescribed by Mr. Frere), and copied into a bound book, and after being endorsed with the date of production and the signature of the officer receiving them, were to be

Proclamation issued to rent free holders to file their claims.

immediately returned to the parties. The Collector of Shikarpur accordingly issued such proclamation, and the claimants appeared before him at Sukkur. Several of them, however, belonged to Naushahro and Kandiaro, and although Mr. Frere was, at first, of opinion that the Sanads should be all entered in one place, he eventually concurred with the Collector of Shikarpur, Captain Stewart, that the work should be divided, and approved of the directions Captain Stewart had given to the Naushahro and Kandiaro claimants, to appear before the Collector of Haidarabad.

191. On the 13th February 1852 the Collector of Haidarabad reported (No. 157) that there were numerous claimants holding Sanads from Mir Rustam or Mir Ali Murad or from the sons of either, but many of them having no possession, and requested to be furnished with definite instructions. Mr. Frere replied to this letter in his No. 328, dated 19th February 1852, as follows :—

Mr. Frere's instructions regarding disposal of such claims.

“ Special cases may doubtless occur, though they will probably be very rare, in which Government may see fit to reinstate Jagirdars dispossessed by Mir Ali Murad, but such cases should be specially brought to notice, in separate reports, with a full detail of your reasons for recommending such a measure.

“ 2. As a general rule those only who are in actual possession at the time of the resumption will retain their Jagirs, and none others will be put into possession without special orders from Government.

“ 3. All Jagirdars should be required to attend by a certain day.

“ 4. The first question should be whether they were in actual possession at the time of resumption ; if not, their claims cannot be noticed, unless they be of the special nature above adverted to.

“ 5. If in actual possession, their Sanads or other proofs of their rights, should be examined ; special cases may arise in which a Sanad from a son or other officer inferior to a sovereign may hold good, but such special cases must be specially reported, and as a general rule, no claims can be recognized but Sanads of the Sovereign who was reigning at the time of grants. Ali Murad was reigning Sovereign, and had a right to make grants up to the day of his deposition.

“ 6. The claims must then be classed according to their nature, family Jagirs to relatives of the reigning family, Jagirs in payment of debts, service Jagirs, charitable grants, hereditary grants, &c., &c., and then fully reported on for the information of Government.”

192. On the 10th of March, Mr. Frere forwarded a copy of his letter No. 180 of the 28th of January to Lieutenant Jameson, the Deputy Collector placed in charge of Naushahro and Kandiaro, and on the 13th of March 1852, the Commissioner forwarded the following rules "regarding Jagir enquiries in Naushahro and Kandiaro" to him, for his information and guidance, with reference to several matters on which instructions had been previously solicited.

Further instructions.

" 1 Any claimant* who was not in possession during Kharif 1851, should at once be told by an endorsement in writing on his application that his claim is inadmissible.

" 2. Nevertheless the statement† as regards such claims should be filled in for future reference if required.

" 3. The Sanads produced, as soon as they have been carefully examined by the Deputy Collector, should be copied at full length, with every endorsement, &c., into a book, each page of which should bear the Deputy Collector's signature. The Sanads should be numbered consecutively, and the number entered in column No. 8 of the statement already forwarded.

" 4. If there is any thing about the Sanad which appears suspicious, it should be carefully kept for future examination and enquiry ; and a receipt for it given to the party producing it.

" 5. If there be nothing suspicious about the Sanads, they may be returned to the owners, after they have been copied, and the copies carefully collated with the originals. A receipt for them should be taken from the owner in a book : this may be done on the back of the copy of the Sanad.

" 6. As the Rabi crops are now nearly ready for reaping, and it is difficult to get a decision passed on the claims, some of which are pressing, before the harvests, the Deputy Collector may provisionally release from attachment those Jagirs of the continuance of which he thinks there can be no doubt.....

" 7. Provided, in all cases, the parties were in possession at the time of the resumption.

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" 9. In all these cases the order to the Kardar directing him to remove the attachment, and continue the allowance, should state that such attachment is removed *pending the ulterior orders of Government.*

* A statement of such claimants was submitted to the Commissioner on September 20, and he ruled all the claims inadmissible in his No. 2769, dated 4th November 1852.

† This form of statement had been laid down in Commissioner's letter of the 23th January.

** No. 8, related to Khairats.

“ 10. The column of remarks should contain a statement of the grounds of the opinion recorded by the Deputy Collector in each case, embracing, when the grant is recommended for continuance, an abstract of the Sanads or other evidence on which it is founded. The object and main provisions of the grant should always be stated.”

193. On March 19th, the Government of Bombay replied (No. 1237) to Mr. Pringle's letter No. 37, dated 3rd January 1851. They remarked that the information contained in the papers accompanying that letter showed “ the very great “ importance” of the question, and inferred from Mr. Pringle's tabulated results that, “ nearly one million bigahs of arable land and four millions of bigahs of waste land” had been alienated to Jagirdars. They referred to the desire of the Jagirdars in the Haidarabad District to obtain their cultivated land in perpetuity, to the doubtful state of feeling regarding Sir Charles Napier's rules of 1847, in the Karachi and Shikarpur Districts, and to the laxity of procedure in those Districts. They also thought the position of the larger Jagirdars required careful attention, notwithstanding what Mr. Pringle had written regarding the inexpediency of conferring police powers on them. “ In consequence of the doubtful state in which these matters are,” Mr. Secretary Malet continued, “ I am desired to draw your “ early attention to the subject, and, in doing so, to refer you to “ Mr. Pringle's report and to its enclosures, that you may place “ before Government in a tangible shape your views, with suggestions for such practical measures as the well being of the “ country and the security of the rights of Government and those “ of Jagirdars may require.” Special attention was then invited to “ the very important question (discussed by Captain Rathborne), of arrangements for taking canals through Jagir lands” which, the Government said required “ careful management.”

194. On the 31st March the Government also acknowledged the receipt of Mr. Frere's No. 1679, dated 28th August 1851, and

Government invite Mr. Frere's detailed proposals for a Jagir establishment.

requested him to include his proposals for an Establishment in the report called for in the letter of the 19th.

195. On the 20th May, the Acting Collector of Haidarabad, Captain Fenning, reported that Captain Rathborne

Sir Charles' Rules of 1847 not retrospective.

had after the promulgation of the Rules of 1847, deducted lands held in *wijuhat* (for pay) from the possessions of Khan Muhammad, Yusif Khidmatgar,* and some others although their Jagirs had been settled before the date of the Rules. At the time of settling their Jagirs, all grants made for *sangatt*† and followers had already been deducted, and the deduction made by Captain Rathborne was in respect of *wijuhat* standing in the name of the Jagirdar himself. Captain Fenning, therefore, inquired whether Sir Charles Napier's Rules were meant to have such retrospective operation. Mr. Frere in his No. 1248 informed him on the 28th, that the Rules had no such effect : "but" he continued "as the present incumbents die, it will be your duty to take care that all settlements in favour of successors are made in strict accordance with existing regulations."

196. Mr. Frere, however, had been convinced by the enquiries he

Diversity of practice and insufficient publicity and unpopularity of Rules.

had made at the end of the year 1851, that even in the Haidarabad District there had been "great diversity in the mode of settling claims to Jagirs," under these regulations. Accordingly in his letter to Government, No. 181, dated 3rd June 1852, while replying to some of the paragraphs in the Government letter No. 1237 of the 19th of March, he laid stress on this fact, and on the absence of adequate publicity of the existing Jagir Rules. He wrote :

"I cannot say that my own observations confirm the opinion.....that the Jagirdars begin to feel the advantages of obtaining permanently small estates of cultivated land, or that the rules...are looked on as sufficiently favourable by them. On the contrary, it appears to me that

* Servant or retainer of the Mirs.

† Companions. (Vide a note by Captain Lewis Pelly at page 64 of Government Selections No. XVIII new Series.)

“ the rules are but very imperfectly known, and the Jagirdars are not at all
 “ aware of the exact principles on which Government intend to deal with
 “ their estates, and that this doubt and uncertainty causes a feeling of dis-
 “ satisfaction. Nor can I well see how it can be otherwise, with a system which
 “ in addition to the other elements of uncertainty makes the extent
 “ of a man’s heritage depend on the inundation of the year in which
 “ the father died. The basis of the settlement with the son is the extent
 “ of cultivated land in the year of his father’s death. If the inundation has
 “ been a good one, he may get double the average of the last four or five years,
 “ and *vice versa*, and suggestions are constantly offered to take some other year
 “ arbitrarily selected on the ground that the year of the Jagirdar’s death is too
 “ favourable or too unfavourable either to the Jagirdar or to the Govern-
 “ ment.

“ As for security of possession of what is left to them, its value may be
 Insecurity of Jagirs. “ estimated from the mode in which a Jagirdar is
 “ treated, if he ventures to take as tenants people
 “ who have fled from the oppressions of a Govern-
 “ ment official,” as set forth in a letter from Captain Fenning an extract from
 which Mr. Frere subjoined. It appeared from this letter that Captain
 Rathborne had in the year 1848-49 after dismissing a tyrannical Kardar of
 Munijah, whose acts had the effect of driving most of the resident Ryots
 into alienated villages, virtually punished the Jagirdars for receiving them
 by taking an account of all produce raised on their Jagirs by the Ryots in
 question, and crediting the Government share* of it to the revenue of the
 Munijah pargana which had decreased by one half.

“ I trust” continued Mr. Frere, “ I may be mistaken, but my intercourse
 “ with this class, though of necessity much less prolonged and intimate than
 “ Captain Rathborne’s, leads me to the belief that its members are not assured
 “ as to their possession of their estates, or any portion of them, and are far
 “ from being contented with our arrangements.”

He concluded by assuring the Government that the gene-
 ral question should have his best attention, and that the infor-
 mation required by Government would be submitted as speedily
 as possible.

197. Accordingly on the 9th of June he forwarded a copy of
 Mr. Pringle’s report with the reply of Go-

Lines of the Jagir inquiry
 indicated by Mr. Frere. ‘Lo-
 cal’ and ‘Personal’ State-
 ments to be prepared.

vernment, to the Collectors “ for their views
 “ in detail on the general question,” and on
 the 20th of July, he indicated the lines upon

which the Jagir inquiry was to proceed, in a letter (No. 1795) to
 the Collector of Karachi—the directions embodied in which were

* i. e., the share taken by Government according to the pargana rates.

afterwards communicated to the other Collectors. The first step, he said, was to frame certain forms of statements to be filled in after due inquiry.

“ The first statement should be a ‘ Local ’ one : that is, should be arranged under Talukas, subdivided into parganas and these again into villages or makans, the alienated land in which should be shown with full particulars as to extent, description of soil and crops, present possessors and sharers, and other details, and should have a figure referring each alienation to the second statement.

“ This latter should be a ‘ Personal ’ statement, divided according to the present holders, and arranged if possible into classes. The best classification I think would be into :

“ I. Those whose Jagirs have been confirmed by Government on a permanent or hereditary tenure.

“ II. Those whose Jagirs have been confirmed specifically for life only.

“ III. Those whose Jagirs have been confirmed subsequent to the regrant in 1843 by Sir Charles Napier, without any specified tenure.

“ IV. Those whose Jagirs have not been revised since the regrant at the conquest.....

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“ In connection with this second statement should be prepared a register book of Sanads, containing a true copy of every document relating to Jagir claims. Care should be taken to make this Register and the Personal Statement easily referred to, one from the other, and every precaution should be used against registering those Sanads which have not at some previous time been presented to an European officer, or those to which any suspicion whatever may attach.

“ All other information such as pedigrees showing the connection of claimants with grantees and with one another, evidence taken from witnesses to particular facts, and all the other data which may be requisite for forming a judgment in each case, will be kept in separate bundles, one for each case, every paper being numbered and referred to by number in a list, which should find a place in a column of the 2nd Statement.”

The Collectors were asked to submit forms of the Statements proposed.

198. It appears from some of the references made by the Collectors that they felt considerable doubt as

Misunderstanding of Sir Charles' rules.

to the validity of the practice they found obtaining in connection with Jagir questions.

These references would have been unnecessary had the explicit orders of Sir Charles Napier, as detailed in a previous Section, been

easily accessible to them. The Collector of Haidarabad, for example, inquired on the 10th of June, whether the heirs of a Jagirdar dying just before the kharif or rabi harvest, were to get the crops according to the usual practice. He was not aware that the practice was based on a valid order issued by competent authority. The Commissioner told him to continue the practice, and to include his proposal in the general report, called for on the 9th of June. In another reference, No. 707 of the 8th of June, in which the Collector compared the incidence of the chowth with that of the 2 annas tax, he ignored the fact that under Sir Charles Napier's Rule, the tax was not *leviable* merely on the cultivated portion of the Jagir. It is needless, however, to multiply instances.

199. While the Collectors, in the old Districts, were puzzling themselves over the practice they found prevalent, Lieut. Jameson in the new or resumed Districts, lost no time in collecting the information he had been asked to furnish. On the 25th of May he submitted a list of Jagirdars in actual possession at the time of the resumption, to the Collector of Haidarabad, who on the 22nd June transmitted it to the Commissioner. The Collector drew attention to the word *mulazimi* which appeared on the face of many of the Sanads, and which he said bore in general the same meaning as *wijuhat* abolished prospectively in his Collectorate. *Mulazimi* literally meant service, but the Collector was not sure in what light it was considered in the Khairpur Daftar, as he found an instance, that of Mirs Ghulam Shah and Fazil Ali, who he said could not, from their rank and position, have been expected to perform service, and to whom he thought the grant was made at the time when Ali Murad was "trying to effect a marriage between the two houses." Mr. Frere on the 29th June (No. 1596) pointed out to the Collector that, the statements ought to have been accompanied with a genealogical

Meaning of *Mulazimi* in the Khairpur Sanada.

tree* of every claimant, who was by blood or by marriage, connected with the reigning family, and asked that this deficiency be supplied. As to the meaning of *mulazimi* he thought the question was too important to be left unsettled, and requested the Collector to refer to the Collector of Shikarpur, and to obtain all available information on the subject.

200. Besides the meaning of this word, another question which had arisen as early as the 31st of May concerned a certain cess of $\frac{1}{3}$ rd, $\frac{1}{10}$ th, or $\frac{1}{40}$ th† of the Jagirdar's share of the produce, exacted by Mir Ali Murad, from which exemption had been granted to certain individuals by their Parwanas. The Mir's Mutsadi (Minister), however, declared that as a matter of fact the exemption had not been enjoyed, and Lieut. Jameson therefore inquired whether the exemption should be recognized. The Collector in his Memo dated August 4, saw no reason for such recognition. But the Commissioner decided in his No. 2058, dated the 21st of August, "that the title deeds conferring a right of exemption, if granted by competent authority, could scarcely be set aside by the mere verbal testimony of the Mir's Diwan, unless his assertions were supported by accounts or other documentary proofs." He therefore directed that each case be decided on its own merits, after enquiry and after hearing the Jagirdar.

201. As to the meaning of *mulazimi*, the Collector of Shikarpur reported on the subject on the 8th of October, and the information collected by the Collector of Haidarabad was submitted to the Commissioner on the 30th October. Captain Stewart, Collector of Shikarpur, said that *mulazimi* was used generally "to express *service* in the Jagir and other free grants made "by H. H. Mir Ali Murad," and that it was "not confined to "Military, but to all descriptions of service, even to that of menials"

* These were furnished in August.

† These cesses were afterwards merged in the 5 per cent. cess imposed by a Circular of Mr. Frere, dated 28th September 1852.

and Lieut. Jameson wrote that the meaning was “often regulated more by the general tenour of the Sanad than the word itself.” The Collector of Haidarabad agreed with Lieut. Jameson, and said that it would have to be decided in each case, whether the word was used merely to mark the superiority of rank and position of the grantee, as in the case of a grant by Mir Ali Murad to one of the sons of Mir Rustam, or whether it was used to impose a condition of actual or particular service, as in the case of the foreign mercenaries employed by the Mir. In the Haidarabad Daftar, he added, the word had been rarely used, and when used, as in Sanads to Ghulam Hussen Musti and other Marris, it expressed a grant for service, which under Sir Charles Napier’s Rules, was not regrantable.

202. Turning now to the older Districts, we find Mr. Frere, on October 14, issuing forms for the Local and Personal Statements he had previously ordered to be compiled. The Jagirs of the Four Talpur Families he ordered to be excluded from the 1st class, “unless title deeds had been granted them by competent authority, declaring that their Jagirs as now held would be continued hereditarily.” It was not necessary, he said, to prepare a separate form for past lapses. “It will be sufficient “if lapses which occur after the Statements are framed, be entered in a supplementary Statement referred to by figures “from the General Statement, and containing full particulars of “the lapsed estates.” He further directed that the date of a Jagirdar’s decease should be accurately reported, and requested the Collectors to report quarterly what progress was made in the preparation of the Statements.

Forms of Local and Personal Statements issued. Lapses how to be recorded, Jagirdars’ deaths to be promptly reported.

203. On the 6th of November, Mr. Frere issued also a Circular to the Collectors, to the effect that when inquiring into claims to Jagirs or Charitable Grants they should always take care to discover the origin of each grant, and should call upon the

Origin of every grant to
be traced.

claimant to produce not only the most recent Sanad or authority upon which he may be in actual enjoyment of the land or allowance, but also all other title deeds granted to him and to his ancestors by the ruling power, which may be forthcoming.

204. The Jagir inquiries ordered by Mr. Frere were being conducted, in each Collectorate, by a Deputy Collector in charge of them, but as shown by Mr. Frere, a special officer was extremely necessary. Accordingly Captain Stack on his return from furlough in 1852, was directed in the first instance to make himself acquainted with the mode of procedure followed by the Inam

Capt. Stack's appointment
as Assistant Commissioner
for Jagirs. His duties.

Commission in the Deccan, and then to superintend these inquiries as "Assistant Commissioner for special duty." On the 22nd of January 1853, Captain Stack reported his arrival at Karachi, and on the 26th he was directed to proceed to Haidarabad, and there take charge of the Jagir Department from Lieut. Hodgkinson, Deputy Collector, to report upon its state, and to suggest measures with regard to its future management. He was then to report generally on the subject of the Haidarabad Jagirs, giving a brief summary of his operations up to the time he left Sind, and continuing the history of the subject down to 1853. This summary, though brief, was to be sufficiently full to give, at one view, a clear idea of the actual position of all material Jagir questions. Captain Stack was, then, to suggest any future proceedings he thought proper.

205. On the 22nd of February, accordingly, Captain Stack drew up a report (No. 10), in which quoting largely from his Memorandum of the 10th March 1848, he gave a short history of the Jagir question, a summary of the Rules in force, an estimate of the amount of land still in alienation in the Haidarabad Collectorate—and his proposals for classification of Jagirs and form of procedure.

Capt. Stack submits his
report.

“During the last 3 years,” he wrote in his 11th para, “50 Jagir cases have been gone into, involving grants of 62,073 bigahs to 160 individuals. Final orders as regards a few cases have been received, and directions issued to prepare Sanads for the grants; but none such have yet been made out. The parties are, however, in provisional enjoyment of their lands in conformity with the settlement proposed or ordered. The lapses from deaths without heirs have been during this period considerable, amounting to 2,79,583 bigahs.....”

“No alterations have been made during the period now under review, in the rules for settlement as laid down by Sir Charles Napier. But as regards the regrants proposed, a simple and, so far as I can ascertain, fair method has been adopted for estimating the amount of cultivated land which only was allowed for regrant. A scale has been prepared by which from the average produce of the last few years the quantity of cultivated land might be ascertained. This scale is as follows: For every 4 kasas of juari, bajri, or other produce of autumn crops excepting rice, 4 bigahs of land are allowed. For every 7 kasas of rice produced, 1 bigah and $\frac{1}{10}$ more as fallow. And for every 5 kasas of the produce of the spring crops, 1 bigah and $\frac{1}{2}$ more as fallow. The extent of sugar-cane, cotton and other crops which are assessed in cash, and by measurement, is calculated at the average measured quantity of such for some years.” (para. 12).

In his 13th para. Captain Stack referred to the classification the Commissioner had ordered to be adopted in October 1852 in preparing the ‘Personal’ statement, and stated that so far as he was aware, there were no Jagirdars who would come under the first two classes, “Government not having as yet defined the tenure of any Jagir.”

In his 14th para. he adverted to the arrangement propounded in the proclamation of 1847 for changing Jagirs into hereditary tenures, and its non-acceptance. “As from the terms of the proposal it was manifestly intended,” he wrote, “that it should be open for acceptance only for a limited period—though such was not expressly laid down—Government may perhaps be now inclined to consider this offer withdrawn.”*

“In his 15th para. he briefly summed up the state of the Haidarabad Jagir enquiry and estimated that of the total alienated land 28,03,240 bigahs (which did not include the alienations in the Resumed Districts) only $\frac{1}{3}$ rd was cultivated. “None of the new Sanads granted by Sir Charles Napier,” he continued, “define the tenure as being permanent or otherwise. Nor of the grants still held under Sanads of the Amirs confirmed by the addition of Sir Charles Napier’s seal, is there in such Sanad or other document on this

* Mr. Frere did not agree with this opinion in view of Mr. Pringle’s decision. It was still a question, he thought, whether Government was not bound in good faith to give the Jagirdars the option of availing themselves of the old rules previous to their final supersession by others (paras. 11 to 14 of No. 171 of 1853 to Government).

subject, any fixity of tenure named, save in the following two instances "where the grants are declared to be hereditary." These instances were those of Mir Ali Bakhsh and Mir Budho Khan, Shahwanis. "The confirmation of these grants by Sir Charles Napier's seal, appears to render Government bound by the terms of the grant, but as yet this point has not been brought before it. No other Jagirs have been in any way acknowledged by us as permanently hereditary; therefore all or nearly all remain liable to such future terms and modifications as Government may deem fit to impose."

In his 16th para. he dilated on the evils of 'the present uncertain and unspecified state of tenure' which left the Jagirdar at the mercy of the Imperial power, and therefore in a degree failed to attach him to the State, or to give value to his property. The country being in profound peace, he thought, the time had come for a definite declaration of their policy on the part of Government.

Suggestion to apply the rules and procedure of the Inam Commission.

In his 17th para. he proceeded to make suggestions for a final settlement, on the basis of the principles, rules, and procedure followed by the Inam Commission.

In his next para. he stated that the Sind holdings 'were quite identical' with the Jagirs or Sarinjams in the Deccan, and, in his 19th, to prove this assertion, he quoted the following remarks of Mr. Elphinstone embodied in a despatch of the Court of Directors (No. 10 dated 7th February 1838). "A Jagir was usually granted during life for the purpose of maintaining troops to serve the State. A small portion was set aside as a personal provision for the chief. The mode of maintaining troops being kept up, there was no motive for resuming the Jagir, and consequently every grant was renewed on the death of each incumbent, his son paying a relief to Government. When this practice had long continued, the Jagir came to be regarded as hereditary, and the resumption of it would have been received as a violation of private property."

What should be the basis for classifying Jagirs.

In his 20th para. Captain Stack showed that the Directors concurred in the principle of antiquity of possession conferring a good title, laid down by Mr. Elphinstone, and that the classification of the Deccan Jagirs or Sarinjams was based upon it.

In his 21st para. he quoted paras. 1 to 8 from his previous memorandum of the 10th of March 1847, to show the history and nature of the Sind Jagirs, and in the 22nd he made a few further remarks on the same subject. In paras. 22 to 34 he propounded his scheme of hereditary succession, which deserves notice, as its principle and many of its details were eventually adopted.

In classifying the Deccan Jagirs, Mr. Elphinstone had divided the period anterior to the British conquest into three epochs, viz., the time previous to the accession of the Peshwas—the time from the commencement of the Peshwa dynasty to the accession of Baji Rao, the last Peshwa—and the

Captain Stack's scheme of classification.

time of Baji Rao's sovereignty. Captain Stack, following the same analogy, recommended that the three epochs in Sind should be: 1st the period before the accession of the Talpurs and the period during which the first two Talpurs reigned in Sind—2nd, the period during which the next two reigned—3rd, the period after their death. In the Deccan, Jagirs granted in the first epoch were made 'hereditary' in the fullest sense of the word, Jagirs granted in the 2nd epoch were made continuable for two generations after the British conquest, with a life pension equal to a moiety of the net proceeds of the Jagirs to the 3rd generation—while Jagirs granted in the 3rd epoch were continued only for life, with a life pension, as above defined, to the 2nd generation. These were the 3 classes of Jagirs in the Deccan, and Captain Stack's proposal amounted to the creation of the same classes in Sind.

The only modifications he recommended were those introduced by Sir Charles Napier, *viz.*,

1st that nothing but cultivated land should be continued to the heirs of the present incumbents of the 1st and 2nd classes.

2nd, that the grants to those two classes be subject to a quit rent commencing from first succession after the change of Government; equal to $\frac{1}{4}$ of the net proceeds of the lands granted. (Captain Stack was distinctly of opinion that Sir Charles Napier's proclamation allowed the option of paying the chowth or 2 annas per bigah, to all who did not accept the offer made for converting Jagirs into perpetuities, and that the contrary interpretation which had been put upon it was incorrect).

3rd "That the joint share in a Jagir with a chief or chiefs, of each co-sharer or follower referred to in the Sanad or other document specifying the grant as *Biradari, Sangat, &c.*, shall lapse to Government on the demise of the individual holding such share at the time of the battle of Meani, or of whatever person may have since succeeded to it under proper authority.

He added that all lands held under a Sanad declaring explicitly that they shall be continued hereditarily should be so continued, even though the grant be of a date later than would have brought it under class I, and that his Rules of classification should not likewise affect individual cases, in which Sir Charles Napier or other competent authority had, since the conquest, granted or continued land on special terms. He had no objection to limiting the period for the first class to the death of the first Talpur ruler, if the Commissioner thought his proposal was likely to cause a permanent alienation of more revenue than it was advisable to permit. But he suggested it should be made a rule that, an after grant of land in Jagir in commutation of a previous one cancelled by it, was not to affect the prior title which was still to date from the original grant, "care being taken that no more land be continued under this rule than would equal in value what had been resumed, when the exchange was made."

In his 33rd para. he dealt with the question of what were called Service

How lands given to chiefs personally as pay should be treated.

Grants.* "It will be noticed," wrote Captain Stack, "that in the new rules proposed, I have not excepted from regrant to the chiefs of tribes or bands, land ori-

* Referring to the Mulazimi clause, Lieut. Jameson had said "With a few solitary exceptions all the Mir's Sanads clearly state this condition, even many of those of his own near relatives, so that I do not think they can exactly be brought to bear the meaning which we attach to 'Service Grants.'"

“ginally given to themselves personally, as pay for military or civil duties,
 “though that to followers falls on the decease of present holders, along with all
 “to Sangat, Biradari, &c. My reason for this is, that I consider it much more
 “difficult than some officers have imagined to make the distinction as regards
 “grants for pay. Captain Rathborne, the author of the rule by which the
 “exception was made, himself says (para. 5 of letter No. 402 dated 2nd April
 “1850, to Commissioner) he was mistaken as regards grants of land as pay for
 “Civil offices, though he still thinks ‘grants in lieu of pay’ may be satisfactorily
 “ascertained. Certainly they can, if he mean, as no doubt he does, grants of
 “land cancelling a previous allowance of money or grain—but I would sub-
 “mit that a rule making such exceptions, is a most unequal one. All Jagirs
 “were given as a remuneration for service, and the accident that a man had
 “a money or grain allowance cancelled when he got land, should hardly put
 “him in any inferior position as regards tenure, to an individual who perhaps
 “long afterwards had land granted to him on first entering the service of the
 “chief under whom he had enrolled himself. Again where is the rule to stop?
 “The very earliest grants made by the Amirs after they got possession of the
 “country were in cancelling Seri, which was really as much and as truly
 “pay as the money and grain allowances afterwards introduced. Yet I believe
 “it was not Captain Rathborne’s intention in proposing* the rules, afterwards
 “embodied in the Proclamation of 24th March 1847,† to reckon these Seri
 “grants as pay. We refuse uncultivated lands in regrants; we escheat, on
 “the death of present holders, the lands allowed to each follower or soldier
 “attached to a chief; we make a successor pay $\frac{1}{4}$ of his rental as a tax in
 “remission of the service for which the lands were held. I submit that these
 “are sufficient deductions. In classifying and settling the Deccan Sarinjams
 “no such distinction as this, regarding pay, was made by Mr. Elphinstone.
 “All Jagirs were considered by him as ‘granted for the purpose of maintaining
 “troops to serve the state,’ and tenure was only allowed by him value accor-
 “ding to the period through which it had run. This I conceive, too, to be
 “the fair principle for us to go upon. Nor under it, as embodied in the rules I
 “have proposed, would any pay grants of the nature intended to be affected
 “by Sir Charles Napier’s 14th Rule‡ be continued beyond, at the furthest, one
 “generation, as all such were made by the later Amirs, and would fall under
 “rules 3 and 4 (*i.e.*, second and third classes) as proposed by me.”

In the remaining paras. Captain Stack proceeded to suggest the form
 of procedure, which appeared to him desirable for
 conducting the enquiry. “The plan pursued under
 Suggestions regarding
 procedure in inquiry. “Schedule A of Act XI of 1852, by the Inam Com-
 “missioner in the Deccan is, first, to send Karkuns to the districts with forms
 “to be filled in so as to exhibit the extent of each Inam, name of holder, &c.,
 “to which is appended a series of questions on the subject of title, pedigree of

* This is evidently a mistake. The rules were drafted by Sir Charles Napier, and certain alterations made by Captain Rathborne were afterwards embodied in them.

† This date is incorrect.

‡ 14th, according to the abstract of rules given by Captain Stack in a preceding para. It related to grants in lieu of pay for civil offices now abolished or of troops disbanded or to followers no longer required.

“claimant, extent and other particulars regarding the land claimed, to be
 “replied to by the claimant. This paper is filled in, and answers taken down,
 “by the Karkun in conjunction with the Mamlatdar of the district, at whose
 “disposal and under whose orders the Karkun is placed for this duty. On
 “completion it is signed by the Karkun, and countersigned by the Mamlatdar,
 “and forwarded to the Commissioner. In important cases the Commissioner
 “or one of his Assistants takes the statements himself. The Commissioner or
 “an Assistant then proceeds to test these claims and statements by the entries
 “in the Government records, and by any other evidence procurable. A
 “printed form for the purpose is finally filled in English, giving an abstract of
 “the case and proceedings, and a decision as to the resumption or continuance
 “of the lands is passed and recorded on this paper with a summary of the
 “grounds on which the judgment is given. This paper is filed in the office,
 “and a copy of the decision in the native language is delivered to the person
 “concerned.”

Captain Stack proposed to follow this procedure as nearly as possible. He thought the much greater and more correct information available regards free grants in Sind, as well as the commencement of the inquiry at a much earlier period after the conquest, would make the investigation in some respects more simple and determined than in the Deccan, and so generally obviate the necessity of sending out Karkuns.

The rules proposed by Captain Stack were, he said, meant only to affect grants made by the Haidarabad Amirs which however included “all in the Karachi Collectorate, and “nearly all under Haidarabad and Shikarpur”—the exceptions being “a few insignificant grants by Mir Sher Muhammad of Mirpur and some made by the Khairpur family.” For these he thought it would probably be advisable to adopt a different classification.

206. The above report was the basis of the recommendations made by the Commissioner to Government for regulating the Jagir inquiry. But before dealing with them, it is necessary to note a few other points which formed the subject of Captain Stack’s references.

207. In the Haidarabad records, Captain Stack found a Circular from the Chief Secretary to the Government of Bombay, No. 4859, dated 17th July 1852, quoting, for information and guidance, an extract from a Despatch of the Court of Directors on the subject of the appropriation of the produce of a lapsed estate, which appeared to him to be opposed to Sir Charles Napier’s Rule of the 1st of January 1845.* The extract ran as follows :—

Local extent of the rules proposed by Captain Stack.

Sir Charles’ rule regarding the disposal of crops of a lapsed Jagir superseded by another framed by the Court of Directors.

* Vide page 30 para. 33.

"The heirs of a person whose estate has lapsed by death, shall receive the same proportion of the actual nett collections of the (Fusly) year, that the period of the year, which elapsed from the death, bears to the whole year."

Captain Stack on the 8th of March made a reference on this subject to the Commissioner who decided on the 26th instant (No. 752) that the Circular superseded the Rule laid down by Sir Charles, but who added as follows :—

"It is not unlikely that a case may occur in which owing to a Jagirdar dying shortly after the season for canal clearances, the rule approved by the Honourable Court will, in this province, act unfavourably for his heirs : to obviate this the amount proved to have been expended on the clearances of the year, should be deducted before making the division of revenue between Government and the heirs of the deceased Jagirdar.

208. On the 17th of March Captain Stack had taken occasion, while reporting on the petition of Murad Khan Talpur Goramani, to point out the hardship, in cases in which the land had lain waste through no fault of the grantee, or in which it had to be picked out from amidst cultivated fields, of the rule regarding resumption of waste land. The Commissioner had in reply directed him to put his suggestions in the form of definite rules, and Captain Stack accordingly, on the 31st of March, in his No. 37, suggested some rules, the first two of which were approved by the Commissioner in his No. 1088, dated 26th April 1853, with the alterations italicised in the text, and directed to be carried out provisionally.

Captain Stack's waste land resumption rules approved. 15 per cent. to be allowed for boundary line ; no resumptions from a Jagir not exceeding 100 bigahs.

"The extent of the cultivated lands and fallows in a Jagir shall be ascertained from an examination of the accounts of the produce of the Jagir, for the five years previous to the proposed succession, the cultivated area being estimated from the average produce, agreeably to the scale at present in use. *Fifteen** per cent. to be however added to the area shown by calculation in that scale, to provide for the inclusion within regular boundaries of waste patches between cultivated fields. *If it be found in any case that 15 per cent. will not include all the waste land lying between such patches, 10 per cent. more to be regranted on payment of 1 anna per bigah on such extra land. If no waste land be lying between such patches the 15 per cent. shall be allowed round the cultivated area, but only for the purpose of completing a boundary line.* Provided always that such additions do not bring up the amount of land to be granted to beyond that of the original grant.

* Captain Stack had proposed 'ten'

2. "When the entire Jagir, waste and cultivated, or share in a Jagir of one individual does not exceed 100 bigahs, no deduction is to be made on account of waste lands in the regrant on succession."

The Commissioner ordered an account to be kept of the result of the operation of these rules as compared with those previously in force, so that information might at once be forthcoming if called for.

209. On the 4th of April Captain Stack inquired whether the practice of issuing Sanads in every case, however petty, should be continued. The Commissioner replied in his No. 930, dated 12th April that Sanads should only issue in cases of regrant, "involving property above the annual value of Rs. 200," and in cases in which the tenure was not subject to revision. In other cases the claimant was to be furnished with the counterpart of the Commissioner's decision in English, and of the statement of his case in Persian usually sent to the Collector by Captain Stack.

Sanads to issue only in cases involving property exceeding the annual value of 200 Rs.

210. On the 13th of April, Captain Stack asked whether certain precedents which he quoted (and which have been mentioned at pages 49-50), should be followed regarding succession to a Jagir by a grandson, whose father pre-deceased his grandfather the last incumbent. The Commissioner replied on the 22nd April in his No. 1046, that as such succession appeared to have been the practice, and as the practice appeared equitable, "it should not be deviated from."

Grandson to succeed if father predeceased his grandfather.

211. On the 26th of April, Mr. Frere regranted—provisionally as usual—a Jagir (a portion of which was in lieu of money payments) subject to the payment of $\frac{1}{4}$ th produce, "fixed in even Rupees from the average of the previous 5 years" for the life of the regrantee, and he directed that regrants should in future be made on the same terms, subject to the final sanction of Government (No. 1090).

Chowth to be fixed in even Rupees from the average of the past 5 years for the life of the regrantee.

212. On the 21st of April, Mr. Frere had inquired with reference to the Rules summarised by Captain Stack in his No. 10, dated the 22nd of February, whether any Jagir less than 20 bigahs in extent had been specially confirmed under the proclamation of 1847, and as to the number and extent of Jagirs thrown up by the holders on account of the imposition of the 2 annas tax. He had also requested Captain Stack to forward rules for the Mirpur Mirs' grants similar to those suggested for the Haidarabad grants. "It would perhaps be more convenient," he had added "to adopt the same dates as you have fixed for the Haidarabad grants without reference to the succession of the Mirpur ruling princes." Finally he had inquired what establishment would be necessary to enable Captain Stack to dispose of all the Jagir cases within as short a time as possible.

213. Captain Stack replied on the 30th of April that, no Jagirs less than 20 bigahs in extent had been specially confirmed under the rule alluded to,* though several Sanads for such small grants *drawn up in the usual terms*, without any mention of the grant being in perpetuity, had been sealed by Sir Charles Napier. "In fact," said he, "except as regards the order for the resumption of waste lands and land in lieu of pay, and the imposition of the 2 annas tax on regrants, the entire provisions of the proclamation..... have so far remained a dead letter." He mentioned 6 Jagirdars who had thrown up their Jagirs to the extent of 20,229 bigahs owing to the imposition of the tax, and stated that, previous to his present appointment, several persons who had come to claim regrants of their fathers' lands had gone away in despair, on hearing that they would have to pay the tax. These cases, Captain Stack said, he had entered as unsettled in the belief that some arrangement would be made under which they would consider their lands worth taking

Mr. Frere's inquiries in connection with Captain Stack's Report No. 10, dated the 22nd of February.

Captain Stack's reply. No small grants to cultivators by Sir Charles.

Hardship of the 2 anna tax.

* One grant under the rule is entered in the Roll of First Class Jagirdars.

up. On the 3rd point, Captain Stack agreed with the Commissioner that no separate classification should be formulated regarding the Jagirs granted by the Mirpur Amirs, as Mir Thara the first

No separate classification regarding Jagirs granted by the Mirpur Amirs, advisable.

reigning Mir of that house died in 1829, and Mir Ali Murad his successor in 1836, dates which did not fall in with the periods proposed by him to limit the classes in the Haidarabad grants, and which therefore might cause inconvenience. On the 4th point Captain Stack drew up a plan for his office establishment which he estimated would cost 800 Rs. a month. The speedy disposal of the work entrusted to him, he said, would depend upon the

Captain Stack's suggestion for extending Act XI of 1852 to Sind.

powers given to him. He recommended that Act XI of 1852 should be made generally applicable to Sind, with the exception that the rules proposed by him in his No. 10 of 1853, be substituted in lieu of Schedule B, and he was of opinion that if he were allowed to finally dispose of all cases falling within class II or III, subject to appeal to the Commissioner, and to report upon 1st class cases for the decision of the Commissioner, he would be able to complete the inquiry within 3 years.

214. On the same day the Bombay Government addressed a letter to the Commissioner (No. 1913) enclosing

Resolution of Government for applying Act XI of 1852 to Sind for general guidance.

documents which contained information as to the scheme of the establishment of the Inam Commissioner under Act XI of 1852, and stating that in their opinion the scheme might be adopted with advantage in Sind, the Commissioner or his Assistant exercising the same authority as that enjoyed by the Inam Commissioner. "The Right Honourable the Governor in Council has "resolved" the letter continued "that the provisions of Act XI of "1852, being an Act for the adjudication of titles to certain estates "claimed to be wholly or partially rent free in the Presidency of "Bombay, shall for general guidance be made applicable to Sind. "By this arrangement the enquiries into the Jagirs in Sind will

“be at once placed on a regulated basis.” And then they requested to be informed of “such modifications as from time to time during progress of the inquiry” might appear to the Commissioner necessary. The Act however, though generally resorted to for guidance was not formally extended to Sind.

215. On the 17th of May, Mr. Frere decided an important question, raised by Captain Stack on the 1st of April 1853, affecting the recognition of shares in Jagirs. It has been already stated that Sir Charles Napier in his No. 3006, dated 21st November 1846, allowed sharers referred to as “*et cætera*” in a document confirmed by his seal, to be recognized if they could be ascertained by looking into previous documents. A case arose in which the

Rights of sharers recognised by competent authority and not modified by subsequent order, to be upheld, whether an ‘*et cætera*’ is used or not in the last Sanad sealed by Sir Charles.

previous documents proved that the claimant was an undoubted sharer, but the last document sealed by Sir Charles did not give his name or make any direct reference to him personally. Captain Stack proposed that the existence of shares in a Jagir, should be

determined by reference to all the documents bearing on the claim, and that the right of a sharer should be recognized whether an “*et cætera*” was used or not, provided the share was recognized in a document issued by competent authority, and not modified by subsequent orders. The hesitation to allow such recognition arose, according to Captain Stack, from the general name of “Sanad” having been given to all papers relating to grants of land, while as regards most of these papers it was quite inapplicable. He wrote:

“The word ‘Sanad’ properly means a patent or royal writ conferring office or authority, and when applied to grants of land means a patent or deed conveying authority to receive the revenue of these lands, and frequently delegating other powers over them previously enjoyed by the sovereign himself. In this sense the term, ‘Sanad,’ is correctly given to the primary deed of grant made to an individual or party on the creation of the grant, but it is by no means applicable to the numerous documents, also loosely termed ‘Sanads,’ which were afterwards granted on every change of locality of grant, or in consequence of an alteration of name from casulaty, or from the necessity of a new Amir on succession confirming the grants of his predecessor, or as a simple order to a Kardar not to interfere with a grant made long previously in his district. Such papers would more correctly be termed ‘*parwanas*’ or

Meaning of ‘Sanad’.

“written orders adding to, taking from, altering or simply confirming the
 “original Sanad or patent conferring the grant, but in no case superseding
 “it altogether, unless it be expressly shown and stated to do so. These
 “supplementary and subordinate documents always referred to the previous
 “deeds of grants, and generally directly ordered a reference to them as a
 “guide to the officer to whom they were addressed. The names of the holders
 “of the land, when many, were seldom mentioned in full in them, and those
 “shown were usually given only in the preamble of the documents, as being
 “the persons who had come in to make the request on account of which the
 “document was issued. There was often nothing in the manner in which
 “these names were used to make it absolutely certain that they were the
 “veritable grantees, which could be only ascertained from the deed of grant
 “itself or previous documents making alterations in it. And therefore it would
 “be most unjust to consider these papers which were in most cases those con-
 “firmed by Sir Charles Napier’s seal, as the proper and complete deed of
 “conveyance to the exclusion of parties not enumerated in them.”

216. Captain Stack therefore proposed the following two rules
 which were approved by the Commissioner
 Rules for disposing of in his No. 1311 dated 17th May 1853, sub-
 claims of sharers. ject to the final sanction of Government.

Indeed every rule as well as every settlement that he approved
 was subject to this sanction. (Vide his No. 1090 dated 26th
 April 1853 para. 2).

I. “When the writ or writing of an Amir granting land, recognised and
 “confirmed by Sir Charles Napier’s seal, though naming only one or more
 “individuals, shows simply a regrant or commutation or confirmation of a
 “grant of land, previously held jointly (as shown by the previous Sanads or
 “documents making or referring to the grant) by a greater number than what
 “are enumerated by name, such writ or writing shall be taken and construed
 “as regranting, confirming, or continuing the lands to the actual parties shown
 “in these previous deeds or documents, subject only to such alteration as the
 “said writ or writing may itself direct.

II. “When the previous documents, explanatory of shares in a grant
 “referred to by the later writing of an Amir, recognised and confirmed by
 “Sir Charles Napier’s seal, are not now to be found, such later writing to be
 “taken, in the absence of more complete information, as making the grant to
 “the persons who may be detailed in it by name as grantees.

217. Captain Stack also suggested two rules for apportioning
 shares to the individuals recognised under the above rules, which
 were simplified into one by Mr. Frere as follows:—

“In a joint grant the shares of the co-sharers shall be held to be equal,
 “unless it be proved that an unequal division was
 Rules for apportioning “made or recognised by competent authority under
 shares. “the former Government.”

To this rule Mr. Frere added another :

“ No decision under the above rule shall debar any sharer from claiming
“ in a Court of Justice against a co-sharer, the enforcement of an unequal
“ division made by the sharers themselves, though unsanctioned by competent
“ authority.”

“ Thus by the first clause,” explained the Commissioner,
“ Government would be protected against the recognition of
“ an unauthorized division, while by the second, private rights
“ would be respected, and mutual engagements made by the co-
“ sharers would be enforced.”

218. On the 3rd of May Captain Stack with reference to the

Captain Stack's proposal to calculate extent of cultivation from the produce of the best year of the five previous to the Jagirdar's decease.

waste land resumption Rules approved by the Commissioner in his No. 1018, dated 26th April 1853, had pleaded for another boon to the Jagirdars, *viz.*, that the extent of cultivation be calculated from the produce of the best year of the five previous to the Jagirdar's demise. “ To take the average of any successive number of seasons
“ of which some may be good and some bad,” he had urged “ falls
“ hardly on the successor. The principle under which Sir Charles
“ Napier's order was framed was that in taking the waste land on
“ a succession, he was only taking what the Jagirdar had allowed
“ to be of no use to him, and the want of which would not diminish from his previous average income.” But looking to the vicissitudes of cultivation in Sind, it was manifest that to strike an average of 5 years' produce, and to determine the extent of cultivation therefrom and not from the best year's produce, was to diminish his income. As the heir could not thus be expected to keep up his income to the average of that obtained by the previous incumbent, the $\frac{1}{4}$ th share of his future income would fall short of the value of the $\frac{1}{4}$ th produce leviable from him annually on the basis of the average of the past 5 years. The resumption of the waste, moreover, deprived him of “ the power of breaking in at
“ times entirely fresh ground in lieu of old land which years of
“ cultivation might have partly exhausted.”

219. Mr. Frere replied on the 11th of May that the question
 Mr. Frere's reply. would be referred for the instructions
 of Government.

220. On the 19th of May, accordingly,
 Mr. Frere's Report to Gov- Mr. Frere addressed a long report (No. 171),
 ernment. to Government, enclosing the documents marginally noted, and
 1. Captain Stack's No. 10 dated 22nd February 1853. dealing compre-
 2. Commissioner's No. 1035 dated 21st April 1853. hensively with
 3. Reply to (2) by Captain Stack, dated 30th April 1853. the subject of
 4. Captain Stack to Commissioner, No. 37 dated 31st March 1853. Jagirs in Sind.
 5. Commissioner to Captain Stack, No. 1088 dated 26th April 1853.
 6. Captain Stack to Commissioner, No. 58 dated 3rd May 1853.
 7. Commissioner to Captain Stack, No. 1250 dated 11th May 1853.

Mr. Frere first addressed himself to the task of proving, that radical altera-
 Radical alterations neces- tions were needed in the old rules. "The rules," he
 sary in Sir Charles' rules. wrote, "were not an uniform code laid down at any
 "one time, but a series of regulations from time to
 "time promulgated as occasion arose, but not generally or consistently acted
 "on, in any one of the 3 Collectorates (para. 4). In the Shikarpur Collecto-
 "rate for example, the rule regarding the levy of $\frac{1}{4}$ th produce had been fol-
 "lowed, and not that about the imposition of the 2 anna tax (para. 47). In
 "the same District, the holders of gardens were sub-
 Because they were not jected, in contravention of Sir Charles Napier's rule,
 uniform. "to have the whole of their produce annually sold
 "by auction, to any one who chose to bid for it, in order that Government
 "might receive the share demanded on account of the holder not having made
 "Salam" (para. 45).

In the next place though many of the rules were "framed on
 "equitable and very liberal principles, yet in working them, and by the
 "modifications introduced subsequently they had been rendered oppressive"
 (para. 39). "Every part of them," said Mr. Frere, "which was to the advantage
 Because many of them, in "of the State has been adopted while only such
 practice, had become oppres- "parts as were for the benefit of the Jagirdar
 sive. "have been rejected and become *quasi* obsolete."

This was the case in the Haidarabad Colectorate. In others the rules
 were "much less strictly" observed, and very many of their provisions had
 never been introduced at all (para. 15).

In the 3rd place, as successive rules more and more stringent each time
 were framed, the Jagirdars grew more and more discontented (para. 19).
 The 38 lakhs of bigahs stated to have been alienated in the Haidarabad Col-
 lectorate at the time Captain Stack began his enquiries, had by 1853 owing
 to lapses and resumptions, been reduced to 28 lakhs (para. 7). This large
 amount of lapse, wrote Mr. Frere "was a pretty sure
 Because they had created indication of the working of the existing rules" (para.
 discontent among the Jagir- 8). Mr. Frere found traces of dissatisfaction as far
 dars.

back as May 1845, when Captain Rathborne represented* to the Governor the feelings of the Baluch chiefs on their finding that they were subjected to a payment of $\frac{1}{4}$ th on regrant. "This they seem, illogically perhaps, but not unnaturally, to have regarded as inconsistent with the promise of confirmation in Jagirs, to all who should come in and submit themselves to the new Government. The subsequent substitution of a tax of 2 annas per bigah for this payment, the operation of the rule regarding waste lands, the rules made from time to time regarding the heirs of those who did not in person present themselves to the Governor, or of those who held Jagirs in lieu of cash, and the many other restrictions gradually introduced, led the Baluchis to the not unnatural conclusion that the sole object of Government in framing these rules is to deprive them entirely of their possessions, and that this object is being surely and rapidly attained." The Collectors were unanimous as to the existence of this feeling, and Mr. Frere concurred with them (paras. 20 and 21).

In the 4th place no sufficient publicity had been given to the old rules. Their stringency "was not the less felt from its not being always easy for the class affected to tell how or when the policy which had been proclaimed as so generous a concession, had become in practice so much the

Because no sufficient publicity had been given to them. "reverse" (para. 5). "The yearly increasing number of deaths among the generation of incumbents at the time of the conquest, gives to the respective

families, the only knowledge they can possess of our real intentions regarding them, and brings the rules home to the great body of the class affected," (para. 19).

Fifthly, Mr. Frere had received several petitions "some complaining of one rule, some of another, but all coinciding in a prayer

Because the Jagirdars prayed for alterations. "for the alteration of the existing regulations." These representations, wrote he, "have been sufficiently numerous, and are from persons of sufficient importance, to convince me that unless the evils of the system be in some way remedied, the present discontent is likely to be much increased, as more Jagirs are settled, and may eventually become very serious," (para. 22).

Mr. Frere, in the next place, pointed out that there was no systematic "registry containing all details regarding the incumbents and arranging (them) according to the authority by which the Jagirs were held" even in the Haidarabad Collectorate, and that there was no registry at all in the other Collectories.

No systematic registry. He had, therefore, ordered such registry to be taken in hand, and when completed, "it would form the basis of taking up claims, and inquiring into them one by one" (paras. 9 and 10).

Mr. Frere's rules of classification. In the meantime, he invited the attention of Government to the general principles of classification, proposed by Captain Stack on the basis of those laid down by Mr. Elphinstone in his settlement of the Deccan

* Vide p. 32-33.

Sarinjams. "The nature of Sind Jagirs" he said "is not ill adapted to such a settlement, for in the Jagirs granted to individuals—

- | | |
|------------------------|--------------|
| (1) with a brotherhood | (بمع برادری) |
| (2) or with others | (وغیره) |
| (3) or with followers | (وسنگت) |

"we readily recognize the military Sarinjams of the Deccan, while the personal Sarinjam is well represented by the ordinary Jagir grant of Sind which, without detailing the service to be performed by the grantee, usually specifies "that he is to be present when called on." (Para. 27). He therefore stated that he approved of Captain Stack's rules, but with certain modifications. In effect the rules proposed by Mr. Frere were the following:—

1. That the joint share in a Jagir with a chief or chiefs, of each co-sharer Shares of Biradari and Sangat and those included in the *et cetera* clause, to lapse on death of present incumbents. or follower referred to in the Sanad or other document specifying the grant as Biradari, Sangat, (or) &c., shall lapse to Government, on the demise of the individual holding such share at the time of the battle of Meani, or of whatever person may have since succeeded to it under proper authority.

2. That Jagirs held from before the accession of the Talpurs (1783) form the 1st Class, and be continued with the exception of the waste lands. *In special cases, even the waste lands might be continued to the lineal male heirs of the original grantees under the former Government, without any deduction on succession.*

3. That Jagirs granted by competent authority previous to the death of Mir Ghulam Ali of Haidarabad (1812), form the 2nd Class, and be continued, with the exception of the waste lands, to the lineal male heirs of the incumbent at the time of the battle of Meani, paying from the 1st succession on regrant, a quit rent equal to $\frac{1}{4}$ th of the net produce.

Note.—By net produce is to be understood the *Sirkar Bhag*, or share which would fall to Government.

4. That Jagirs granted by competent authority subsequent to the death of Mir Ghulam Ali, (1812) and previous to the death of Mir Murad Ali, (1833) form the 3rd Class, and be continued, with the exception of the waste lands, to the lineal male heirs of the incumbent at the time of the battle of Meani, paying from the 1st succession on regrant, a quit rent equal to $\frac{1}{4}$ th, and from the 2nd succession, a quit rent equal to $\frac{1}{2}$ of the net produce of the land.

5. That Jagirs granted since the death of Mir Murad Ali (1833) to the time of the conquest (1843), form the 4th Class, and be continued to the incumbent at the time of the battle of Meani, and after his demise, to his nearest lineal male heir, paying on succession $\frac{1}{4}$ th of the net produce as a quit rent and lapsing to Government on the demise of this second incumbent.

Lapse of waste on death of present incumbents.

6. The waste or uncultivated lands excepted in the above rules, to lapse to Government on the demise of the present holders.

7. *Lands held under a Sanad declaring explicitly that they shall be continued hereditarily (پشت پر پشت)

Saving in favour of lands held under Sanad declaring them hereditary.

are to be so continued, even though the grant be of a date later than would have brought it under Class I.

8. An after grant of land in Jagir, and in commutation of a previous one cancelled by it, not to affect the prior title, which is still to date from the original grant—care being taken that no more land be continued under this rule than would equal in value what had been resumed when the exchange was made.

Date of Jagir to be ascertained from back Sanads (if any).

9. These rules not to affect individual cases where Sir Charles Napier or other competent authority has, since the conquest, granted or continued land on special terms: such cases to be judged specially according to the terms of the grant (para. 35).

Saving in favour of previous valid settlements on special terms.

Option of conversion into perpetuity granted by Sir Charles to be allowed to those who offered to avail themselves of it in about 1847.

10. In all cases where a Jagirdar had at the time expressed a wish to avail himself of the option granted by the proclamation of 1847, to convert his Jagir into a perpetuity, the option should be allowed (para. 36).

11. No distinction to be made between Jagirs granted in lieu of cash, and those which were, from the first, grants of land. Provided that all lands granted for a specific service should lapse on the death of the incumbent, and provided that, in calculating the class to which the Jagir belongs, the grant be reckoned from the date of the grant of land, not from the first receipt of the pay in commutation for which the land was given (para. 38).

Jagir granted in lieu of cash to be continued unless it be for a specific service.

12. The date fixed in classifying the grants of the Haidarabad Mirs, to be adopted in classifying those made by the Mirpur Mirs (para. 55).

Classification of grants made by the Mirpur Amirs.

Classification of grants made by the Khairpur Amirs.

13. The Jagirdars under the Khairpur Mirs to be divided into the following classes:—

Class I.—All anterior to the Talpur dynasty (1783).

Class II.—From the accession of the Talpurs to the division of the country by Mir Sohrab, under his will in 1821.

Class III.—(a) In the old districts,† from 1821 to the death of Mir Sohrab, in 1838;

(b) in the new districts, from 1821 to the abdication of Mir Rustom 1842.

* This rule met the case of Mirs Ali Buksh and Budho whose Sanads Mr. Frere held “must be respected” (para. 17).

† The old districts were those which came under the British sway in 1843 or before that date, the new, those which were resumed in 1852.

Class IV.—(a) In the old districts from the death of Mir Sohrab to the battle of Meani (February 1843).

(b) In the new districts from the abdication of Mir Rustom, (1842) to the resumption of the districts from Mir Ali Murad (January 1852), (para. 58).

Rules I to XI to apply to these Jagirs with the above classification—

The modifications adopted by Mr. Frere, it will be observed, were due (1) to his rejecting Captain Stack's scheme of pensions, (2) to his restricting the first

Mr. Frere's reasons for modifying Captain Stack's Rules in some particulars

Class of grantees to those who could trace their title before the accession of the Talpurs—and (3) to his desire to show greater liberality to the grantees in Captain Stack's. Second Class.

Land was so abundant in Sind that, in Mr. Frere's opinion, the grant of pensions equal to a net moiety of the proceeds, was less convenient than regrant on condition of paying a certain fixed portion of the ascertained net proceeds. He, therefore, thought that no pensions should be given after the lapse of a Jagir except to widows (para. 33).

Pensions not convenient.

On the second point, Mr. Frere did not concur with Captain Stack that, Jagirdars prior to 1783 the present Jagir system dated from 1783 A. D. There of higher title than those were still some Jagirdars whose ancestors held after 1783.

Jagirs in the days of the Kalhoras, "and the system in those days, as far back as History reaches, was beyond all doubt much the same as it was under the Talpurs : in fact the Talpurs were under the Kalhoras, the principal of the Baluch Jagirdars of the day." "There are some of the Jagirdars under the Kalhoras" he continued "who maintained their position under the Talpurs, and these are entitled to more consideration than those whose Jagirs date from times later than the rise of the dynasty which the conquest of Sind overthrew" (paras. 30 and 31).

On the 3rd point he was of opinion that the hereditary possession of these lands, subject eventually to one-half the usual assessment by grantees from Mirs Karam Ali and Murad Ali would be fiscally and politically expedient. "This Class of Jagirdars" he wrote "would thus become in fact a body of landed proprietors, paying a rent lighter by one-half than that which in ordinary cases would be realized; and this concession would much conduce to lead the Baluch Jagirdars to settle down contentedly on their estates, instead of being discontented by the deprivation of their only means of subsistence." (para. 34).

Light Assessment on holdings granted between 1812-1833 expedient.

In the above rules no express mention has been made of the Jagirs held by the families of the Ex-Amirs—some of which Mr. Frere thought would have to be settled on different principles. "I allude" he said "to those which are now held by or may be hereafter granted to members of the late reigning family, and which I conclude Government would wish to make wholly or in part hereditary, without reference to the date of the grant" (para. 63). He suggested "that all cases of Jagirs held by any of the descendants of the

Jagirs held by the Ex-Amirs' families to be made the subject of special report and disposed of on political grounds.

"Mirs who overthrew the Kalhoras, and subsequently ruled Sind, be made the subject of special report to Government, whatever might be the date of the grant, such report to include a statement of the political reasons which might affect the extent or character of the grant" (para. 64).

The Rule of Sir Charles Napier confirming Jagirs under 20 bigahs in perpetuity, Mr. Frere proposed to cancel. "A Ja-

Mr. Frere proposes to cancel Sir Charles' rule confirming Jagirs under 20 bigahs in perpetuity.

girdar holding 20 bigahs on a bad title has no more right to favorable consideration than one who has 21 bigahs on the same title." The rule moreover had not been brought into operation.

Sir Charles' other rule to the effect that, no regrants should be made to the heirs of those who had not themselves made

The Salam of a near relative to ground a claim for retention of grant.

Salam, required, in Mr. Frere's opinion, some modification. "I would exclude from regrant only the heirs of those" he said "of whose near relatives none

had made Salam. The submission of any relation not more distant than a first cousin should be admitted as the submission of the Jagirdar himself. The impression was not unnatural that the head of the family having presented himself, it was not necessary for every minor sharer to appear in person," (para. 41).

A third order of Sir Charles for the removal of Jagirdars elsewhere, on their refusal to pay their share of Canal improvements, Mr. Frere had no hesitation

Share of Jagirdar for improvements to be levied by instalments and with interest from proceeds of his Jagir.

incondemning. "A very simple rule" he said "would provide amply for such a contingency, and I would respectfully submit to your Lordship in Council the advisability of directing the Collectors, as a general rule in such cases, to make the expenditure required,

assess the share which the Jagirdar ought to have defrayed, and recover it together with the interest at 6 per cent., by appropriating half the net proceeds of the Jagir till the debt is liquidated. The Jagirdars would gladly consent to such an arrangement, and indeed it has, if I am not mistaken, been already tried in individual instances." (Paras. 42 and 43).

Mr. Frere objected to the Rule about the 2 annas tax, though he did not object to its retention as an alternative of which Jagirdars might or might not avail themselves at their pleasure. He recommended that, subject to this option on the part of the Jagirdar, the Government should revert to the

Duanagi to be optional not compulsory; chowth to be a fixed sum for life.

old rule of taking $\frac{1}{4}$ th net proceeds. "This payment should be a fixed sum continuing annually until the death of the incumbent, when Government will have the option of readjusting the amount of fixed

payment, should the Jagir be continued to the next heir."

This naturally led him to discuss the rules for the resumption of waste.

Mr. Frere submits for sanction the rules approved by him for the resumption of waste, and the rule proposed by Captain Stack for calculating the extent of cultivation.

He recommended that the Rules approved by him should be sanctioned, as also the further concession proposed "by Captain Stack regarding the calculation of the regrantable extent of cultivated land from the produce of the best year out of the five preceding the Jagirdar's death." (Para. 48-52).

The only questions that remained to be considered besides the disposal of Pattadaris, Khairats; and Garden Grants were :

1st whether the old settlements should be opened up, and 2ndly as to the procedure to be adopted in Jagir inquiries.

What should be done with old settlements.

On the first point, "the best rule," wrote Mr. Frere, "would be to consider all past settlements as "final till the death of the present incumbents. The "proposed Rules would then come into operation, and the case should then "be considered with reference to the state of the Jagir as it was when first "confirmed by the late Governor, rather than with reference to the state in "which it is now, provided that no more be regranted to the next heir than "is actually enjoyed now, except the 15 and 10 per cent. of waste land. "This I recommend should be allowed, if required to make a regular boundary, "even though by allowing it the present amount of land may be exceeded. "The rule limiting the regrant to the extent of the original grant, would operate to prevent the possibility of any excess over the land held by the "grantee at the conquest, while the concession would partially remedy many "cases of individual hardship caused by the existing rules" (paras. 61 and 62).

On the second point, Mr. Frere saw no reason why the whole of Act XI of 1852 should not be made applicable to Sind, the rules 3 and 4 of Schedule B of the Act being modified (under the authority of Rules 10 and 11), in accordance with his proposals as above detailed (para. 65).

What procedure should be adopted? Act XI of 1852, to be made applicable to Sind.

221. Eleven days after these proposals were despatched, Captain Stack reported the case of Ali Khan Talpur, Khanani, who had refused to agree to the rent fixed on him in commutation of the $\frac{1}{4}$ th share, owing to its settled character and owing to the heavy canal clearing expenses he had to meet, and who had expressed his readiness to surrender the Jagir regranted to him. His case had been disposed of under the new rules regarding resumption of waste and calculation of the value of $\frac{1}{4}$ th produce, and Capt. Stack,

All canal expenses incurred by Jagirdar to be deducted before assessing chowth.

in forwarding the Mir's petition, stated that the rules did not press with any unusual severity in this case. But at the same time he pointed out that Ali Khan defrayed the entire canal expenses himself, and that as the Commissioner's order of the 26th of March 1853, *directing the remission of $\frac{1}{4}$ th of the

* In this Mr. Frere had animadverted on the custom prevailing in the Haidarabad District of levying the full rate of Hakabo on the whole Jagir even after one-fourth of the produce had been made payable on regrant, and had directed that in future the amount due on the resumed portion should always be deducted from the Hakabo payable to Government, and that in previous cases of regrants the excess levied should be at once remitted.

water rate to persons paying a quarter share of the produce as well as such rate, did not apply to those Jagirdars who dug their own canals, the Commissioner might allow some concession to Ali Khan on this score.

"The usual water tax levied in this Collectorate" continued Captain Stack "is at the rate of Rs. 3-8-0 for each large wheel which waters about 16 bigahs. If juari or bajri is grown the scale in use for calculating regrants, would show the proprietary share on that amount of land to be 64 kasas, which, reckoning the price of the grain at 20 Rupees per kharwar, shows that the water tax is nearly $\frac{1}{4}$ th of that share. Calculations made in other descriptions of produce would, I have ascertained, show pretty nearly the same result. From enquiry, too, I believe that the expense of canal clearing on Jagirs in this Collectorate averages $\frac{1}{4}$ th of the net produce. If therefore you should consider that Jagirdars are entitled to any consideration on this account, $\frac{1}{4}$ th might be struck off from the ascertained average income from land cultivated from private canals, and $\frac{1}{4}$ th of the remainder only fixed for rent on the regrant."

While on this subject, Captain Stack took occasion to mention that the Jagirdars would, without exception, prefer to give up $\frac{1}{4}$ th of the land regranted to them, and that if this option were allowed to them, it would be considered a great boon, as it would "save the Jagirdars much trouble and annoyance."

222. Mr. Frere replied on the 11th of June, (No. 1620) as follows :—

"Beyond all doubt it is equitable to deduct all canal expenses before calculating the value of a Jagir, for the purpose of assessing the payment of one fourth.

"2. But I do not think it advisable to fix one fifth as a deduction on that account, for the proportion of canal expenses must vary much. There will probably be no difficulty in ascertaining the average of 5 years, and whatever this may be, if you be satisfied that the expenditure has been *bond fide* made, and gives a fair average of future charges, it should be deducted from the gross produce, before calculating the payment to be demanded.

"3. Should there be no papers forthcoming to prove the actual expenditure, you can deduct such a sum from the gross produce as may, on enquiry, be deemed adequate, provided the deduction in no case exceed one fifth.

“ 4. There are objections to the resumption of one fourth of the land, and “ as a general rule it would not, in my opinion, be advisable, at all events for “ the present.”

223. On the 15th of July, Mr. Frere in his Circular No. 2012, disposed of another question, *viz.*, as to the period to be assigned for calculating the proportionate division of crops on the demise of a Jagirdar, ordered by the Bombay Government Circular No. 4859, dated 17th February 1852. Mr. Frere

Periods for calculating proportionate division of crops on demise of Jagirdars, as between the heirs and Government.

after consulting the Collectors fixed the following periods for the usual cultivating seasons.

	Date of commencement of season	Days.
For Rabi or spring crops....	From 1st October....	240.
Peshrus or late Spring crops	From 1st February....	180.
Kharif or autumn crops....	From 12th May	200.
Sugar-cane and turmeric....	From 1st March to end of February.	

To give an example of the application of this scale (which is still in force): if A, a Jagirdar died on the 26th May 1853, leaving a Rabi crop, his heir would be entitled to $\frac{2}{3}\frac{3}{4}\frac{8}{10}$ th of the crop, and in the same way if Peshrus or Kharif crops were left, to $\frac{1}{3}\frac{5}{8}$ th or $\frac{1}{3}\frac{5}{10}$ th respectively.

224. On the 8th of July, Captain Stack with reference to a decision by the Commissioner on the 21st of April on the case of Ismail Khidmatgar, had inquired whether in future he was to act upon it in making his recommendations. The Commissioner

Succession to a deceased Jagirdar, of a collateral relation descended directly from such Jagirdar's *propositus*, recognized at the conquest, allowed.

had said that when the claim to succeed to a deceased brother was founded on the right acquired by the father (or other common ancestor), there seemed no reason why it should be disallowed, merely because the succession was collateral and not direct. Capt.

Stack had quoted Rule 3, Schedule B, of Act XI of 1852, which

directed succession to grants 60 years old to be continued, "so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government," and had asked if the Commissioner wished to make this a definite rule for all future cases. Mr. Frere replied in his No. 2009, dated 15th July, that the rule quoted went further than the mere admission of collateral succession, and that he did not think it should be adopted, except in the event of the rules of the Act being made applicable in all details to the Province. He continued :—

"These rules are not for the class of cases which are included in Sind Jagirs, and in discussing the number of successions to Jagirs, I mean simply to indicate the number of individual successors. According to the rules quoted by you, one *generation* is a succession, but this is a technical definition of a succession which I do not think it desirable to introduce into cases of Jagir grants.

"In permitting collateral succession, it will be borne in mind, that in all Jagir claims the incumbent confirmed by Sir Charles Napier must be treated as the grantee, whose lineal descendants are entitled to claim the consideration of Government. His collateral relations or their descendants would have no claim, unless the Jagir were confirmed to the descendants of the original grantee under the Mirs' Sanads, or unless there were special circumstances to induce the Government to allow such succession."

With reference to the observation which had been made by Captain Stack about Jagirs already settled

But rejected claims to such succession not to be re-opened.

by rejecting all claim to collateral succession, Mr. Frere pointed out that no one could reasonably expect the Government to re-open them. "It will be sufficient for us to do henceforth what may be just and proper, but it is not within our scope to revise the acts of our predecessors."

225. On the next day (16th July), Mr. Frere forwarded a copy of his letter to Government (No. 171 of 1853) to Captain Stack, for his information and guidance, and on the 29th of July he requested the Collectors of Karachi and Shikarpur, in order to secure uniformity in

Mr. Frere's report to Government sent to Capt. Stack for his guidance, and Capt. Stack made the channel of communication in Jagir matters.

carrying out the provisional rules, to direct the Deputy Collectors in charge of Jagirs to forward their reports on Jagirs, whether arising from the death of an incumbent or from the petition of a claimant, direct to Captain Stack.

226. On the 1st of August, the Commissioner in his No. 2191, to Captain Stack, informed him with reference to a question put by him on the 19th of July, that the claimants who had previously refused the terms of regrant proposed to them by competent authority, should be held barred from bringing their claims again. "To this" he added "one exception must be made; whenever there is proof of a distinct order by competent authority, sanctioning terms of regrant different from those which were refused, in such cases the claim may be decided on its merits."

Claimants refusing terms of regrant estopped from bringing their claim again.

227. On August 12, Mr. Frere directed Captain Stack to place himself in communication with Captain Goldsmid, Deputy Collector in charge of Jagirs at Shikarpur, in order to determine how far the Jagir rules adopted at Haidarabad were applicable to Upper Sind. Accordingly on August 19th, Captain Stack transmitted to Captain Goldsmid a copy of his report No. 10, dated 22nd February 1853, and of the further correspondence in connection with it winding up with the Commissioner's No. 171 of 1853 to Government, and inquired in what respects the rules in force in the Shikarpur Collectorate differed from those in use in the Haidarabad Collectorate. The claims to regrant in the latter Collectorate, were still disposed of under the old orders as modified provisionally by the Commissioner, the proposed rules not yet having been sanctioned by Government and Captain Stack suggested to Captain Goldsmid to follow the same practice. "Should any case occur however" he added "in which the old rules would not admit of a regrant, that would be allowed by those now pro-

Inquiry as to the adaptability of the Haidarabad rules to Shikarpur.

posed, I do not think the Commissioner would object to a provisional settlement under the more favorable rule, subject to the eventual decision of Government on the general question."

228. Captain Goldsmid replied to this letter on the 6th of September, and Captain Stack summed up the points of difference in the Shikarpur Collectorate in a letter to the Commissioner on the 24th instant as follows:—

Points of difference in the rules in force in Haidarabad and Shikarpur.

" (1) A regrant to a son was not always made dependent on the father having made Salam.

" (2) The order of the 24th March 1847, directing a two-anna per bigah tax in lieu of $\frac{1}{4}$ th share, was not made obligatory, an option as regards either payment being allowed.

" (3) Waste lands have in no instance been excepted from the amount of a regrant.

" (4) The order forbidding the regrant of land held in lieu of pay, has not been carried out as a general rule, though sometimes the regrant has been refused on this plea" (para. 2).

" (5) Regrants were not restricted to the eldest son of a family, but all sons were allowed to succeed collectively" (para. 4).

" (6) The statement of the parties has been taken as to who were the sharers in a joint grant, and what proportion each held, and settlements have been made accordingly" (para. 5).

229. Captain Stack thought that none of these differences would cause any difficulty in introducing the Haidarabad Jagir rules except the third, (the retention of which was necessary in the case of lands lying along the hills and beyond the influence of the river) and that in reporting on individual cases, any point involving a general principle should be noted, and commented on in a separate letter accompanying the case (para. 18).

Feasibility of assimilation.

230. On the 10th of October, Mr. Frere invited by Circular No. 2937, the opinions of the Collectors, regarding the resumption of waste from barani Jagir lands, and on the 22nd October (No. 3070), with reference to the subject of the application of the Haidarabad rules to the Shikarpur Jagirs, asked Captain Stack whether waste lands should be resumed when the grant distinctly specified a particular Deh or village (as) having been alienated to the grantee. He said :—

Should waste be resumed from barani Jagirs, and from grants of dehs or villages as such.

“ In Haidarabad the grant was usually of so many bigahs, and in that District the boundaries of distinct villages were seldom regarded where lands were alienated. In Shikarpur however the Deh is more commonly recognized, and I believe that many grants of the whole of the lands of a particular village will be found to exist.

“ When a whole village is granted, it would seem as if the intention were that all the lands within it should be in the hands of the grantee, for him to do as he pleased therewith. The grant of a number of bigahs was rather a representative of as many rupees of pay, and differs to a certain extent, but it is a question whether to such an extent, as would warrant grants of whole villages being recognized as exempt from the operation of the rules for waste land.”

231. Captain Stack in his No. 171, dated 26th October, denied that “ all Jagir grants in which the number of bigahs given was shown, were for pay,” though, speaking generally, he considered the measured grants were held on a tenure inferior to the unmeasured ones, as the latter were chiefly made by the first two Talpur rulers of Haidarabad. The extent of unmeasured Jagirs and town lands was very large in Sind, and Captain Stack had always understood that Sir Charles Napier’s rule of 1847, was aimed “ more against the unmeasured grants of villages in which the large tracts of waste were chiefly found, than against the smaller holdings where the number of bigahs was defined, and which were generally more fully cultivated.”

The Commissioner in his No. 3186, dated 1st November,

No distinction to be made between grants of specified or measured land and of unmeasured *dahs*, as regards resumption of waste.

concurring with Captain Stack in thinking that no distinction should be made under the circumstances.

232. On the 20th December 1853, the Government* in reply to the Commissioner's general report No. 171 of 1853, requested to be furnished "with a general sketch, not of necessity descending into details, of the amount of revenue which would be alienated for a period or perpetuity, supposing the rules proposed by" the Commissioner were approved of. Their letter was sent

Death of Captain Stack.

for compliance on the 30th December to the Jagir department now temporarily under

Mr. Ellis Assistant Commissioner, owing to the death, on December 9, of Captain Stack whose life had "been shortened by his incessant labours both in the Jagir department and in Sindi philology."†

233. Well acquainted with the working of the Inam Commission in the Deccan, and a thorough master of Persian and the Vernacular, Captain Stack was eminently qualified for the task of settling Jagirs and other alienations on a satisfactory basis. His

Captain Stack's services.

successors were indebted to him for a clear statement of the practice and rules observed in Sir Charles Napier's time, of the

material questions that had yet to be grappled with, and of the principles which should guide them in their disposal. He had succeeded in mitigating some of the objectionable features of the scale in force for calculating regrantable areas, and of the method of computing the chowth. But his great service consisted in setting forth clearly and cogently, the reasons that existed for

* Government letter No. 5470, Political Department.

† Mr. Frere to Government No. 38, dated 15th January 1856.

introducing the hereditary principle in Sind Jagirs, reasons which eventually found acceptance with the authorities.

234. Resuming the thread of our narrative, we find Mr. Ellis on the 30th of December forwarding a report, which had been called for from Captain Goldsmid, on the question of grants made by others than the Rais in Upper Sind. Mr. Frere's own opinion was that such grants, if confirmed by Sir Charles Napier, should not be continued beyond the lifetime of the grantees, unless they should have the sanction of long undisturbed possession (No. 3520 dated 28th November 1853 to Capt. Stack). Captain Goldsmid taking the history of the Khairpur Mirs into consideration, recommended that the following chiefs should be ruled to have possessed power to alienate land during the following periods :—

Who were reigning Princes in Upper Sind, whose authority to alienate land should be admitted ?

“ 1st. From 1786 to 1821, Mir Sohrab Khan, and
“ further, should instances occur, up to the period
“ of his death in 1830.

“ 2nd. From the 27th of December 1821 to the 19th of July 1839,
“ Mirs Rustam, Mubarik, and Ali Murad Khan sons of Mir Sohrab, for their
“ respective shares of country.

“ 3rd. From the 20th of July 1839 to the 20th of December 1842, Mirs
“ Rustam, Ali Murad, and Mir Mubarik's eldest son, Nasir Khan, for their
“ respective shares of country.

“ After this period prolonged, if necessary, to the battle of Meani, the
“ British Government and Mir Ali Murad are the sole authorities whose
“ grants of land in Jagir can be held valid in Upper Sind.”

Mr. Ellis recommended that the above dates be adopted in determining the authority of grantors of Jagirs, and considered there was “ no necessity to recognise the younger sons of Mir Mubarik, as they were never acknowledged as chiefs, independent of their eldest brother Mir Nasir Khan.”

235. The Commissioner in his No. 52, dated 10th January 1854, approved Captain Goldsmid's propositions, and informed the Assistant Commissioner that they would be “ submitted to Government with other matters connected with the Upper Sind Jagirs.”

236. On the 24th January the Commissioner allowed Captain Goldsmid, Capt. Stack's successor, to grant applications by Jagirdars for the substitution of chowth for the levy of two annas per jerib, "provided the two anna assessment now levied was not a condition of the grant, as made by the Governor after the conquest."

Option of paying chowth in lieu of duanagi allowed, unless the latter was a condition of the grant itself.

But chowth to be always commuted for a fixed sum in cash, calculated on the value of the Jagir in the year previous to the regrant.

"In all cases" he continued "the commutation of the payment in kind for a fixed sum in cash should be made an essential condition, in acceding to the application."

"In fixing the amount of the one-fourth payment, the value of the Jagir in the years previous to the order fixing the two anna rent, or previous to the regrant of the Jagirs, should be taken as the basis of calculation, and not the value of the Jagir during the last 4 or 5 years" (No. 199).

237. On the 1st of February the Commissioner directed the Collector of Shikarpur to transfer to the Assistant Commissioner for Jagirs all his Persian as well as English Jagir records, "all Jagir enquiries relating to the Shikarpur Collectorate having been entrusted as in the other Collectorates" to that officer.

Jagir enquiries throughout Sind entrusted to Capt. Goldsmid.

238. On the 3rd of March, Mr. Frere decided a point which had been urged upon his attention as early as the 7th of June 1853. On that date Captain Stack had pointed out the confusion, arising from the adoption of separate standards in measuring Ryoti and Jagir lands, and of more than one standard in measuring the latter. The gunda of all the Mirs* except Nasir Khan was 6 feet 5 inches, that of Nasir Khan was 5 feet 9 inches, and each of these 20 long and 20 broad

All measurements to be in future with the Napierian gunda and reduced to Jagir gundas if necessary.

* A long correspondence was carried on in the vernacular regarding the Gundas in use in the resumed Districts between the Collector of Shikarpur and the Assistant Commissioner for Jagirs. It ended on the 7th of April 1854, the conclusion to be derived from it being that Jagirs were usually unmeasured in those Districts, and that no fixed length of rod could be ascertained.

made a bigah. After the conquest the Napierian gunda of 7 feet 6 inches was employed in measuring Ryoti lands, but not in measuring Jagirs or regrants of Jagirs. Captain Stack had proposed that instead of allowing 15 per cent. of regrants for a boundary line, the Jagirdars might be allowed the benefit of the Napierian measure. He had calculated the loss to Government to be 2 per cent. and the Commissioner, thereupon, had agreed to his proposal on July 5. But Captain Stack's calculation having been found to be erroneous, the order had been cancelled on the 27th of July. The question was, however, raised again, though in another form, by Captain Goldsmid on the 13th of February 1854. He wrote :—

“ The Napierian gunda might be invariably employed in the Kardars' accounts, and any specified number of bigahs entered according to that standard. The difference, more or less, would of course be calculated (if thought necessary) in large grants ; but I beg to point out that in small re-allotments of 5, 10, or 20 bigahs the introduction of parts of a Jerib might be attended with inconvenience.

“ If the usual Government measurement were therefore adopted in all cases, where the regrants would not be more than 50 or even 100 bigahs, allowing the benefit of the difference where benefit would accrue, I think that the arrangements would tend to simplify the accounts, and would inflict no loss on the grantee.”

239. Mr. Frere in his No. 575, dated 3rd of March 1854, concurred with Captain Goldsmid “in opinion that all measurements should be with the Napierian gunda, and reduced if requisite to other gundas after measurement.” He continued :—

“ The official record should be in the Napierian gunda, the required proportion being of course observed.

Waste lands below 50
Napierian bigahs not to be
resumed.

“ The order for not resuming waste lands below 50 bigahs, you should consider to refer to Napierian measurement.

“ In all other cases of regrant of small assignments it will probably be sufficient if you observe, for all Jagirs, the rule to, adopt, in reductions to Napierian measurement whole figures most favourable to the claimant, without taking heed of fractional parts.”

Whole figures favourable
to claimant to be taken and
fractional parts given up.

240. In the letter above quoted Captain Goldsmid had mentioned a case in which an original grant of 1,200 bigahs had been

reduced to 67 bigahs, under the rules for the resumption of waste on regrant. On the same day, therefore, that Mr. Frere disposed of the reference regarding gundas, he requested (No. 570)

Rules for calculating extent of cultivation from the produce of best year of five provisionally sanctioned.

Captain Goldsmid to provisionally carry out the rule for the calculation of the extent of cultivation from the produce of the best year of five, and not to defer its application any longer. He then proceeded as follows :—

“ It also appears that the rules for the resumption of waste lands press
Limit of waste resumable from Jagir on which Jagirdar resides to be not more than $\frac{1}{3}$ rd. “ with particular hardship upon Jagirdars who “ reside on their estates, and this by no means “ numerous class may fairly claim some relaxation of “ the regulation.

“ I therefore request that in regrants of Jagirs to resident Jagirdars, you “ will not apply the ordinary rule for allowing only 15 per cent. of waste “ land and resuming the waste, but instead thereof allow the heir to retain “ possession of waste land equal in amount to two thirds of the whole Jagir, “ and resume only the excess over and above the two-thirds.

“ This rule will be applicable only to Jagirs situated in the Deh “ within which the Jagirdar actually resides ; all his other possessions will “ be subject to the ordinary rules.”

241. On the 25th of March, Captain Goldsmid, forwarded the Statement called for by Government letter No. 5470, dated 20th December 1853, “ of Revenues, to be alienated under the operation of the rules proposed for Sind Jagirs”

Estimate of revenue likely to be alienated under Mr. Frere's proposed Jagir rules.

by Mr. Frere. He roughly estimated the revenues of what would be 1st Class Jagirs, throughout Sind in perpetuity at 39,259 Rupees, of those that would be 2nd Class at 93,575 Rupees, of those that would be 3rd Class at 44,939 Rupees, and of those that would be 4th Class at 1,07,822 Rupees. To these he added the revenues of the Jagirs of the Four Great Talpur Families, Rs. 11,875 in the 1st Class, Rupees 1,01,888 in the 2nd, Rupees 9,824 in the 3rd, and Rupees 12,572 in the fourth.

242. On the 30th of March, Captain Goldsmid also suggested to the Commissioner, that the Jagir rules might be assimilated in all the three Districts, and accordingly at his request the opinions of the Collectors of Karachi and Shikarpur were invited on the subject.

Suggestion for assimilation of the Rules in all the Districts.

243. On the 18th of April, the Bombay Government in their letter No. 1701, finally disposed of a question that had been definitely raised in 1853. On the 10th of October 1853, Mr. Frere had brought to the notice of Government that sometimes the widows of Jagirdars were left destitute owing to the lapse of the whole Jagir, and had proposed that as a rule, life grants might be made to them, not exceeding in value one half of the lapsed Jagir, and payable in grain or money as a charge on the lapsed estate. He had added that whenever from political or other considerations it might be considered advisable to grant more than one half of the net value of such estate, a special reference would be made to Government.

Government orders regarding provision for Jagirdars' widows.

In reply the Commissioner had been called upon by Government Resolution, dated 2nd January 1854, to report what was the practice under the native rule on this point.

Accordingly on the 23rd January 1854, the Assistant Commissioner Mr. Ellis had reported that the usual practice of the Amirs in the case of Sirdars dying without male issue, had been, to regrant his Jagir to a near relative who was then bound to provide for the family of the deceased, that if there was no near relative it had been usual for them to grant a portion of the Jagir but more frequently an allowance of grain or cash for the support of the family of the Jagirdar, but that notice had been seldom taken of the minor Jagirdar's death.

This report was submitted to Government on the 25th of January 1854, and on the 13th of March they passed

a resolution in the Revenue Department, distinguishing between grants which in the older provinces would be viewed as Jagir tenures, and those which in the Deccan would be received as Inami tenures, and directing the latter, "to be dealt with according to Rule IX* of Schedule B of Act XI of 1852, it being already understood that Provision 1st of that rule was only applicable to such Jagirs as were fully recognizable as hereditary personal Jagirs under the rules in force in Sind." The former were considered in the Political Department, on the 18th of April, on which date Mr. Frere was informed (No. 1701), that on the lapse of such grants, the question of granting provision to the grantee's widow and the amount of such provision would "be considered in the Political Department, with reference to the general merits of each case, in preference to the plan suggested by Mr. Frere."

244. On the 22nd of April 1854, the Political Department informed the Commissioner that his letter No. 102, dated 30th

March, enclosing a statement of the revenues likely to be alienated under his rules, had been transferred to the Revenue Department for disposal, "it having been resolved

All subsequent proceedings connected with Jagirs to be primarily conducted in the Revenue Department.

by Government that all subsequent proceedings connected with the Sind Jagirs shall be primarily conducted in that Department, such matters as may partake of a political nature, being transferred to the Political Department for consideration and disposal" (No. 1827).

* "On the resumption of any lands under the rules of this Schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution. Provision 1st.—In the case of a holding, which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life, the Inam cannot be regarded as having lapsed to Government; it should therefore, in such a case, be continued undiminished during the widow's life."

245. On the 27th of June 1854, Captain Goldsmid pointed out that there was no rule for disposing of an heir's claim to Jagir crops, when there was no lapse but a regrant. He stated that in

Rule of season divisions to be followed in disposing of an heir's claims to crops of Jagir regranted to him.

Shikarpur, he had applied the same rule of season divisions to both classes of cases, but the practice in Haidarabad had been different.

The Commissioner on the 14th of July (No. 1987) informed him that the rule followed by him in Shikarpur "should be made general."

* 246. On the 12th of August, Captain Goldsmid inquired whether in tracing the origin of a tenure in order to classify it according to its proved antiquity, the date of a prior holding in Seri should be taken into account. He was himself of opinion that it should not, and the Commissioner on the 16th of August (No. 2344) concurred in this view.

Date of Seri not to be considered as date of Jagir.

247. In September, Captain Goldsmid submitted suggestions for the better securing of correctness in registration, and of confidence in the settlements hitherto provisionally allowed.

Proposal for employing a Surveyor and improving registration.

He also made a proposal for employing a Surveyor and a District Munshi at a cost not exceeding Rs. 1,200 per mensem. This proposal was sanctioned by the Commissioner. (Progress report from Capt. Goldsmid dated 31st March 1855.)

248. On the 7th November Mr. Frere after calling for statements of the amount of barani or rain lands, the proportion cultivated, and the assessment realized informed the Assistant Commissioner that, "in future regrants of such lands, there will be no resumption on account of waste,

No waste to be resumed from Barani lands, and 1/4th land to be taken for chowth.

* It may be noted that on the 2nd of August the Commissioner invested a few Jagirdars in Upper Sind with Judicial powers under Regulation XIII of 1830.

“but the ½th resumable on succession will be taken in land, and “marked off in one spot including good and bad soil.” This order was passed on the strength of the professed principle on which Sir Charles Napier had advocated resumptions of waste generally.

249. As pending the settlement of this question the decision of Captain Stack’s reference on the subject of introducing the Jagir rules in the Shikarpur District had been deferred, the Commissioner on the 15th November (No. 3397) proceeded to dispose of it. The instances of difference from the Haidarabad practice had, he said, “for the most part been decided rather in

“favor of the Shikarpur than of the Haidara-

Mr. Frere on the application of the Haidarabad Jagir rules to Shikarpur.

“bad rules.” The only important point

which was against the Shikarpur practice

was the resumption of waste lands. But

the Shikarpur practice was clearly opposed to the instructions of the late Governor. Further instructions, however, Mr. Frere thought, would be out of place on this subject, as the improvement of the present rules was under consideration. He continued :—

“As the new Jagirs in Upper Sind are few, and the rule is inapplicable to Patadaris, Khairats, and in fact to all but Jagir tenures, I trust “that no inconvenience will be experienced in the application of the Haidarabad rules to Upper Sind.

“The rule for confirming a Jagir in the name of the eldest son is “convenient, and in fact has been adopted for some time past. The same “may be observed regarding the rule for recognizing shares according to the “definition of the Sanads. But to both these general rules there must “obviously occur exceptions which you will continue, as heretofore, to bring “to notice in reporting on each special case as it may arise.”

250. Captain Goldsmid now commenced a system of District enquiry for the first time, at the end of the year. He had been directed by the Commissioner on October 4th, to submit any suggestions which might occur to him for the amendment of the rules relative to the calculation of produce, and on October 13th, to suggest such modifications in the rules for waste land resump-

tion as he might think called for, after considering the subject during his District tour. Accordingly on his tour Captain Goldsmid made enquiries on these subjects, and at the same time

Captain Goldsmid's registry of the appearance of Jagirdars and proposal for registry of heirs.

took the opportunity of registering the age, personal appearance, &c., of about 250 Jagirdars, and shareholders in Jagir grants and small Khairats. This he purposed to be the commencement of a general registration of all other than the more respectable and better known Jagirdars, 'a measure' he said, 'absolutely necessary for the prevention of fraud.' He was further of opinion that where regrants would be admissible, a register of heirs would be a valuable office record (Progress report dated 31st March 1855).

251. On the 13th of January 1855, Captain Goldsmid in his No. 10 A. made a long report on the matters referred to him. The expression 'waste' could never have been intended, he said, to apply to fallows and culturable soil, and yet in some cases these had been resumed. The application of the *Yak-Tarafi* * rule had often caused great difficulties. "Those who have traced" continued Captain Goldsmid, "the ducts of a 'Nar' † on the banks of the Indus up to the spot of egress and consequent fertility, will know that a mile of barren soil may be often traversed before the sought-for field is reached." The water courses cut by the Jagirdar gave him a kind of natural claim to that portion of the land which they intersected, and it was hard to make him clear these cuttings for the benefit of Ryoti land, specially as if he did not do so, his own Jagir would be unproductive. The soil was so capricious and variable, and the cultivation so scattered and partial in many places, as to render the 15 per cent. allowance for waste, far below the mark required for compactness. To add to all these defects the accounts of

Defects of waste land resumption rules.

* Rule regarding resumption in one continuous line of boundary.

† Persian Wheel.

produce were not altogether exact, and it was therefore necessary to appoint District Munshis to keep an eye upon the capabilities of those alienations, with which the Government officials exercised little or no interference. Moreover from what he had seen, it appeared that there had been "actually no realization of the paper settlements commenced some ten years ago, and all supposed re-apportionments of land resolved into mere distribution of revenue." Pending measurement, the proceeds of settled estates had been placed in deposit, the regrantees receiving meanwhile such proportion of the proceeds as the area of regrant might bear to that of the original estate. Each year therefore the old ground had to be gone over, and the shares of all parties duly defined, upon the produce of the season. "If peradventure a new Faisalnama should have interfered, the case was rendered more perplexing than ever by inability to deal with the waste land accruing to Government. The detriment from a financial point of view arose from the multiplicity of accounts involved, amid which a thousand bigahs more or less might be wrongly reckoned at any time. The Kardar's records generally differed considerably, Captain Goldsmid discovered, from those in the Jagir office, as to the amount allotted in each Deh or Parganah to particular individuals, and questions of hakabo, battai exactions, and fees of various kinds often perplexed the accounts. The Jagirdar's position, under such circumstances became an anomaly. He was "very much "at the mercy of Government servants in the midst of his own admitted rights. He holds a Parwana or Faisalnama of regrant, and "yet he is not at liberty to dispose of the proceeds of his Jagir, till "the accounts have been examined and his share (of payment or "receipt) assessed." Thus the system of waste land resump-tions entailed "first unnecessary trouble to Government officials "and interference with the Jagirdar, second, difficulty of any but "a partial reclamation of waste in a partially cultivable soil com-bined with other natural obstacles, and third, delay in effecting "Jagir settlements on regrant or revision."

The remedy suggested by Captain Goldsmid of the restriction of such resumptions to permanent alienations.

on regrant.

252. The remedy suggested by Captain Goldsmid was to exclude waste land resumptions from the 3rd and 4th Class Jagirs and to employ measurers in marking off resumptions

253. This suggestion led Captain Goldsmid to discuss the advisability of modifying the advantages which Mr. Frere had proposed to secure to the 3rd and 4th Class of Jagirdars.

Advisability of modifying Mr. Frere's proposals regarding the 3rd and 4th Class Jagirdars.

Captain Goldsmid recommended that the 4th Class Jagirs should not be continued for one generation after the death of the incumbent at Meani on payment of $\frac{1}{4}$ th the produce and on deduction of waste as recommended by Mr. Frere, but resumed altogether on the demise of such incumbent, and that 3rd Class Jagirs should not be regranted beyond one generation, and then at an assessment equal to $\frac{1}{4}$ th value. The heirs of such deceased 4th Class Jagirdars as could prove 5 years' possession before the conquest should, however, he thought, receive not only the produce of the whole season of casualty, but also of one succeeding season from the Government granary.

Captain Goldsmid's proposal regarding the 1st and the 2nd class.

254. As regards the First and Second Classes of Jagirdars, Captain Goldsmid wrote as follows:—

“The fewer the number of Sirdars in possession of their old lands, and the less incumbered their tenure, the more will those few appreciate the distinction with which they are treated, the more attached, it is probable, they will become to the Government which protects them, and the more will their position remain in accordance with the former system, which in retaining Jagirs at all, we are to a certain extent acknowledging.”

255. His object was “to make the distribution of benefit more applicable to the feudal spirit of the country, and perhaps, politically speaking, more advantageous in the long run to Government.” He therefore proposed that “no ordinary follower of the Mirs, whatever the date of his Sanad” should belong to the 1st or 2nd

Class. He also proposed that no waste land should be deducted from first Class Jagirs, and that the waste land resumable from Second Class Jagirs “should be ascertained by survey” but that when settlements pressed, a fixed portion, say a third, should be taken off. “At all events” he added “it would materially simplify this most troublesome part of the question to reduce the amount of Jagirs liable to suffer waste land resumption to a solitary class.”

Ordinary followers of
Mirs not to belong to the
1st or 2nd class, whatever
the date of their Sanad.

256. Captain Goldsmid stated that he would base his recommendations upon the classification above sketched, “unless he received instructions to the contrary.” He had travelled with the Commissioner on tour and discussed the subject, and he believed that the Commissioner had not disapproved the points in which the above classification differed from the prior one.

Mr. Frere’s approval of
these proposals

“Moreover I do not think myself in error” he added “in stating that you were desirous of fixing a third share as the limit (if not a matter of course amount) of waste land resumption, where that measure would be necessitated.”

257. In case of regrants Captain Goldsmid recommended that the Government claims on waste be waived until the land measurement took place, or at least invariably for the season of regrant. “Such a proviso” he said “would save much confusion in the Collectorate accounts, and it must be remembered that the resumable is reckoned the valueless portion of the Jagir.”

Claim to waste to be
waived until measure-
ment.

258. He proposed to prepare a list of Jagirs of the Second Class with a view to filling in at every available opportunity for measurement or survey the amount resumable in each on account of waste. “This would supply the essential data for future settlement, as it is not conceived likely that the land now classed as waste,

Survey of Jagirs with a
view to marking off re-
sumptions.

will change its character sufficiently under the present race of Jagirdars to warrant its after inclusion as cultivated land."

259. As regards the procedure to be adopted, Captain Goldsmid stated that he was preparing District Rolls showing the extent of each alienation in the respective Kardarates, and distinguishing settlements confirmed by competent authority from those still pending, or such as could only be considered temporary. In the remarks to each item in these rolls, he proposed to state his recommendations for permanent disposal. If they met the Commissioner's wishes, nothing would remain but the measurement of the alienation.

260. Captain Goldsmid was also carrying out the system introduced by Captain Stack of transcribing the Persian Sanads, and binding the transcripts into volumes. "The new native records" he wrote, "will I trust ere long be condensed
 "in an abstract form, sufficiently clear how-
 "ever to warrant a recommendation to des-
 "troy the old tattered bundles preserved from
 "the Mirs' Daftar. I have had enough experience to look upon
 "this subject as material, and it is my opinion that, in adjusted
 "Jagir cases, wherever an English register is authentic and
 "explicit, the native documents which supplied the information
 "had better if practicable be set aside *in toto*." *

261. Before Captain Goldsmid made his report No. 10 A, Mr. Frere from his own observation and experience had arrived at similar conclusions. He had been convinced that some of the rules submitted by him for the approbation of Government would require much alteration, and he had therefore applied to Government to have his report No. 171 of the 19th May 1853, on which no decision

Mr. Frere requests the return of his report No. 171 of 1853.

* Progress report for 1854.

had yet been passed, returned for correction. This request was complied with on the 19th January 1855.*

262. The necessity for such alterations became more and more manifest, as the survey operations proceeded. The Jagirs surveyed were found to contain much less land than their originally registered area. The difference was generally very great, and could only be accounted for according to the Jagir Surveyor, Mr. R. Godfrey, by the manner in which the Zabits (measurers) had been in the habit of using their measuring gunda. He wrote :—

Necessity for alterations in Mr. Frere's proposals proved by the survey.

Difference of area.

Reason of such difference. "The measurer clasps the gunda in the centre, sticks one end on the ground, and using his hand hanging, without stooping in the slightest degree, turns the rod, walking on at a stout pace. The marks thus made must inevitably be short, unless the operator takes a short step whilst the rod is in suspension, as he uses his hand as a fulcrum, and this is at least 2 feet and 6 inches from the measured line..... This system of measurement throws open a door for fraud should the measurer have sufficient inducement to act fraudulently, but the worst of the system is that however careful an operator may be, he cannot arrive (except by accident) within 20 per cent. of the true measurement.

The line which one of the Tapadars said was ten gundas in length was found by Mr. Godfrey to be only 9. This alone made a difference, when squared, of 19 per cent. to which might be added 6 per cent., according to Lieutenant Jameson "for the faulty system of native mensuration."

263. Mr. Godfrey also proved that it was almost impossible to carry out regrants or to mark off shares on the 'Ek-taraf' principle in an alienation interspersed with salt land, without either giving a much greater quantity of land than the Jagirdar was entitled to under his Sanad, or taking cultivated land from him.

Impracticability of re-granting in one piece in certain lands.

Faultiness of the scale for the calculation of produce.

Mr. Godfrey's observations also showed the faultiness of the scale in vogue for the calculation of produce. He wrote :—

* Government Resolution No. 274.

“In the first place by it the same quantities of good, bad, and in-
 “different soils are computed to produce equal quantities of grain. This
 “appears to me literally an impossibility. 2ndly, I believe it has never
 “been ascertained what bigah Captain Rathborne (the framer of the scale)
 “calculated the produce from. It has been the practice to calculate the
 “same produce per bigah, for Mir Nasirkhan’s, the ordinary, and Mir Fateh
 “Ali’s measures. I think the only inference to be drawn from this practice is
 “that it must be wholly and totally wrong. 3rdly the scale allows 9 bigahs
 “and 10 viswas to every kharwar of Rice produce : this at 12 Rs. per khar-
 “war. would give Rs. 1-4-2 as the rent or assessment on rice land. Now it
 “is notorious that there is but a very small portion of rice land in the
 “Haidarabad Collectorate, that is not eagerly sought by Ryots at an assess-
 “ment of Rs. 2-8-0 per bigah. In many instances also *mung* is raised on the
 “same land, and is assessed separately at 2 Rs. per bigah. If any of this
 “rice land came under computation for regrant, the result would be that 5
 “or 6 bigahs would be held as under cultivation for every single bigah
 “actually so. The scale may give a pretty fair average in some cases. But
 “it is perfectly impossible that it can lead to correct conclusions when
 “applied to all descriptions of land and all sized bigahs.”

264. Mr. Godfrey was therefore of opinion that, a survey of all
 or nearly all the Jagirs of the First and
 Second classes in Sind was essential, the re-
 gistered quantities of land in each alienation
 being far from correct, the scale in use being “next to useless,”
 and the recovery of the lapsed shares by Government in a manner
 at once fair to itself and to the Jagirdars hardly possible.

265. There was another point brought to light by Mr. Godfrey,
 which in a measure explains the discontent
 engendered in the minds of the Jagirdars.
 They were not allowed to use more wheels
 in the cultivation of their estates than they had at work in the
 year of the conquest, “a year of trouble and commotion through-
 out the length and breadth of the Province.” The Government
 thus put it entirely out of their power to improve their estates,
 and as the extent of land regrantable depended upon the produce,
 “to secure their descent entire to their heirs.” “Had an
 average been struck” continued Mr. Godfrey “of 5 or even 3 years
 “prior to that of the Conquest, the measure would not have
 “carried injustice so plainly on its front.”

Survey of First and
 Second Class Jagirs es-
 sential.

Oppressiveness of the
 rule regarding appropria-
 tion of water.

266. The Jagirdars thus labouring under several disadvantages appear to have behaved with scant justice towards the Zamindars in their holdings. It was not clear whether the Zamindars wronged by them had a civil or a revenue remedy, and on this account the Collector of Haidarabad, Mr. Bellasis, enquired, on the 20th February 1855, whether persons dispossessed of mukhadimi*

Persons dispossessed of mukhadimi rights by Jagirdars may sue at law. rights by Jagirdars were "at liberty to file actions in the civil courts for the recovery of these rights, or for a certain sum of money in indemnification for the loss thereof" The Collector was informed on the 26th of February (No. 679) that "the mukhadim can if he feels aggrieved bring his action against the Jagirdar."

267. In the month of March Captain Goldsmid, having fallen ill, proceeded, after submitting a progress report for the year 1854, to Europe, upon sick certificate, and Lieutenant Lewis Pelly was nominated his *locum tenens*.

268. Before his departure, Captain Goldsmid had completed a roll of alienations in the Shahdadpur Taluka, which was intended by him to serve as a model for future district settlements. He had classified almost all the grants entered in the roll, but had found great difficulty in classifying the Jagirs of the Talpur families. Referring to Captain Stack's memo of the 11th of March 1848, he said, the clause in the late Governor's proclamation probably applied to the four other Talpur chieftains, Muhammad Khan, Abdulla, Aludo, and Jada (besides the brothers of Mir Fateh Ali, and Mirs Sohrab and Thara), who, according to Captain Stack, had been specially provided for at the accession of the Talpurs, and to their descendants. He did not comprehend what was exactly intended by the proviso of poverty in the said clause, as he could not ascertain on what occasion or to what particular individual the promise had been tendered. He wrote,†

* Zamindari right.

† No. 85 A dated 16th March 1855 to the Commissioner.

“It seemed unlikely that it had been contemplated to include every member of the four houses of Shahwanis, Shahdadanis, Khananis and Manikanis. Yet all in fact were comparatively ‘poor’. Moreover I had not found that my predecessor, who must have known the local Jagir rules and their application to the period in question as well as any officer in Sind, had recommended, in any of his late settlements for members of the four houses aforesaid, the remission of the quarter produce assessment. As regards the want of Sanads to prove a tenure from Mir Fateh Ali, it is conceived that, at least, oral evidence on the question would be adduced in doubtful claims, in order to carry out the permanent pledge to its full extent, had one been made so comprehensive as to include such a number of claimants.”

269. Captain Goldsmid, in this view of the case, made enquiries as to the positions of the several members of the four families, so as to find four Talpur chiefs “who would represent the four families referred to in Sir Charles’ proclamation, and who might be freed “from all assessment in all Jagirs granted to them up to the death of Mir Fateh Ali.” This was the only immunity, which Captain Goldsmid thought they were entitled to.

270. His enquiries led him to select Mir Ali Bakhsh and Mir Budho from among the Shahwanis, Mirs Bijar and Ahmed Khan from among the Shahdadanis. Mir Muhammad Khan from the Khananis, and Mir Khan Muhammad from the Manikanis. Captain Goldsmid however admitted that he had found in the records some decisions of Government in 1846-7, which showed a system in force at variance with the conclusions he had arrived at, and he therefore recommended that every case of these four families for which provision was not made by the Rules had better be made special, and each left to be decided on its merits.

271. Later on from Aden in April 1855, Captain Goldsmid sent

Captain Goldsmid’s memorandum from Aden. His proposals for classification of Jagirs.

a memorandum of the rules of classification and resumption of waste lands which he proposed for adoption. It appears from this memorandum that he intended to include the Numrias, Jokhias, Sayads of Rohri, and such of the Baluchis and others as had been possessed of State alienations prior to 1783, in Mr. Frere’s First Class. The Second Class he proposed to divide into two sections,

the first embracing the members of the Four Great Talpur Families alluded to in Sir Charles' proclamation, whose lands would be unassessed but subject to waste land resumption upon regrant, and the second comprising the mass of permanent Jagirdars in Sind whose lands would be not only subject to waste land resumption but also to assessment.

"The essential qualification for admission would be, as a general rule proof of tenure prior to the death of Mir Ghulam Ali (1812) or in Upper Sind, prior to Mir Sohrab's partition of the country (A. D. 21st December 1821). But each case must so far rest on its merits that, none but men of a certain position and respectability should be allowed the prospective hereditary benefits here contemplated, from the mere fact of having been servants of the ruling house."

In Mr. Frere's Third Class, Captain Goldsmid intended to include not only those whose alienations dated prior to the decease of Mir Murad Ali in 1833, or in Upper Sind of Mir Sohrab in 1830, but also those who might fail to establish their title to the class immediately preceding, independently of causes connected with antiquity of Sanad or tenure.

272. As the extravagant proportions of Jagir to *Khalsa* land in Sind presented a bar to the speedy completion of a survey for the purpose of marking off resumptions of waste land, Captain Goldsmid proposed to restrict such resumptions to the Second Class only. He also proposed that the maximum of such resumption should not exceed one-third, and in the case of Sirdar Jagirdars $\frac{1}{4}$ th of the whole alienation. The objections to the old system he said were—

His proposal to restrict resumption of waste to the 2nd Class.

Sind presented a bar to the speedy completion of a survey for the purpose of marking off resumptions of waste land, Captain Gold-

smid proposed to restrict such resumptions to the Second Class only. He also proposed that the maximum of such resumption should not exceed one-third, and in the case of Sirdar Jagirdars $\frac{1}{4}$ th of the whole alienation. The objections to the old system he said were—

"1st the want of regular accounts of produce in the Jagir Office.

"2nd the difficulty of calculating land upon these accounts in a country whereof the produce in particular parts is so dependent upon uncontrolled causes.

"3rdly obstacles in the execution of proper details."

Among the advantages of the new system would be, he said, on the other hand—

"(1) a settlement not wholly dependent on and at times wholly independent of *khasras* or produce accounts."

“(2) Personal attendance on the land under adjustment, thereby, ensuring the feasibility of any proposed permanent boundary arrangement.”

273. Thus Captain Goldsmid left to his successor a methodical system of district enquiry, and a classification of Jagirs, which was not subsequently altered in any particular, except in exempting his second section of Second Class Jagirs from assessment. He had proved the necessity of marking off regrants locally and not on paper alone, and of confining resumptions of waste lands to one class only, the Second. Moreover the hard and fast character of the scale for calculating regrants, and the confusion arising in practice from the use of the ambiguous words “waste” and “bigah” had been clearly established. It now remained to complete the local statements of Jagirdars on the model of Captain Goldsmid’s Shahdadpur Roll, to frame personal statements of all those worthy of hereditary provision, and to survey the Jagirs for the purpose of obtaining correct information regarding their area.

274. Accordingly Lieutenant Pelly lost no time in taking “Local Rolls” in hand. These Rolls specified the name of every holder or sharer in every holding situate within the limits of a given Taluka, his relationship to the grantees named in the Sanad bearing Sir Charles Napier’s seal, the date of that Sanad, the name of its granting Mir, the name and extent of the land granted, the extent originally and at present held by the holder or sharer, the equivalent for the same in Napierian bigahs, the names of deceased sharers, the extent of their shares lapsed or inherited, and finally a report upon the case tracing the tenure and showing its final settlement. This statement had its counterpart in Persian in every respect similarly drawn out, only containing more detailed information relative to the title deeds. The statement after receiving the approval of the Commissioner used to be translated in the vernacular, and then made over to the local revenue officials. After

Stage of the Jagir enquiry at the time of Captain Goldsmid’s departure.

Lieutenant Pelly’s Rolls.

it was framed, all that had to be done was to define the several shares, to place in the hands of regrantees their respective Faisal-namas, to set up boundary marks, and to measure and mark off upon the soil the prospective resumptions.*

275. Lieutenant Pelly suggested on the 22nd of March 1855 that all prior title deeds thus virtually superseded by the Rolls should

Title deeds relied on by claimants to remain with them.

be recalled and cancelled, but as the Inam Commissioner followed a different practice in the Deccan, and as there was yet “no well

“organized system for the preservation of public records” in Sind, Mr. Frere replied on the 22nd of May, that it was better to leave to the parties most interested in preserving them “the responsibility of taking care of documents which may become necessary for future reference in family disputes as well as in supporting claims on Government.”

276. On the 7th of June, Mr. Frere decided another point which had been raised by Lieutenant Pelly on the 28th of March, and reported on by the Collector of Haiderabad on the 29th of May.

Regrantees of 3rd Class Jagirs to have the privilege of selecting the land regranted out of the original estate, and to have all the yearly Government dues, Chowth, Hakabo, and 5 per cent. cess settled at a fixed cash amount payable annually and such marked off regrants to be measured.

Lieutenant Pelly had pointed out that the complication of accounts and the interference of Government officials resulting from the calculation of $\frac{1}{4}$ th assessment on the method of averages, and on regrants of parts of Jagirs by the rule of proportion in addition, were serious drawbacks, and did not secure the implied benefit of a Jagir tenure, as was

proved by the solicitations of the holders to have their lands marked off, and by the fact that the calculations in some instances led to the demand of a deficit from the holder, and not in the making over of the proprietary share. He had therefore proposed to supply the Kardars with statements showing the precise extent of every share, and the *fixed* assessment (if any) thereon. As respects the selection of land to be measured off he wrote :—

* Lieutenant Pelly's No. 2 dated 2nd January 1856 to the Commissioner.

“ I am, under correction, of opinion that since the very large majority of Jagirs are in the third and fourth classes, and resumable, therefore, at the furthest. after one generation, since moreover the mass of shares are already decreased, and rapidly tend to become yet smaller in extent, and, since the soil in Sind is not at present particularly remarkable for variety of values, the interest of government would not materially suffer, if upon the shares being measured, the sharers should be allowed to select them from any locality within the boundaries of the original holding.”

277. The Collector of Haidarabad thought it highly desirable that the extent of land regranted, subject to payment of a fixed assessment, should be measured off in one spot, and he saw no objection to the regrantee of a Jagir being allowed a choice of the land, as his regrant was supposed to be the best cultivable land in the Jagir. As regards the continuance of a share to the survivor of a number of original sharers, however, he was of opinion that the original proportion of good and bad land should not be lost sight of. He also pointed out that in order to free the Jagirdar entirely from the interference of Kardars, it would be necessary to settle the amount of hakabo (water-rate), specially on Sailabi lands, once for all, as without such settlement the Kardar would have still to interfere to find out the gross produce of the Jagir for the purpose of levying the tax per Kharwar.

278. Lieutenant Pelly concurred with the Collector on this last point, but was still of opinion that surviving sharers should be allowed to take what land they liked from the original common estate. This question, he showed, affected mainly the Third class of Jagirdars, for under the recent modification of the rules, the Fourth class Jagirs would lapse on the death of the present incumbents, and the First and Second class Jagirs being permanent alienations would be regranted only after a scientific survey and not through the Kardars. The Third class under the modified rules would embrace not only the Jagirs granted subsequent to the death of Mir Ghulamali but also “ all tenures of a prior date “ not enjoyed by Chiefs or Sirdars of consideration and influence.” It was consonant with a liberal interpretation of the rules and with the interests of Government, to render the regrantees of this

class “as contented and independent of Government interference
 “as possible, during the short time the land might remain in
 “alienation.” These objects, Lieutenant Pelly thought, would be
 best furthered “by allowing every surviving sharer a selection
 “of his rightful area from any one spot within the boundaries of
 “the original common Jagir ; by marking off the area by one
 “continuous boundary, and by rendering any and all claims on
 “the part of government against the sharers fixed and payable
 “in cash.”

279. The Commissioner on the 7th June (No. 1945) concurred with Lieutenant Pelly in the view he had taken about Third class Jagirs, “viz., that the regrantee should have the choice of the
 “land” and that “upon the regrant being allowed the limits be
 “clearly laid down and all the yearly government dues settled at
 “a fixed cash amount to be paid annually.”

280. On the 16th of June Lieutenant Pelly reported to the Commissioner that it was necessary to engage 4 land measurers for every Deputy Collectorate, the local statements of which had received the Commissioner’s sanction, as the Revenue Officers could not spare any time to define the 3rd and 4th Class Jagirs. His proposal was sanctioned by the Commissioner on the 4th of July on the condition that the total cost per mensem should not exceed Rs. 1,200.

Employment of land measurers sanctioned for the definition of 3rd and 4th class Jagirs.

281. On the 6th of July, Mr. Frere, forwarded the Progress Report written by Captain Goldsmid to Government for the year 1854-55. He referred in general terms to the alterations introduced in the system of inquiry, promising a detailed report upon them, and expressed a hope that in due course the investigation would be completed “in a shorter space of time than was originally contemplated.”

Annual Progress Report for 1854-55, sent to Government.

Lieutenant Pelly's scheme of hereditary Jagirs drawn up to secure the minimum of Government interference with the Jagirdar's administration of his possessions, and also to secure the Jagirdar's residence on his Jagir.

282. On the 13th of September, Mr. Frere requested Lieutenant Pelly to "consider the subject of revising the basis of calculating the regrants of First and Second class Jagirs (being permanent alienations)" and to favor him "with any scheme which will secure a proper settlement irrespective of the present produce calculation".

283. Lieutenant Pelly in his reply on the 8th of October proposed—

First, "that those Chiefs and Sirdars, who commanded respect and enjoyed influence under the earlier Talpur Mirs should be selected as permanent Jagirdars now; in other words, that the selection should be so made as to become in itself a practical proof to the community that it is the wish of Government to preserve and cherish, in so far as the altered character of the times may admit, rather than to innovate upon or destroy the old aristocracy.

Secondly, "That whatever extent be regranted in perpetuity, it be regranted, so far as possible, unconditionally, and in a manner to impress upon the public that the measure is of the nature characterized under the preceding heading", the manner of giving being almost "of as much importance as the intrinsic value of the gift".

Thirdly "That if possible it shall be arranged that the regrantee shall reside upon or in the immediate vicinity of his estate".

Lieutenant Pelly took it for granted that the object of the present rule was to "convert into and permanently maintain as native gentry living upon rent, and distributed among the agricultural districts of the Province, those families and Chiefs, who under the feudality of the Talpurs enjoyed certain social and political privileges incompatible with the principles of the British Government."

The method which appeared to Lieutenant Pelly as embracing the three principles he had laid down for carrying out this object was that, he should be instructed "to prepare a list exhibiting the names of the principal Sirdars or Chiefs, and of the families, generally admitted as being of secondary importance, in each and every tribe, and for all the three recognized partitions of the Province, namely, Sirra or Upper Sind, Wicholo or Middle Sind, and Lar or Lower Sind."

The list was to contain recommendations in detail regarding such Jagirdars none of whom was to be subject to any assessment or interference on the part of Government officials. The amount of pensions allowed by

Government to certain relatives or connexions of the Amirs themselves would determine the maximum extent of regrant, but a liberal scale of calculation would be applied, viz 3 bigahs per Rupee, and the regrantee would be at liberty to select his estate from any locality "situate within "his original partition of the Province." Lieutenant Pelly thought 18,000 bigahs should be the maximum extent.*

He submitted that the arrangement proposed by him would soothe the vanity of the Sirdars and chiefs of secondary importance, as well as inspire them with confidence, and that eventually they might be made available in a manner similar to that which obtained in respect of Patels and other village officers in our older provinces. "In the meantime", he concluded, "the Third and Fourth class Jagirdars will under present arrangements retain undisturbed possession of their estates, the latter for one and the former for two generations, thus affording time for their children to learn, as by the wholesome laws of nature the middle and lower classes in all countries and conditions of societies must ultimately learn, to earn their livelihoods by the labour of their own hands and brains."

Mr. Frere directs Captain Pelly to frame a list of Jagirdars on the principles proposed by the latter.

Mr. Frere on receipt of this letter on the 10th instant requested Lieutenant Pelly to have the proposed list framed on the principles detailed above.

284. A different question which had long been pending was also disposed of by Mr. Frere about this time. On the 16th of January 1854, the Collector of Haidarabad, Mr. Bellasis, had reported that "most of the Mirs, the principal Sirdars, and Jagirdars now resident in the Haidarabad Zillah were involved in debt."

General indebtedness of the principal Jagirdars.

"In fact" he said "it is quite the exception to find any member of these classes who is free from liabilities, and this state of things instead of mending, is year by year, increasing." Many of the creditors had applied to him to satisfy their claims by sequestrating the Jagirs and pensions of their debtors. Several of these claims had been referred to Panchaits by the consent of both parties, and the awards passed had been "confirmed by the Magisterial authorities." Others were supported by promissory notes and documentary evidence, but these, except in a few instances, had not been enforced "owing to the Mirs, Sirdars and Jagirdars being considered as a privileged class." Even the satisfaction of what may be termed just and valid

* In his No. 306, dated 20th September 1854, to the Collector Upper Sind, Lieutenant Pelly, then Deputy Collector, Left Bank, described the Jagirdars "and particularly "the non-resident Jagirdars to be at once the drones of the present community, and "the discontented wreck of a lost Government." He preferred to make concessions to the Zamindars rather than to the Jagirdars. Hence this low maximum. Vide Government Selections No. XVIII, New Series, page 66.

debts involved, wrote Mr. Bellasis, the reduction of the Jagirdars to a lower plane of society. He was aware that Jagirs and pensions could not be alienated by the incumbents beyond their own lives, "but what am I to do," he asked "with the incumbents themselves, many of whom are hopelessly involved and are likely to live for the next twenty years." He would "be sorry to apply a levelling system" to them, though he would add "that few of the Sirdars and Jagirdars of Sind fulfilled the duties of a landlord to his tenants, but merely strove to obtain enough from their estates to appease their creditors, and to "enable them to live in idle extravagance." Under these circumstances Mr. Bellasis requested that some general rules should be laid down for his guidance.

285. The Commissioner in reply drew the Collector's attention to the rules proposed by Captain Rathborne and sanctioned by Sir Charles Napier in his No. 2545, dated 6th September 1847, (vide page 82) and enquired whether these rules did not meet the cases referred to, and if not, what further rules he recommended.

Mr. Frere enquires why Sir Charles' Rules in his No. 2545, dated 6th September 1847, were not adequate.

286. On the 16th February 1855, Mr. Bellasis replied that the principle sanctioned by Sir Charles was a good one, but the difficulty was to apply it.

Difficulty regarding appointment and remuneration of trustees.

"Who are to be appointed trustees?" he asked, "and if appointed, they must be remunerated, and this only increases the debt. This principle has, in some instances, been applied where the parties involved had influential friends, who would take upon themselves the office of trustees, but what, in my opinion, is required are stringent rules making it dangerous to lend money to Jagirdars, by refusing to sequester any portion of the proceeds of a Jagir in liquidation of a debt." Mr. Bellasis added that there were two lists of privileged persons, the first, of those "placed under the Commissioner's protection subject to the orders of Government," the second, of those "placed under the protection of the Collector who was to treat them with justice and courtesy."

287. On the 21st February 1855, Mr. Frere requested the Collector to submit a draft of the rules he would recommend, "bearing in mind the principles sanctioned by the late Governor, and generally recognized by our Government in such cases."

Mr. Frere's new rules on the subject of Jagirdars' debts.

288. On the 7th of May this draft, consisting of 4 rules was submitted, but it was not until the 8th of October that Mr. Frere issued the following rules to the Collectors for their guidance :—

- | | |
|---|---|
| <p>1. No debt to be binding upon Jagir beyond incumbent's lifetime.</p> <p>2. Jagirs attachable only under decrees.</p> <p>3. Nomination of trustees by Collector after such decree.</p> <p>4. Maintenance to be awarded to Jagirdar or to members of his family.</p> <p>5. Not to exceed $\frac{2}{3}$ths of the average income.</p> <p>6. Provision for remunerating trustees.</p> <p>7. Balance to be paid in satisfaction of decree.</p> | <p>"1. No Jagir is liable for any debt except during the lifetime of the person, who incurred such debt.</p> <p>"2. No Jagir can be attached except under decree of a Civil Court.</p> <p>"3. When a decree of such Court attaching a Jagir is passed, the Collector shall appoint one or more trustees, who shall undertake the management of the Jagir and receive all proceeds.</p> <p>"4. From such proceeds the Collector may award to the Jagirdar, or to any member of his family dependent on him, what the Collector considers sufficient maintenance with reference to the rank, number of family, and other necessary expenses of the parties.</p> <p>"5. The amount so awarded shall never exceed $\frac{2}{3}$ths of the average income.</p> <p>"6. The Collector shall then make such provision as he may think necessary for the remuneration of trustees and other costs of management.</p> <p>"7. The balance shall then be paid to the Nazir or other officer of the Court making the decree, as may therein be provided, to be by him distributed according to the orders of such Court." *</p> |
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* On the 14th of September 1858 the Commissioner issued the following Circular No. 2267, to the Collectors. "It having been brought to my notice that the Mukhtiarkar of Jati decided in his Court a civil suit, involving a division of Jagir produce, I beg you will make it distinctly understood that no Court inferior to that of the Collector and Magistrate is competent to take cognizance of a claim of this nature.

"All Decrees of Court, moreover, affecting Jagir produce should be communicated to the Jagir Department."

It should be remembered that in Mr. Frere's time, the Revenue officials discharged the functions both of Magistrates and Civil Courts. He himself was the final Court of appeal and revision.

On the 2nd of February 1859, Mr. Frere issued another circular regarding incumbered Jagirs, as it appeared that certain Jagirs had been mortgaged, and the terms of such mortgages had been enforced, "as though such agreements were in no way affected by the rules" issued on October 8th, 1855. "The object of these rules was both to improve the position of this class of people, and to have it clearly understood, that grants in Jagir were not to be sold or burdened like personal or hereditary property." "It will therefore be better," wrote Mr. Frere, "to establish a rule making the mortgage of a Jagir an act of which no cognizance shall be taken in a Civil Court, and to prevent abuse, I would further decline to recognize any contract beyond that of one year or season, by which a Jagir is farmed to a second party unconnected with the lease.

"This will not preclude Jagirdars making any agreement they like for other periods, but such agreement will not be recognized by the Civil Courts."

289. On the 11th of December Mr. Frere approved the directions which Lieutenant Pelly had issued on October 2nd to the Native Surveyors, (the old District Munshis), now employed in measuring and defining the Third and Fourth class Jagirs in the Haidarabad and Karachi Collectorates, with the assistance of the Revenue officials. These directions were shortly the following. Mr. Frere, however, doubted whether Lieutenant Pelly would be able to enforce the 5th.—

Napierian Tanab to be used in measurements. 1. The Napierian Tanab (a string or rope of the length of 10 Napierian Gundas) to be used in measurements.

Boundary marks. 2. " The boundary mark to consist of an " earthen pot filled with charcoal and buried in the " earth, with a mound of soil raised over it," according to the custom prevalent in the Province.

Attendance of Jagirdars. 3. The Jagirdars to attend in person or by Vakil, and see their respective shares in Jagir measured and marked off. The boundary marks to be put up by the Jagirdar.

Consequence of their failure to attend. 4. On failure of Jagirdar to attend, the holding or shares to be defined in one continuous boundary, and the cost of erecting marks to be afterwards deducted from the proceeds of the Jagir.

A continuous boundary line. 5. The continuous boundary to contain a figure whose average length was not to be more than double of its average breadth and *vice versa*.

Present incumbents may select their holdings. 6. The present incumbents to be permitted to select the extents of their present shares from any portions of their original Jagirs, but within one continuous boundary of the figure or proportions above set forth.

What if alienation not in one piece. 7. If the original or present alienation be found to lie partly in one Deh or Makan and partly in another, and if there be many sharers in such alienation, the shares to be marked off in accordance with their agreement, (if any), or in the absence of such agreement, in the order in which the sharers may be entered in the roll.

If there be no sharers, the sole incumbent to be permitted to select the number of bigahs due to him from any one of the said Dehs or Makans, and if none of them suffice, from any other of the Makans originally in alienation.

Shor wa Todah excluded. 8. Shor wa Todah (salt and utterly worthless lands and mounds) not to be considered as forming part of the area of a share, and strips of such land interposing between two cultivated patches to be excluded from calculation.

9. The Jagirdar, on his request, to be allowed
 Allowance of 15 per cent. 15 per cent., in excess of the area entered as his
 share in the Roll "to provide for uncultivated
 areas."

10. Each native surveyor to have one zabib
 Time fixed for finishing the work. and one chainman, and to finish the work allotted to
 him before the first of May 1856.

290. These measurers were deputed to the Deputy Collec-
 Measurers where deputed. torates of Shah-Bandar, Jherrak, Sehwan,
 Mirpur-Khas, and the Talukas of Shahdad-
 pur and Tando-Bago. The Surveyor of the permanent alienations
 was employed in the Sehwan districts, but his progress was very
 slow owing to the non-arrival of the surveying instruments,
 which had been indented for, and had only now reached Bombay.
 For a long time the Surveyor had had no parallel ruler, no
 perfect chain, no cross, and no theodolite, and the only angular
 instrument he had had was a very bad prismatic compass—(*Vide*
 Lieutenant Pelly's No. 310 to the Commissioner dated 6th December
 1855 and Mr. Godfrey's letter to Lieutenant Pelly dated 29th
 March 1855).

291. By this time the Rolls mentioned in the foot-note * were

*

Karachi	...	...	...	{	1. Syatri and Sakro.
					2. Sehwan, Manjhand, and Kotri.
					3. Karachi Taluka.
					4. Tatta and Jherrak.
					5. Johi.
					6. Jati.
					7. Shahbandar.
					8. Dadu.
					9. Mirpur Battora.
				{	1. { Nara. } In the Mirpur Khas
					{ Gorechani. } Deputy Collectorate.
					{ Umerkot. }
					2. Allahyar-ka-Tanda.
					3. Mora.
					4. Jhuda.
					5. Sakrand.
					6. Mirpur and Adam Khan-ka-Tanda.
					7. Gunj inclusive of Agri.
					8. Badin.
					9. Doab Taluka.
					10. Tando Bago.
				{	1. Mehar and Tigar.
					2. Baghban.
					3. Taluka Mullar.

ready and Mr. Frere confirmed on the 12th of December (No. 3882) the settlements proposed in them, "subject to appeal from " the parties concerned, and the final approval of Government." He requested Lieutenant Pelly to communicate to the Collectors so much of the information contained in the Rolls as it was important for them to know, and as might be required to enable them to give effect to his decisions. Lieutenant Pelly was also to request the Collectors to forward to him any appeals presented to them or their Deputies. "In most cases," continued Mr. Frere, "a reference to the Rolls in this office will be sufficient, together " with your remarks on any new matter, which the petitioner may introduce." With regard to the Jagirs of the First and Second Class, Lieutenant Pelly was requested to prepare a separate statement "for transmission to Government "for sanction."

Separate statement to be prepared from the Rolls, of First and Second Class Jagirdars.

Lieut. Pelly's rules for simplifying the disposal of Jagir claims sanctioned.

292. On the 22nd of December, Mr. Frere approved the following suggestions made by Lieutenant Pelly on the 14th of June 1855 "for simplifying the disposal of Jagir claims."

Last 5 years' produce and not that of the 5 years preceding the demise of the last incumbent, to regulate regrants.

cumbent.

Heir of 4th Class Jagirdar to enjoy the produce of the season of his father's demise.

assumed to have been his father's due on the date of his decease.

"1st. That in all cases of regrant, the extent of land to be regranted, and also the assessment demandable by Government, be calculated upon the produce of the 5 years closing with Kharif A, H, 1265 (1855) instead of upon that of the five years immediately preceding the demise of the last incumbent.

"2nd. That in the case of a 4th Class Jagir not regrantable under the modified rules, the heir of the deceased incumbent be allowed the produce of the season * of his late father's demise, instead of being limited to that portion of the produce which is

* On the 3rd of February 1858, Major Goldsmid enquired whether this word in this rule meant the periods authorized in the Commissioner's letter No. 2012 of the 15th July 1853. The Commissioner in his No. 387, dated the 25th February 1858, agreed with Major Goldsmid that a lenient interpretation was advisable, and he therefore, directed that whenever preparations for cultivation for the ensuing season have been actually made such as the preparation of the ground, purchase of seed, &c., previous to the Jagirdar's demise, his heir should be allowed to reap the produce.

Heir of regrantable Jagir to have in addition $\frac{1}{4}$ ths produce up to *de-facto* regrant.

Faisalnama.*

"3rd. That in the cases of Jagirs regrantable, the heir be allowed the whole produce of the season of his late father's demise, and $\frac{1}{4}$ ths the produce of the seasons which may subsequently intervene between that of demise and *de-facto* regrant by Survey and

"4th. That in the event of its being discovered upon actual survey that a Jagir does not contain the extent attributed to it in the Faisalnama or Sanad, and further that in the event of its being discovered that the cultivated portions of a Jagir are so situate as to render the principle of regrant in one spot and with continuous boundary, impracticable, the Assistant Commissioner for Jagirs be allowed a discretionary power to make a special case of such Jagir, by making over to the regrantee such detached spots as he may deem right, and conformable with the spirit of the rules; it being provided, always, that he reports such special cases, and in no instance exceeds the boundaries of the original Jagir as held at the date of the conquest.

"5th. That Jagirdars be liable for the clearance of jungle on their estates, in view to facilitating survey operations, and that they be further liable for the erection of boundary marks, these latter to be, in the cases of permanent alienations, of brick or stone, and in those of third class Jagirs of mounds of earth with jars of charcoal buried in them: it being understood always that in instances where a river or other natural boundary-mark of a permanent description chances to be coincident with the limit of an estate, no artificial mark shall be considered necessary.

Captain Pelly's general report on the subject of Jagirs.

293. On the 1st of January 1856 Captain Pelly submitted to the Commissioner, a long report on the subject of Jagirs generally, which was, on the 15th instant, forwarded to Government, and made the basis of the new recommendations promised by the Commissioner when asking for the return of his letter No. 171 of 1853.

In this report Captain Pelly touched on the history of Jagirs prior to the conquest of Sind, and showed how assignments of grain were converted into land, and how in the general shifting of military retainers, which ensued upon the death of Mir Marad Ali, most of the Jagirs changed hands. He next dwelt on the measures taken by Sir Charles Napier, and quoted several extracts from Sir George Clerk's minute. He then gave a brief summary of the proceedings under Captain Stack, Captain Goldsmid, and himself, resulting in the completion of enquiries in the two Districts of

* Formal adjudication of regrant.

The Jagir rules worked by Captain Pelly and submitted by him for sanction.

Karachi and Haidarabad, including Mehar and Larkana, which formerly belonged to these Districts. The Jagir rules having thus gradually assumed that definite shape in which the enquiries had at length been carried out, Captain Pelly next proceeded to

enumerate them.

His first rule dealt with the classification of Jagirs. The First Class Jagirs *viz.*, those held from before the accession of the Talpurs (1783) were to be regranted in perpetuity, undiminished in extent, and unassessed, to the lineal male heirs of the original grantee. The Second Class of Jagirdars was to consist of members of the four Great Talpur Families to whom Sir Charles Napier had proclaimed special privileges, and of Sirdars and persons of secondary importance whose grants dated from before the death of Mir Gulamali (1822). Separate reports were promised on both these sections of the Second Class. The Third Class Jagirs *viz.*, those subsequent to the accession of the Talpurs * and previous to the death of Mir Murad Ali (1833) not included in the Second Class were to be regranted for one generation to the lineal male heirs of the incumbents at the battle of Meani, undiminished in extent, and subject upon regrant to a fixed assessment in cash for an amount equivalent to one-fourth the ordinary annual produce, calculated upon the 5 years preceding and including the year A. D., 1855. In the Resumed Districts the Third Class Jagirs were to embrace all grants up to the abdication of Mir Rustam.

The Fourth Class Jagirs, those granted subsequent to the death of Mir Muradali (1833) and prior to the date of the battle of Meani (17th February 1843), were to be held as life grants, unassessed and undiminished, but resumable on demise of the incumbent at the date of the conquest. In the Resumed Districts the last class comprised all grants up to the date of resumption. His remaining rules were as follows :—

Rule II. Where land may be wholly dependent for agricultural purposes upon rain one-fourth the actual extent of land to be resumed in lieu of one-fourth assessment.

Chowth to be taken in land, on Barani Jagirs.

Rule III. The shares of followers, and other grantees and sharers not named in the Sanad, to lapse on death of incumbents.

Shares and grants of followers and of persons not named in Sanads.

Rule IV. Lands held under a Sanad or Ahdnamah declaring explicitly that they shall be continued hereditarily, to be so continued, whatever be the date of the grant.

Lands held under Ahdnamahs, &c.

* These words were used by Captain Pelly in order to include those who though holding Jagirs granted prior to the death of Mir Ghulamali were not of sufficient influence and status to be classed as Sirdars, and who might be said to have formed the 1st section of the 3rd Class.

Rule V. An after-grant of land in Jagir in commutation of a previous one cancelled by it, not to affect the prior title, which

After grants in commutation of previous ones.

is still to date from the original grant, care being taken that any additional extent (Izafah) of holding granted under the subsequent Sanad, be considered as originating under such last Sanad.

Personal grants for unspecified service.

Rule VI. No distinction to be made between (personal) Jagirs granted originally of grace, or for military or unspecified service, and (personal) Jagirs granted in lieu of cash, pay, Seri, or Derahdari.

Grants for specific service.

Rule VII. All lands granted for a specific service, to lapse on death of the incumbent.

Rule VIII. In determining the class to which a Jagir belongs, the grant to be reckoned from the date of the grant in land.

Date of Jagir how to be reckoned.

Rule IX. The heirs of grantees, any of whose relatives, not more distant than a first cousin, made his Salam to the late Governor to be held not disentitled to regrant, on the score of non-submission.

Salam of relative a good Salam.

Rule X. Jagirdars to be made to pay for improvements by assessing the share due from them, and recovering it, together with interest at 5 per cent., by appropriating half the net proceeds of the Jagir till the debt is liquidated.

How to make Jagirdars pay for improvements.

How to measure regrants.

Rule XI. All regrants to be measured out in one piece.

Rule XII. As a general rule (deduced from practice and admitted upon precedent) Sanads not bearing the late Governor's seal to be held invalid, as titles to regrant. Exceptive instances admitted, where there appeared no reason to doubt that the holding had been acknowledged by English authorities.

Sanad not bearing Sir Charles' Seal.

Rules for Alluvion and Diluvion.

Rule XIII. Regarding Alluvion and Diluvion.*

Five per cent. cessa.

Rule XIV. Regarding Jagir cessa.*

Rule XV. On Jagirdars omitting to report the death of a sharer within a period of 6 months from date of such demise, and without assigning good reason for such omission, the whole Jagir to revert to Government.

Penalty for not reporting death of a Sharer.

Rule XVI. Jagirdars including Government land within their Jagirs, to be punished by having land confiscated on behalf of Government, double in extent to that of the land thus fraudulently appropriated.

Penalty for including excess land in Jagirs.

* Vide separate chapters on these subjects.

Rule XVII. Jagirdars convicted of any serious crime to be considered as
 Convict Jagirdars. judicially defunct, and the question of a regrant on
 the usual terms to the next heir to be decided on
 specially, according to the circumstances of the case.

Rule XVIII. Jagirdars who have not been in possession since the conquest,
 or since a date shortly subsequent, to be held as
 Jagirdars without posses- excluded all claim, either by tacit consent or by
 sion. reason of some sufficient but unrecorded cause.

Rule XIX. Jagirdars proceeding upon pilgrimage or emigrating, without
 giving the authorities notice, and remaining absent
 Jagirs of emigrant or from their Estates during more than one year, to be
 pilgrim or absent Jagirdars. held as having relinquished all claim thereto.

Rule XX. Grandsons are allowed to succeed as sons, when the father
 Succession of grandson. has died before the grandfather.

Rule XXI. All measurement to be with the Napierian Gunda,
 Measurement how made. and reduced, if requisite, to other Gundas. In re-
 ducing to Napierian bigahs when fractional parts
 of a bigah result, whole figures most favourable to the claimant to be
 entered.

Rule XXII. Regrants to be made according to the Gunda of the grant-
 ing Mir, or rather the equivalent of such extent in
 Regrants according to what Napierian bigahs.
 Gunda.

Rule XXIII. Cases that have received the decision of the late Governor
 to be considered as settled till the death of the
 Old settled cases when present incumbents, when they will be considered
 liable to be opened up. with reference to the present rules.

Rule XXIV. The heir of a 4th Class Jagirdar
 Heirs of 4th Class Jagirs. to be allowed the produce of the season of his late
 father's demise.

Rule XXV. In the case of regrantable Jagirs, the heir to be allowed
 the whole produce of the season of his late father's
 Heirs of regrantable Jagirs. demise, and $\frac{2}{3}$ ths of the produce of the seasons
 which may subsequently intervene between that of demise and *de facto* regrant
 by survey and Faisalnama.

Rule XXVI. In cases of regrant of 3rd Class Jagirs, the regrantee to
 be allowed selection of his rightful area from any one
 3rd Class regrant. spot lying within the boundaries of the original
 Jagir.

Rule XXVII. *Shor Todah* not to be considered as forming part of the
 area of a regrant.

Rule XXVIII. 15 per cent. upon the area of regrant to be allowed in
 3rd Class Jagirs, for continuous boundary, when the
 Allowance of 15 per cent. for boundary. land shall seem suited for this provision.

294. Mr. Frere on the 15th January (No. 35) in forwarding

Mr. Frere submits Captain Pelly's letter to Government and re-submits his own No. 171 of 1853.

Requests sanction to Captain Pelly's Rules.

Captain Pelly's letter along with his own letter No. 171 of the 19th of May 1853 to the Government of Bombay, recommended that the Rules above detailed be adopted, and attached a memo. marking the portions in his letter No. 171 which required modifications.

There had not been, he said any clear information or defined plan of proceeding regarding Jagirs, in the time of Sir Charles Napier, and after Captain Stack's appointment the inquiries had been made according to the personal bearings of each grant on the death of Jagirdars, or on petitions. Captain Stack's system had, no doubt, some advantages. "Claims and difficult questions were met only as they arose, existing incumbents were rarely disturbed or alarmed, and considerable changes and resumptions were effected for some years, without attracting notice beyond the immediate family of the Jagirdar." "But after a while," continued Mr. Frere, "the last named advantage, if it were one, became neutralized and converted into a serious evil. As resumptions multiplied, whole tribes became uneasy, and the want of knowledge as to the real extent of resumptions, or the principles on which they were made, magnified the evil beyond its true dimensions."

"Moreover there was no visible termination to the enquiries. There might be scores of sharers in a single grant; the death of the first led to an inquiry and perhaps, resumption of his share, and virtually settled the question as regards the co-sharers. But they neither knew it, nor from the peculiarities in the rules, which it is unnecessary to specify, was it possible to state the exact effect upon each share, though the principle upon which the sharers were to be dealt with might be fixed. It might be, and often was, many years before another lapse occurred, and as some of the sharers were frequently children, it was almost a certainty that a greater part of a generation would pass by, before the whole of that single grant could be finally disposed of and settled." There was, moreover, nothing like a Survey or registration of land. "The shares, the alienations, the resumptions and the reassignments all existed on paper, and paper only. It was very rarely that in any Jagir which had fallen under settlement since the conquest, the shares as actually enjoyed by the sharers corresponded with those recorded in the official documents. In the case of a partial resumption and regrant, the rules appeared clear enough, but when they came to be applied, the absence of any really correct record of what had been enjoyed and used by the grantee, which were material elements in the calculation of what his successor was to hold, had driven the local officers to a system of assumptions and calculations from the private account of the Jagirdar, which often afforded results as wide as possible from the truth."

"And when in accordance with the Jagir Rules, the amount of regrant was settled, and an order issued to the Kardar to resume a certain portion and

“ continue the rest, the Kardar having no records of the true extent of land
 “ alienated or unalienated in any single village, was driven to all sorts of
 “ assumptions and expedients, by which he gave in practice something to the
 “ regrantee which might be nearly what was intended, but was very frequently
 “ widely different.

“ It is a curious illustration of the whole system of management in Sind,
 “ that no definite information regarding the true character of these *hocus*
 “ *pocus* transactions, was on record till Captain Goldsmid took charge, and
 “ though I had frequently seen cause to suspect that the duty of measuring
 “ out and delivering over regrants was very imperfectly and negligently per-
 “ formed, I was not aware, till he assured me of the fact after careful inquiry,
 “ that a decision of the Jagir Department was rarely, if ever, carried out by
 “ measuring out for the regrantee the correct amount of his regrant, and that
 “ in most Kardarates no attempt even was made to give effect to the decision.”

It was on these grounds that the return of letter No. 171 of 1853 had
 been requested, and it was on these grounds that the Commissioner had ordered

Change of plan of inquiry from a personal to a local one. Captain Goldsmid to change the plan of inquiry from a personal to a local one, in other words “ instead of
 “ enquiry into the nature and extent of each Jagirdar’s
 “ claims, the enquiry was to be made into the nature and
 “ extent of all Jagir claims within a given locality.”

These local enquiries, completed by Captain Pelly so far as the Collec-
 torates of Karachi and Haidarabad were concerned, showed that the Jagir

Superficial area of Jagir alienations in the Karachi and Haidarabad Collectorates. claims (exclusive of garden grants) enjoyed in those
 Districts amounted to the enormous aggregate of
 35,62,355-16 bigahs. Of these 4,52,215-4 bigahs were in
 the First Class, 2,73,862-16 in the 2nd Class exclusive of
 the holdings of the Four Great Talpur Families,
 5,02,408-6 bigahs in the 3rd Class, and 3,66,195-3 in the 4th Class. The amount
 held by the Four Families was 17,94,103-12. The remaining claims amount-
 ing to 1,73,570-15 bigahs were “ still, for various reasons, undecided.”

Captain Pelly had not attempted to fix any definite value to these
 alienations. “ The real value of all land in Sind” explained Mr. Frere “ depends

Why no valuation had been attempted. mainly upon the possibility of waterage, and the in-
 formation we possess regarding the land and its capacity
 for irrigation is in every district most defective and must

so remain till the Survey operations, now in progress, are concluded.” Some few
 Jagirs were irrigated and cultivated, but, in the majority, a very large portion
 and sometimes the whole Jagir was unirrigated, waste, and unproductive.
 “ This” said Mr. Frere “ is sometimes owing to natural causes, sometimes to
 the poverty of the Jagirdar, and not rarely to our regulations regarding water,
 which frequently have the tantalising effect of debarring a man to whom
 we have continued thousands of bigahs in Jagir free, irrigating a simple inch
 of it. To this up to a very late period, was added in the Haidarabad Collec-
 torate, a rule which prohibited the Jagirdar from giving land to a cultivator
 who had previously cultivated Government land, and which compelled him, if he
 infringed this rule, to pay Government a sum equal to that which was
 formerly paid by the cultivator withdrawn from the Government land.”

To what extent these several circumstances influenced the value of each Jagir, it was impossible to say until there was a trustworthy Revenue Survey of all the land in Sind. But it appeared to Mr. Frere that having at length ascertained the superficial area of the Jagir alienations in the Karachi and Hyderabad Collectorates where they mostly obtained, the Jagirs in the Shikarpur Collectorate being of a trifling extent, there was no longer any reason for deferring to grapple with the very serious questions involved, which affected alike the interests of Government and those of a large and very important class of its subjects.

Regarding the 1st Class he did not anticipate much difference of opinion. "Grants which have survived" he said "two changes of dynasty, and one of them so unscrupulous and grasping as the Talpur Amirs, would, in any country, be entitled to respect, and their continuance according to the terms of the original grant would be in strict accordance with the principles, usually followed by the British Government in the other parts of India."

The Jagirdars belonging to the Four Talpur Families were, Mr. Frere said, being made the subject of a separate report, owing to the great extent of these grants, the doubt which hanged over the intentions of the late Governor as expressed in his proclamations regarding them, the importance of the Families themselves, and the circumstance that many of them held under documents from the Amirs which had the character of treaties between Sovereign chiefs rather than of grants from a Sovereign to a subject.

The next section of the Second Class embraced, according to Mr. Frere, "the oldest and most influential families of the great body of Baluch soldiery, the descendants of the men who gave the Talpurs possession of the country, and who even when conquered at Meani, did not disgrace the character they had previously maintained which ranked them among the hardiest and most trustworthy soldiery of India." "The limits affixed to their class" continued Mr. Frere, "confine the grants embraced in it to that period, when lands were carefully granted on a regular system by an united Government. The men who generally hold in it, are little changed from their ancient character, and are, nationally and constitutionally, unlikely to change much for many generations to come. They have accepted the English Government as their Government, and without injustice to their characteristic fidelity, it would be impossible to say that they are discontented to an extent to make them generally disloyal. But it is equally impossible not to see that every individual among them feels, and has good cause to feel, the changed circumstances of his nation. While they are not pressed by actual want, there is little chance of their entertaining a revolutionary scheme, nor if they did, could their hostility be very formidable, as long as the Sindhi Zamindars, the cultivators and landowners of the country, and the Hindu Mercantile classes are prosperous and contented. Yet the Baluchis form a class sufficiently large and formidable, to render it very impolitic to allow discontent to become common among them. And if their contentment can

be secured by grants of land, which will after all bear no large proportion to the whole assessable area of the Province, it would, I think, be a very wise policy so to provide for them."

"The lands held by them 2,73,862/16 bigahs would, for the most part, have been continued under Sir Charles Napier's rule, with a deduction of the waste land, leaving to the Jagirdar what he had been in the habit of cultivating, assessed at 1/4th of the net produce, as the Government share was then termed. This rule appears on paper reasonable and likely to be uniform in its application, but in practice it has been found to be the reverse. To many Jagirdars of this class who kept up their ancient habits as mountaineers of Baluchistan, waste land round their habitations was more valuable as affording pasturage for their cattle, than if it had been cultivated; and the proverbial uncertainty of seasons in Sind, always rendered it a complete lottery whether the deduction on account of waste land would be a more trifle, or nearly equivalent to confiscation of the Jagir. Moreover, there was no provision for any discrimination between grants which, for the reason above stated, or for any other, it was advisable to continue, and those the continuation of which would have been a mere waste of the Government revenue. And the assessment of 1/4th the net produce turned out in practice to be sometimes what was intended, *id est*—a greatly reduced assessment, while sometimes it was nearly as much as the full assessment would have been, so that the Jagirdar really gained nothing by his grant." For these reasons Mr. Frere proposed "to subject all this class of grants to revision, and taking into consideration the character and rank of the grantee, and the extent to which his grant had been cultivated and profitable to him during the last few years, to continue such proportion of the land to the family in perpetuity as may fairly represent the advantage which it was proposed to confer under the old rules, by a grant of the cultivated land subject to an assessment of 1/4th the net produce."

Mr. Frere on 3rd and 4th class Jagirs. "Coming next to the 3rd and 4th Class grants, Mr. Frere said they "were made at periods when little, if any, general system was observed, when rival Amirs bid against each other to secure the service of the limited number of Baluch soldiery, and when the new grants were made to men of little standing or weight, except as free lances, when compared with the grantees of the older Mirs." "As a class" he continued "they are not unlikely with proper inducement to earn their livelihood as cultivators or herdsmen, and the grant of a term of grace varying from one to two generations, will probably suffice to render the final total resumption a matter of little general hardship. Under the original rules, the regrant for one life would have been accompanied by deduction of the waste land. But this rule, while it was found to bear on the grantees with considerable hardship in many cases, was of little, if any, real value to Government. Waste land is now, and is likely long to continue, of little value to Government, though it is useful in many ways to the Baluch Jagirdar. The absence of a survey renders its resumption a matter of considerable practical difficulty, and

“as it is proposed that the whole Jagir should lapse at the end of the second generation, the resumption of the waste land in the meantime, would have caused to Government much more trouble than it was worth.”

Mr. Frere, in conclusion, begged an early decision, and promised Jagirs in the Shikarpur Collectorate to report shortly on Jagirs in Upper Sind. to be reported on.

295. On the 9th of May, Colonel Jacob, the Acting Commissioner in Sind, in his No. 202, reported on the Jagirs of the Four Great Talpur Families. He at the same time forwarded a report No. 97, dated April 19th, from Captain Pelly who, in addition to the eight individuals mentioned by Captain Goldsmid as entitled to the privileges promised by Sir Charles Napier, proposed that the following should be classed as Sirdars :—

Mir Ahmad Khan	}	Shahwanis.
Mir Muhammad Hussien		
Mir Ali Muhammad	}	Shahdadanis.
Mir Muhammad Ali		
Mir Mubarik Khan	}	Khananis.
Mir Ahmad Khan		
Mir Sher Muhammad		

Colonel Jacob remarked that it was confessedly most difficult to do justice to all parties “owing to the indefinite nature of the terms of the original grants and proclamations by the late Gover-

Colonel Jacob, Acting Commissioner's proposals regarding the Four Families.

“nor.” But after “reviewing the matter with all the light obtainable from every source” it appeared to the Acting Commissioner that

two courses of proceeding were open to Government “both perfectly consistent with justice and right and expediency.” The first course was “to leave the original holders under the proclamations of the late Governor of Sind in undisturbed possession of the lands occupied by them for life,” and on their death to resume all lands not then found to be cultivated, and to regrant the rest to the legitimate heirs male of the grantee in perpetuity. A court of arbitrators presided over by the Assistant in the Jagir Department was to determine what was the uncultivated land.

“The second course was to leave the original grantees in undisturbed possession during life, and on their decease, to resume their whole Jagirs, granting to the legitimate male heirs a pecuniary pension in perpetuity, and assigning to them free of assessment, such pieces of land as might be necessary and suitable for personal residences.” This latter mode, he was convinced, would “ultimately prove to be the wisest and best for all parties,” and he solicited an early decision on this matter.

296. On the 8th of August the Acting Commissioner reported the completion of the Jagir enquiries in Upper Sind, and his provisional confirmation of the settlement made by Captain Pelly. The Rolls prepared for each Collectorate, he wrote, were of a very perfect description. The enquiries made, and the decisions arrived at, were in accordance with the amended rules submitted to Government by Mr. Frere on the 15th January, and he now requested to be made acquainted with the views of Government.

297. With regard to the proposal made at this time by Captain Pelly to abolish the Jagir office, the Acting Commissioner stated that if the matters referred to Government on the 15th of January and the 9th of May could be settled by Government before the 1st of November, he would recommend the reduction of the Jagir establishment from the 1st of January next. He estimated the total cost of the reduced Jagir office at Rs. 1,142 per mensem.

298. On the 15th of November Colonel Jacob submitted to Government copies of abstracts of the Rolls for each Collectorate, which had been supplied to the Collectors, and the form of the extracts from the Rolls with which every holder of a Jagir of whatsoever extent, excepting the few large holders in perpetuity, had been, or would be supplied as Title deed.

299. The only work that remained to be done was according to a memorandum dated 12th November 1856

Colonel Jacob reports completion of the Jagir enquiries in Upper Sind.

Proposed reduction of Jagir establishment.

Colonel Jacob submits abstract of 3 Rolls one for each Collectorate.

Work yet undone.

by Captain Goldsmid who had joined the Jagir Department on October 29th, after an absence of 19 months, was : —

1st.—The registry of the exact alienations allowable under the proposed rules to the Four Great Talpur Families.

2nd.—The eurolment of Jagirdars entitled to be considered Sirdars.

3rd.—The survey and definition of all permanent Jagirs.

4th.—The valuation of every alienation in the Province.
To these Captain Goldsmid afterwards added—

5th.—The classification and indexing in systematic form of the native records, and the registration of all important Sanads so as to prevent any future fraud or tampering.

6th.—The preparation of a general identification or muster roll of Jagirdars, which was to be checked at each annual tour.

300. None of these works, however, was undertaken, as the Break in Jagir work. reply of Government to the previous references was still awaited, Captain Goldsmid was, in the meantime, posted to Shikarpur on the 25th November, as Acting Judicial Deputy Magistrate, and all references of the Jagir Department were answered by the Acting Commissioner himself through his Revenue Assistant.

301. On the 3rd of January 1857, Colonel Jacob reported to Government a modification in the proposed date and manner of reduction of the Jagir establishment, and solicited approval of his proceedings. But no Government orders arrived for the next five months, and, therefore, in order to carry out the rest of the enquiry, Major Goldsmid received instructions, on the 29th of May, to return to Karachi as Assistant for Jagir enquiries, and on the 8th of June accordingly, he resumed his duties.

Modification in proposal to reduce Jagir establishment.

Major Goldsmid resumes his duties.

302. On the 24th of June, Major Goldsmid reported that as the decision of Government had not been received, the alienation of certain Talpurs and Sirdars who had died had been dealt with “on the old system of $\frac{1}{4}$ th resumption and released to the heirs,” and that several other cases were awaiting settlement.

Talpur regrantees how dealt with.

303. Major Goldsmid’s letter was transmitted to Government on the 29th of June, with a request for an early decision on the subject of the alienations of the Four Families.

Government requested for an early decision regarding the Four Families.

304. To settle this and other kindred questions, Mr. Ellis, Commissioner for Alienations, paid a visit to the Province in the month of July. It has been already stated what Major Goldsmid and Captain Pelly thought necessary in order to fulfil Sir Charles Napier’s promise to the Four Families. The latter officer while extending the former’s list of heads of these families was at the same time of opinion that those members who could not be registered as such should be classed as Sirdars. Mr. Ellis, however, wrote to Major Goldsmid on the 6th of July “ I hardly know how we could exclude the junior members of the family from the privilege, though there seems some ground from past practice for the view (I think) you took that, the heads only should be considered. I should be glad to have any further hints from you on this portion of the question specially.” He did not propose to divide the Talpur grants into two classes, those anterior to the accession of Mir Fatehali, and those posterior to it, but he asked for information on the following points:—

Mr. Ellis’s visit and his instructions as to the Jagirs of the Four Families.

(1) The Jagirs confirmed by Sir C. Napier.

(2) Subsequent resumptions.

(3) The Jagirs as held in 1857 under detailed heads, *e. g.*, Jagirs held under Sanads or Ahdnamas declaring them hereditary, Jagirs held for pay and service, or specially confirmed for life to the holders.

(4) The value of the alienations proposed to be confirm-

ed hereditarily to the Families.

305. On the 30th of July the Bombay Government in their
 Government orders re- No. 3541, replied to the Commissioner's let-
 garding the Four Families. ter of the 29th of June. They approved of
 the directions Mr. Ellis had given while in
 Sind for the preparation of statements regarding the claims of the
 Four Families, and stated that these statements were awaited by
 them.

306. Respecting the Sirdars also, they, at the suggestion of Mr.
 Ellis, called for the following information in the form of a state-
 ment:—

“(1st.) The names of those whose position gives them a claim
 to more favorable consideration than they
 Government orders would receive under the ordinary Jagir rules
 regarding the Sirdars. proposed, precaution being taken that the list
 be a final one, not liable to be altered upon the subsequent represen-
 tation of some one whose name has been omitted, and who fancies
 himself superior to those whose names have been inserted.

“(2nd.) The claim which each individual has to a special
 decision in his favour.

“(3rd.) The amount and value of Jagirs hitherto held by
 each.

“(4th.) The amount and value of Jagirs which would be con-
 tinued to each, if the ordinary rules were applied.

“(5th.) The settlement proposed.

“(6th.) The difference financially to Government between
 the value of the rights which would have been continued by the
 ordinary rules, and those which it is proposed to concede to the
 Jagirdar generally.”

307. Major Goldsmid, however, had anticipated all these direc-
 tions, as appears from his report dated 24th
 Progress report. June 1857 of the progress made since January
 2nd, 1856. In this report he had proposed besides the preparation
 of tabular reports with brief historical accounts and explanatory

genealogical trees— (1) to issue extracts of Jagir settlements to holders of 3rd and 4th class Jagirs regarding whom he thought Government would scarcely offer any objection to the treatment proposed—(2) to continue the registry of sanads—(3) and to investigate all data bearing on the value of alienations, and had asked for an increased establishment. His proposals were sanctioned by Mr. Frere in anticipation of Government orders on the 31st of July 1857.

308. After submitting his progress report Major Goldsmid had set about framing his proposed Roll of Talpur Jagirdars, with such assiduity that he was able on the *1st of August to forward it with genealogical trees and brief memoirs of each case. He explained that in classifying the status of every member of the Families holding any Government alienation, he had been guided by the following considerations:—

Major Goldsmid prepares statement regarding Four Families. His principles of classification of status.

- “1st. The genealogy.
- 2nd. The inheritance.
- 3rd. The social position.”

He then made remarks regarding those whom he had selected on these grounds from each Family, viz., 3 from the Shahdadanis, 4 from the Shahwanis, 10 from the Khananis, and 10 from the Manikanis, and alluded to 4 Talpur Jagirdars in the Resumed Districts whom he had not enrolled, as their cases had been discussed in the Political Department.

The information supplied by Major Goldsmid required careful consideration, and his report and statements were, therefore, kept undisposed of for a long time.

309. On the 29th of August Mr. Frere, in accordance with a suggestion made by Major Goldsmid in his report on the Jagirdars of the Four Families, proposed to Government in his No. 231 that the rules laid down for 3rd and 4th Class holdings might be at once sanctioned. He wrote:

Mr. Frere suggests to Government the sanction of the settlement proposed for 3rd and 4th Class Jagirs.

“The rules I refer to are—1st— that all Jagirs granted after the demise of

* Vide his No. 111 of this date to the Commissioner.

Mir Ghulam Ali, * and previous to the death of Mir Murad Ali between A. H. 1227, (A. D. 1811) and A. H. 1249, (A. D. 1833,) be considered III class grants, regrantable for one generation after the death of the incumbent at Meani without resumption of waste lands, but subject to a $\frac{1}{4}$ th assessment.

"2ndly. Grants of Jagirs granted after the death of Mir Murad Ali up to the conquest to form class IV, resumable on demise of the incumbent who was in possession at the date of Meani.

"The large majority of grants come under these two classes, and these rules have been acted on, and very many Jagirs have been resumed † under them upon the death of the holders. I am not aware that any other rules could be laid down, and if the formal sanction of your Lordship in Council is accorded to them, the work of the Jagir Department may be greatly simplified, all holdings under these classes will be finally settled, the holders formally informed of the decision (which they already know in practice), and the entire correspondence and records on these grants closed.

I presume, the grants being only temporary, and the holders already in the enjoyment of them under sanads of a former rule, that the question for sanction may be considered as not the grant, but the resumption of the grant, and that, therefore, the sanction of the Government of India which will be required in the case of the 1st and 2nd classes will not be requisite on these."

Question for sanction not whether any land should be granted but whether any should be resumed, therefore sanction of Government of India not required.

310. On the 27th of November the Government of Bombay in

No. 266 dated 6th July 1855.
 " 37 " 15th January 1856.
 " 38 " 15th January 1856.
 " 94 " 8th August 1856.
 " 437 " 15th November 1856.
 " 3 " 3rd January 1857.

their No. 5091, Revenue Department, replied to this letter and to those marginally noted. They sanctioned "the rules for disposing of 3rd and 4th Class holdings as laid down" in

Government sanction the rules for 3rd and 4th Class Jagirs.

Mr. Frere's letter, and then continued:—

"Some of the other rules proposed by Captain Pelly in para. 57 of his report of the 1st January 1856, appear to his Lordship in Council to require further consideration, and before extending to them his final sanction, he desires that they should be submitted for the opinion of the Revenue Commissioner for Alienations, on the receipt of whose report a further communication will be addressed to you" (para. 15)

The remaining rules to be further considered.

* This was not the wording of the rule at page 185 as proposed by Captain Pelly. But Mr. Frere wanted the immediate sanction of Government to the settlement of the Jagirs of what may be called the second section of the 3rd class, and not as to those, who, though by antiquity of title in the 2nd class, were yet not included in it, owing to their want of social position, and who, consequently formed the first section of the 3rd class.

† According to Stack, 1812.

‡ These lapses in 1856 amounted to Rs. 8,434-4-0. The lapses of all classes in 1855 amounted to Rs. 12,459-4-0.

311. His Lordship in Council considered the progress made in the prosecution of the enquiry which was most difficult and complicated, to be most creditable to the officers engaged. He however agreed with Mr. Ellis, the Commissioner for Alienations, who had reported on the Rolls that they were not perfect, inasmuch as the probable value of alienations had not been entered, as the Jagirs in the Resumed Districts had been left out, as several Jagir claims were still pending, as there had been no "enquiry into and record of all alienations of the public revenue"—and as there was no statement in detail of the political stipends of the Ex-Amirs, no list of Jagirdars of the Talpur Families—no list of Sirdars—and no Roll of Garden grants. Moreover, Mr. Ellis had detected several errors and omissions which the Government said ought to be corrected. For example, in several instances a note had been entered in the Rolls to this effect;—"in the Jagir is included a garden which will be treated of in the list of garden grants," while obviously the gardens should have been excluded from the Jagir Rolls to avoid their appearance twice over. In other cases, the fact of a Jagirdar's death had been left in doubt, while in all, the relationship of the present holder to the deceased Jagirdar had not been mentioned. On these grounds Government were not prepared to sanction any reduction of establishment beyond the abolition of the office of 2nd Assistant for Jagir enquiries. In conclusion the Government approved the measures taken for the survey of 3rd and 4th Class holdings situate in Districts where the Revenue Survey had not been introduced.

Government refuse to sanction general reduction of Jagir establishment and sanction measures for Survey of 3rd and 4th Class holdings.

312. On the 30th of November, Mr. Frere issued orders regarding the mode of dealing with areas in Jagirs in excess of the amount entered in the Jagir Rolls, which have since been adhered to. But before giving the text of his order, it is necessary to advert to the fact that before the Rough Survey ordered

Relations of the Settlement Department with the Jagir Department.

by Mr. Frere in 1855 * with the sanction of Government, there was no attempt to mark village boundaries," and there was hard-

No village maps before 1855.

ly a village of which there was an accurate plan, on a scale to be useful for fiscal purposes, or a list of the estates or fields comprised in it. The first step, therefore, taken for the purpose of the Survey, was to demarcate *Dehs* (Villages) as defined by Mr.

Deh defined.

Frere viz, "a division very similar to a parish in Europe, the lands of which are (as a general rule), all contained within one unbroken ancient boundary known to the cultivators, as having been recognized by themselves *as far back as the time of the Kalhoras*." This latter part of the definition was, perhaps, the most important as distinguishing the old division of *Dehs* (which, according to Mr. Frere, appeared to be as ancient, well defined, and well known to the more intelligent cultivators in Sind, as the *Mauza* was in India)

The modern and ancient *Dehs*.

"from the various modern divisions, introduced by rival *Mirs* and their *Kardars*, to partition favorite spots of land, *Shikargahs* &c., by *Jagirdars*, (and) by Canal-digging speculators who got limits set up to define what lands belonged to particular canals. These modern arbitrary divisions had caused "hopeless intricacy, uncertainty, and confusion, in the accounts of land revenue" † and almost succeeded in obliterating all traces of the ancient *Dehs* specially in parts which had lain waste for generations‡.

313. It was probable that in hill and desert tracts on the east and west of the province, there were no such old divisions—and

Ancient *Deh* to be preferred to modern, and when not traceable or not existent fresh divisions to be made.

in these and other tracts where it should be found impossible to trace them, Mr. Frere directed fresh divisions to be made, varying in size according to the prospect of future

* Vide Bombay Government Selection No. XVIII. New Series p. 9-10.

† Page 11 of Bombay Government Selection No. XVIII.

‡ Page 12 of Bombay Government Selection No. XVIII. Mr. Frere did not state whether the definition of *Deh* as given by him was to be applied to *Jagirs*.

cultivation, or of the probable necessity for recording grazing or other similar rights, all unnecessary minuteness being carefully avoided.

314. The instructions given to Settlement officers in respect of Jagirs in Mr. Frere's Circular No. 34, dated 4th January 1855, which formed the basis of all Settlement operations in Sind for a long time were as follows:—

Instructions to Settlement officers in respect of Jagirs.

“ 39. The Settlement officer, shall, as far as possible ascertain from the Jagir records and reports of District officers, &c., the names of all persons claiming to be either Zamindars, or holders of Jagir or rent free land in any village.”

“ 40. He shall then cause a notice to be served on each Jagirdar or Zamindar requiring him to erect, within a specified period, boundary marks along the boundary of his Jagir or Zamindari and warning him that in default of his so doing, the marks will be erected by a Government establishment at his expense.

“ 41. The nature of the boundary mark required shall be clearly specified in a notice, which shall be published in the same manner as is prescribed for village boundaries,* and of which a copy shall be sent to the Commissioner.

“ 42. Where a final definition (Faisalnāma) of a Jagir has been drawn up by the Jagir Department, a copy shall be furnished to the Settlement officer, who will ascertain that its provisions have been duly carried out, and he shall, in so doing, as far as possible, distinctly mark off and record all prospective resumptions, noting the contingencies on which such resumption will depend.

“ 43. Any boundaries which a Jagirdar or Zamindar is required to provide, and which may be found incorrectly marked, when the Settlement officer's establishment visits the village, shall be corrected and properly marked by the establishment, and the costs of the operation shall be recovered from the defaulting Jagir or Zamindari as a revenue demand.”

“ 45. Any dispute regarding the boundary of a Jagir shall be settled in the same mode as above prescribed for disputed village boundaries.”†

“ 65. Reference should be made to the Jagir Department before the settlement of the village is commenced, to know what Jagirs, Pattadaris, Hissadaris, Muafidaris, or other concessions of, or exemption from Government assessment, are registered in the Jagir Department as allowed in that village; and again, on the completion of the settling officer's inquiries, a report should be made to the Jagir Department stating whether any, and what, discrepancy

* By beat of tom-tom and service of the notice on the headman.

† Viz. by first requesting the disputing parties to define clearly by temporary marks set up by themselves, the boundaries they respectively claimed—then by examining the locality and deciding on the evidence. Page 15.

has been found to exist between such admitted right and the actual enjoyment of the claimant."

315. An elaborate form was prescribed by Mr. Frere for recording the boundaries, but this portion of his instructions was affected by the decision of the Government of India to transfer a branch of the Revenue Survey under Lieutenant Macdonald from the Punjab to Sind. † This decision made it

Further instructions after the introduction of the professional Survey. necessary to issue further instructions on the 21st January 1856, among which were the following:—

"27. The Jagir office will supply much important information, not only regarding the rent free lands and their tenure, but also relative to the ancient territorial divisions of the country, and other matters affecting the Revenue. The Settlement Officer will always be able to obtain such information of the kind, as may be forthcoming by direct application to the Jagir office.

"28. It may not be superfluous to remark that the Survey operations and record of all particulars regarding the land is to extend to all lands, whether paying assessment to Government or rent free." §

316. The Government of India had directed that "the definition

Preliminary operations of the Professional Survey

(a) Demarcation and Settlement of boundaries by Settlement Officers.

(b) Thakbust and Mujmilli Maps prepared by Settlement Officers and sometimes by professional Survey, Munshis and Patwaris.

of boundaries should well precede the (scientific) Survey, so as to leave no chance of the professional establishment being left behind." Accordingly the Settlement Officers were instructed to

do this preliminary work, and prepare Thakbust Maps * in the first place, and then exert themselves to complete their interior or field measurement map (called Khasra Map), and their classification and assessment of the land, simultaneously with the completion by each professional Surveyor of his scientific Survey.

317. The procedure adopted by the Settlement Officers for the purpose of defining Jagirs, was to require all Jagirdars to mark off

† Vide Mr. Frere's 48 A, dated 21st January 1856, to Government, at page 6 of continuation of Selection No. XVIII.

§ Pages 7-8 of continuation to Government Selection No. XVIII. New Series.

* A sketch map showing the boundaries of a village was called a Thakbust, when the Thakbust maps of a Pargana were framed into one map they were called a Mujmilli map.

their boundaries † and then to record these together with the Zamindars' and hereditary cultivators' rights in the Jagir land. ‡ But misapprehension soon arose, and Mr. Frere therefore found it necessary to issue the following Circular to the Collectors (No. 1643) on the 3rd October 1857. *

How to deal with discrepancies in areas.

As there seems to have been some misunderstanding on the part of the Settlement Officers regarding the nature and extent of their duties in dealing with Jagir lands, I have the honour to inform you, for communication to such of your Assistants as may be employed as Settlement Officers, that, strictly speaking, it forms no part of a Settlement Officer's duty to make any inquiry regarding Jagirs, and that all investigation respecting these holdings should, as far as is practicable, be made exclusively by the Jagir Department.

2. As, however, the Jagir Department is so far incomplete that no measurers are attached to it, it has become necessary to look to the Settlement Officer's establishments to supply the deficiency, and their assistance must be relied on, in order to ascertain the exact extent and outlines of the Jagir holdings; and to facilitate the Settlement Officer's operations, they should be furnished with rolls from the Collector's Office, containing information regarding the extent and locality of each Jagir, prepared by the Jagir Department and approved by the Commissioner. These rolls, Settlement Officers should be directed to regard as the true exponents of Jagirdar's rights.

3. While engaged in defining the boundaries, &c. of Jagir land, the Settlement Officer may, in many instances, casually become possessed of valuable information regarding the nature of the Jagirdar's tenure. It may come to his knowledge that the present incumbent is in enjoyment of the property unauthorisedly, or that he is in actual possession of more land than his grant confers on him. On ascertaining this, the Settlement Officer should at once bring the matter to the notice of the Jagir Assistant, who can, should he see no reason for adopting a different course, instruct the Settlement Officer to erect permanent boundary-marks, assigning to the Jagirdar the amount of land the grant authorises. Should the Jagir Assistant see cause for continuing to the Jagirdar the land held in excess, he can report the matter for the consideration of the Commissioner.

4. Should, on the other hand, it appear that the Jagirdar is in actual possession of less land than the terms of the grant would permit, the existing boundaries are to be regarded as the true ones, and the Settlement Officer can proceed to erect permanent marks without further reference.

318. A copy of this Circular was sent to the First Assistant for Jagirs in Sind on the 30th November 1857, with the following in-

† Page 72 of continuation of Government Selection No. XVIII.

‡ Page 98 of Continuation.

* pp. 100-101.

structions.

I have the honour to remark with respect to the concluding portion of para. 3, that one of the reasons which I should regard as valid for confirming a Jagirdar in the possession of land held in excess of the amount recorded as his in the Roll, would be the fact of his having been put in possession of it at the time when the sanad granting the Jagir was conferred. I would specially wish to guard against the ejection of a Jagirdar from land which has been enjoyed from the time of first grant, but which by reason of some inaccuracy of measurement in the first instance may *appear* to be held in excess. A resumption should only be made in cases in which there has been a manifest encroachment on the right of Government.

319. We have seen that the 'Third Class of Jagirdars, like the Second Class, was really composed of two sections, the first consisting of those whose grants dated from before the death of Mir Ghulam Ali but who were not of sufficient standing in society to be classed as Sirdars, and the second, of those whose grants were of a later date than the death of Mir Ghulam Ali, but not later than the death of Mir Murad Ali. Hitherto it had not been thought fit to distinguish the two sections by any difference in treatment, similar in character to that which had been adopted for discriminating the Talpur section of the Second Class from its Sirdar section. But on the 7th of January 1858, Mr. Frere agreed with Major Goldsmid that all Second Class grants reduced to the 3rd Class owing to want of social position, should be continued during their alienation free of assessment, and this privilege has continued to be their differentiating feature.

320. Further, on the 14th of May, Mr. Frere in his No. 1037 laid down a rule which, though applicable to all chowth-paying Jagirdars, was specially intended to give relief to the second section of the third class.

Deduction of $\frac{1}{4}$ th land in lieu of chowth permitted.

“ Where there is no special order to the contrary, and when the grantee applies for such an arrangement, one-fourth of the land of a Jagir may be deducted in lieu of assessing the one-fourth produce, and this rule may have retrospective effect.”

321. On the 1st of June, Major Goldsmid submitted a supplementary report which had been

Major Goldsmid's Supplementary Report
on the Jagirs of Members of the Four
Families in the Resumed Districts.

called for by Mr. Frere on the
20th May, regarding the Talpur
Jagirdars in the Resumed Dis-

tricts, and regarding the stipends enjoyed by members of the late
reigning family, which he had been directed to divide into two
classes, viz., those not necessarily terminating with the lives of the
present grantees, and those so terminating.

322. On the 28th of June 1858, Major Goldsmid reported

Major Goldsmid prepares
a list of Sirdars

“completion of the inquiries instituted with
a view to prepare a list of Sind Jagirdars,
considered fitting for admission to hereditary

privileges on the score of their rank as Sirdars. He submitted
with this report, its Appendices B to Z which contained the
whole details of the inquiry, and a statement which contained an
abstract of the results. The first Appendix A he had submitted
as a sample on the 2nd of January, and its form had been approved
by the Commissioner on the 25th of February.

323. Major Goldsmid did not agree with Captain Pelly as

Captain Pelly's principle
not followed by Major
Goldsmid in framing the
list.

to the method to be adopted in selecting Sir-
dars. He wrote :—

“To make the three old recognized divisions of Sind the basis of inves-
“tigation into the social position of the present race of Jagirdars, did not
“appear to me a theory tenable for practical purposes. Rather did it appear
“more convenient to take a list of Baluch tribes containing any Jagirdars
“whatever, and ascertain the families in each who seemed of sufficient im-
“portance to need representation. The next point was the selection of a
“representative, and then it became a matter of consideration whether such
“nominee were really of that social position to merit special treatment.
“When a case was doubtful, the fact of holding alienations in the 2nd Class

Because it was found un-
practical, inconvenient, un-
equal, and unjust.

“of Jagir grants, usually decided the point in
the Jagirdar's favour.” The question in this re-
spect was one dependent wholly upon the evidence
of title deeds. “But it will be found,” continued Major Goldsmid, “that
after all, there are very few of the number selected who do not, more
or less, hold bigahs on a sufficiently ancient tenure to be considered in the
superior class ; and this conclusion is one to which I confess myself to have
been anxious to arrive, for it scarcely appeared consonant with the supposed
position of a Sind Sirdar, to find his possessions all of a recent date.

This state of things would rather prove him to have been a mercenary or upstart favourite of the late Mirs."

Major Goldsmid admitted that it was desirable to bring Jagirdars to their Jagirs or *vice versa*. But it was doubtful whether the land transfers that would ensue in carrying out Captain Pelly's scheme were compatible with the object of Government. Major Goldsmid was of opinion that the measure proposed by Captain Pelly would seem to concentrate the Jagirdars about the middle tracts, rather than equalise or spread the alienated lands in the upper, middle, and lower territorial partitions of Sind, or distribute a native gentry among the agricultural districts. "The neighbourhood of Haidarabad is the favourite residence of these persons, and as long as the prejudices in its favour exist, Wichola* and those parts of Lar† bordering on Wichola must necessarily boast the lion's share, while the Siro‡ Jagirdars would make but a comparatively meagre show." This remark he recorded with special reference to Baluch Chiefs, who were, in fact, the actual Jagirdars of the Province. For instance, out of some 26 residents in Wichola, 6 resided in Tajpur near Haidarabad, 4 in Sher Mohammad's village near Halla, and 4 in Matheli near Mohabat Dero, more than half being thus concentrated in three villages. "Were it therefore necessary to bring together the alienations as much as possible in one spot, the proposal would appear a good one as regards Wichola, otherwise its adoption would not seem to answer any particular purpose."

Major Goldsmid next proceeded to comment on the injustice of valuing the position of a Jagirdar at so much money, and converting money into land at the rate of 1 Rupee per 3 bigahs of soil inclusive of fallows, without any actual inquiry into title and possessions, as had apparently been the intention of Captain Pelly. To give an illustration, Budho Lughari who resided on a Jagir of 35,000 bigahs producing Rupees 316 per annum, would, considering his status in the estimation of Baluchis, obtain about Rs. 3,000 per annum or in other words 9,000 bigahs only, and Nindo Mari a man of the same status deriving Rs. 2,160 from a Jagir of 6,000 bigahs would be entitled to the same provision. Major Goldsmid therefore submitted that there was no better means of disposing finally of these claims, than by making the land in possession of the Jagirdars the basis of inquiry, and regulating the amount regrantable according to their social position and the antiquity of their respective tenures.

"But an inquiry," wrote he, "comprehending the status as well as title of a grantee did not demand the application of the stricter rules laid down for the elucidation of the latter only. That is to say a break in the chain of possession, if not involving a period of great duration or importance, would not, necessarily, prove defective position. The caprice of a moment might easily be held the cause of rejection, and it would account for subsequent restoration to honour. Thus in cases where a mere admission into the 2nd Class of Jagirdars, might become invalidated by want of documentary proof, the claim to Sirdarship need receive no injury whatever."

Uninterrupted possession
not stringently insisted on.

* Middle portion of Sind.

† Lower Sind.

‡ Upper Sind.

Acting upon these principles, Major Goldsmid after obtaining a list of all			Jagirdars who appeared entitled to special consideration by social position, possession of 2nd Class bigahs, or inclusion in former proposals for permanent alienations, had struck out such names as seemed only to perplex the inquiry, and
Major Goldsmid's procedure.			
1. Talpurs...	...	A.	had first retained a balance of 134 which he
2. Nisamanis	...	B.	had afterwards reduced to 56. He had origin-
3. Lagharis	...	C.	ally selected the tribes named in the margin,
4. Marris...	...	D.	each of whom was dealt with in the Appendix
5. Jamalis	...	E.	marked with the letter standing against it.
6. Bhurgis	...	F.	There were Jagirdars to be found in all—but
7. Bhagranis	...	G.	Major Goldsmid eventually recommended only
8. Rinds...	...	H.	56 for permanent advantages, rejecting all who
9. Changs ...	...	I.	were found in the tribes marked with an asterisk.
10. Chelgaris	...	K.	Out of these fifty-six, twenty-three lived on or in
*11. Lasharis	...	L.	immediate neighbourhood of their Jagirs, but
*12. Nuhanis	...	M.	some of these, as in the case of the Chelgaris
*13. Lunds	...	N.	were possessed of but very few bigahs, while
*14. Kalois	...	O.	others held almost unproductive lands. View-
15. Jatuis	...	P.	ing the question of residence according to the
*16. Notkanis	...	Q.	extent of each man's possession and revenue,
*17. Nundanis	...	R.	the result according to Captain Goldsmid would
*18. Jalalanis	...	S.	be as follows :—
19. Khosas...	...	T.	
20. Miscellaneous Baluch...	...	U.	
21. Khokars (Sindis)	...	W.	
22. Miscellaneous Sindis	...	X.	
23. Khatians (Semi-Pathans)	...	Y.	
24. Miscellaneous	...	Z.	

Alienated to resident Jagirdars bigahs 29,005 worth Rs. 9,271.

Alienated to non-resident Jagirdars bigahs 48,830 worth Rs. 18,571.

Major Goldsmid recommended that certain local advantages should be established for Jagirdars who reside on their lands, which might eventually encourage others to do likewise. "In this respect" he continued "if a

Advantages proposed for resident Jagirdars.

"lower water rate be not admissible, the disposal of local levies* on the actual Jagir land, and not at the Jagirdar's place of residence, might have a beneficial effect."

Mr. Frere had directed in his No. 571, dated 3rd March 1854, that in regrants to resident Jagirdars the regrantee should be allowed to retain possession of waste land equal in extent to two-thirds of the Jagir. This order, Major Goldsmid said, would strictly speaking, not affect more than 3 of the 23 resident Jagirdars, viz., Ali Baksh Nizamani, Budha Laghari and Dato Jamali, but he submitted that the order in question was not intended to apply to settlements in perpetuity, and gave other reasons in justification of the settlements he had proposed.

The total number of bigahs proposed by Major Goldsmid to be alienated to the 56 Sirdars was 77,835, the value of which he estimated in round numbers at a yearly total of Rs. 28,000.

Area and value of alienations to Sirdars.

*. the 5 per cent. cess imposed on Jagirs.

In this proposal, he was of opinion, was comprised the minimum of grants which it was justice as well as policy to alienate as hereditary. "And if Government" he added "be disposed to take even a more liberal view of the contemplated provision, I would point out the case of Ali Murad Talpur Thora (No. 11), as worthy of peculiar consideration, from the lapses occasioned in a former settlement of the 1st August 1853, a settlement which it did not seem to be my province to disturb. To this I would add the case of Abdulla Khan, Barukzaye, to whom a regrant of the one-fourth share of revenue imposed from the existence of a doubt in former possession, might be held not altogether inadmissible. This deduction having been confirmed by His Excellency the late Governor, I did not feel at liberty to suppose remitted in preparing the tabular results of inquiry."

It had been Major Goldsmid's endeavour in his recent District tour, to see as many of the Sirdars as possible and acquire some personal knowledge of their circumstances. A greater number he had known in former years and could speak of them from previous acquaintance. "I need not address to you, Sir," Major Goldsmid continued "any very lengthy description of these Jagirdars. Your constant association with them, and attention to their numerous petitions will have long since rendered such attempt at portrayal superfluous. With much of frankness and simplicity, the striving for personal benefit is, perhaps, the most prominent as well as favourable feature in their characters, but the failing is not unnatural even in others than a rude Asiatic people: and their frequent use of the word "Dilasa" (talking over) and ready recognition of the "soothing" system which it expresses, shows at least, that they are avowedly open to reasoning and argument.

"These Chiefs, whether secondary or men of influence, value land alienated in Jagir, as though they were the actual proprietors of the soil. The feeling that they are in the place of Government in collecting its revenue, however limited the sphere, gives them a degree of importance of which they do not fail to make the most. Were this privilege allowed only to the chiefs of large tracts, like the Numrias, Jokhias, and others, who are proposed for the 1st Class of Jagirdars, the joint interest with Government would be but partially felt in the province; whereas the admission thereto of a certain number of Sirdars and men of repute, more or less scattered about every quarter of Sind, would cause the settlement to be generally acknowledged and diffused.

"It will be remarked that the list submitted contains among the miscellaneous nominees a Sayad, a Pir, and a Pathan Zamindar. With these exceptions, the whole of the persons recommended are Chiefs of Baluch or Sindi tribes. I have not included the class of tenures known as Pattadari, because the Pattadars have formed the subject of separate report and provision; so also with the holders of Khairat or charitable assignments.

"The selection of the individuals comprised in the present list to become participators with Government in a certain portion of the land in

perpetuity, or for so long as they may have heirs male in direct lineal succession, cannot serve but to increase their good feeling and loyalty. But as the immediate application of these prospective benefits might place them in a worse position than they enjoyed under prior rules, it will be necessary to mark some definite period for their introduction.

“It is recommended as a general rule, that the permanent assignments do not come in force, in the case of 2nd Class Permanent settlement grantees, until in the second succession to the incumbent at Meani; except, indeed, the grantee in the first succession should himself think proper to accept the settlement when to come in force.

“I would exemplify as follows:—

A. is the incumbent to whom Government confirmed, at the conquest, 5,000 bigahs, which have all been found, by recent inquiries, to be in the 2nd Class. Under ordinary rules, on the death of A, these would be regranted to his eldest son B, unassessed for his life; but while A is yet alive, Government has agreed, under the present settlement, to give the lineal male heirs succeeding to A, 2,000 bigahs in perpetuity. I am not of opinion that B. should lose the advantages which he would have gained under the ordinary rules, supposing the settlement never to have been made.

“For B may die childless; and under such circumstances it would be hard, indeed, that the simple fact of his having been selected to represent a tribe of Baluchis should operate to his individual detriment, and with no compensation whatever, present or prospective.

“On the other hand, where the Jagir, as aforesaid, is held in the generation immediately succeeding the incumbent at Meani. the present settlement (if approved) would be put in force with the next regrant.

“His Excellency the Governor was averse to resuming land in lieu of the one-fourth share produce, it being considered desirable that a rent should be paid to Government by the Jagirdar in lieu of the benefits accorded to him by the State, in thus transferring a portion of their own revenues to his account. There would be no such lien on the present regrants, but it is submitted that a fixed water-rate. added to the 5 per cent. cess for roads and schools, would give a small fixed assessment in lieu of rent, sufficient to make the grantee feel to whom it is that he is indebted for his means of sustenance.

“Before concluding, I would further submit the advisability of persuading the Sirdars, or those similarly selected, to educate the younger members of their family, to see that they may not be wholly illiterate. To this end the portions of the 5 per cent. cess set aside for schools, might be more legitimately applied. You have already directed me to carry out an arrangement in the instances of Mir Ali Murad Talpur Thoro (No. 11), and Mubarik Khokur (No. 50), which will, it is hoped, tend to the education of those young

Sirdars themselves, both of whom are mere boys of tender age; but the attention of local officers to these points would be invaluable, and no time would, perhaps, be more appropriate than when acquainting them with the sanction of Government to measures for their ulterior advantage and provision.

Necessity of educating the Sirdars' children.

“A Baluch boy of about 12 years of age falls into possession of a Jagir by virtue of heirship to a Sirdar of his tribe. He is surrounded by a host of relations, and his late father's friends and attendants ; educated or not, according to the pleasure of those who exercise the right of guardianship ; bigoted or not, according to the character of his Mulla ; debauched or not, according to circumstances, or his own natural disposition.

“He is just of an age when he might be made a useful member of his clan, a useful subject, useful to others as well as himself ; or the direct reverse. At this turning point the advice, if not interference, of the authorities might be most beneficial, and result in giving to the province a healthy race of Jagirdars.

“Supposing no such advice tendered, or interference exercised, it is to be feared that if we had represented our young Jagirdar as growing up uneducated, bigoted, dissolute, and a mere puppet in the hands of an intriguing guardian, the example would be tolerably correct, and applicable to tolerably large numbers.”

324. On the 3rd of July, Mr. Ellis who had been appointed Special Commissioner for Jagirs, submitted his report No. 12, regarding the Jagirs of the Four Families. Mr. Ellis wrote as follows :—

Mr. Ellis's report on the Four Families.

“7. Soon after Sind became a British possession, the Governor promised the members of the four great Talpur families that in the settlement of their Jagirs he would allow them certain privileges which were not contemplated for other Jagirdars. There is now no record of the occasion, or of the exact words of this promise, nor is it ascertainable precisely to what individuals it was made ; but that such a pledge was given is proved beyond all question by the terms of a notice issued in 1847 by Sir Charles Napier, in which express reference is made to his promise in favour of the four great Talpur families.

Sir Charles Napier's promise to the Families.

“8. This proclamation is the document which we must take as the basis of settlement. Good faith demands that the pledge should be upheld, but it is difficult, from the vagueness of the terms of the proclamation, to define exactly the intentions of the Governor.....

“9. The 3rd paragraph of the proclamation is the one that more particularly bears on the present inquiry. It runs as follows :—

‘With regard to the four families whose estates His Excellency promised to continue to descendants without the deduction of one-fourth, that is, those not for pay or civil services. These families, the Shahwani, Shahdadani, Khanani, and Manikani, who are poor, and held their Jagirs since Mir Fateh Ali's time or before, and their title to inherit which has never been disputed to them, their lands will be re-granted as per rule, without looking to the dates of their sanads. This favour is done them as their rank is high and noble, and also as the uncultivated land which they have to give up is of great extent.’

“ 10. The proclamation stated clearly enough that the pledge was given to the four Talpur families of Shahwani, Shahdadani, Khanani, and Manikani; that all lands held for pay or for civil service were to be excluded; and that the boon amounted to a re-grant of their holdings, deducting the uncultivated lands, but not exacting the payment of a fourth of the produce, to which all other Jagirdars were liable upon succession.

Meaning of the promise. “ 11. I may mention in this place, that the ordinary rule for the re-grant of Jagirs in Sind is to resume the waste lands and re-grant the Jagir to the heir, subject to payment of one-fourth of the nett proceeds. It is not necessary here to enter into details regarding the mode in which the amount of waste land is ascertained, or to discuss the restrictions on re-grants. It will be sufficient to remind Government of the main features of the system which has hitherto been adopted, and which has been practically enforced too long to admit of the possibility of any other theoretical rules being generally introduced. A modification of this system was promised to the Talpur families.

“ 12. One of the questions raised in respect to the meaning of the proclamation is, whether the promise was restricted to the Jagirs granted before the time of Mir Fateh Ali. A careful reading of the context showed beyond all doubt that the very essence of the guarantee was to dispense with the restrictions which, by previous paragraphs of the proclamation, were to be placed upon the re-grant of Jagirs of recent date, and the Talpurs were assured that their Jagirs would be re-granted ‘without looking to the dates of the sanads.’ The conclusion at which both Major Goldsmid and Captain Pelly finally arrived appears unquestionably correct, and these Jagirs must be considered unaffected by any rules which may have been, or may hereafter be, adopted to regulate re-grants by the date of the original title deeds.

Who are the members of the Four Families to whom the promise was made. “ 13. The most important and most difficult question to decide is, who are to be considered as members of the four Talpur families abovenamed. I need hardly state that none of the ex-Amirs themselves are referred to in this discussion; they retain no lands, but are provided for by pensions. Those to whom this report relates are Talpurs of the same clan as the late reigning Mirs, and descended from common ancestors; but although their position was at one time that of equals, their station at the close of the Talpur reign was that of powerful subjects rather than independent chiefs.

“ 14. One idea was to confine the privilege to the four heads of the four families; but this was impracticable, for it would be impossible to find four so decidedly superior each in his individual branch as to sanction the distinction; and even if five or six were selected, yet so restricted an interpretation would not be in accordance with the obvious meaning of the Governor’s promise, which extended apparently to all members of the four great families, provided they held a position entitling them to a favour specially accorded on account of the claimant’s rank.

"15. On the other hand, to allow the privilege to every one who might claim descent, however distantly, from the progenitors of the four families, would hardly be in accordance with the spirit of the Governor's proclamation. Many Jagirdars, professing to be members of the above four families, cannot satisfactorily trace their descent, though acknowledged as Talpurs, but very many held an inferior position as mere retainers, which would not justify their being classed among the Talpur aristocracy.

"16. A glance at the second enclosure* in which Major Goldsmid has entered the names of all who might assert a claim, will show this. In some cases the doubtful pedigree, in others the want of social position, or the petty amount of holding, proves that the claimants were not considered during the Talpur rule as members of the four great families allied to the reigning Mirs; and that Sir Charles Napier himself so viewed these claimants, may be inferred from the fact that, on the death of any incumbent, the Jagir was re-granted on the same terms as to any ordinary Jagirdar.

"17. Captain Pelly's report contained no complete list of those who are to be considered as entitled to a settlement, under Sir Charles Napier's pledge. This omission has been supplied by Major Goldsmid in the reports and tabular statements accompanying his memorandum No. 111 of 1857. The Appendix marked D* gives an abstract of the Jagirs reported on. This abstract contains also the names of five Jagirdars whose claims do not strictly come under the provisions of the proclamation, but whose names have been added for reasons which will be explained below. For the present only the first thirty-four names in Appendix D are to be treated of.

"18. Thirty of these are considered by Major Goldsmid as undoubtedly belonging to the four Talpur families. In this
Major Goldsmid's list. view, after a careful consideration of each case, I fully concur. Regarding the remaining four, Major Goldsmid had doubts. The claims of Nos. 31 and 32† may be rejected. These chiefs are not, properly speaking, of the Khanani tribe; they belong to the Darya Khananis, as descendants of Darya Khan, and not of Mubarik, Darya Khan's brother, from whom all other professed Khananis derive descent. As chiefs of the Darya Khani branch, these Jagirdars will receive consideration when a separate report is submitted on the Sirdars of Sind: but I concur in Major Goldsmid's recommendation to exclude them from the present settlement.

"19. The next, Nasir Khan (No. 33), though probably he might be included in the Khananis, could not be considered as one of the great families, having no social importance by right of family descent, such as is enjoyed by others, who have been included in the list. His name is therefore omitted.

"20. On the other hand, Mir Abdullah (No. 34) should be included as a member of the Manikani family, to which by birth he undoubtedly

* Not published.

† Not published separately but embodied in the Roll.

belongs, and his position, as marked by the extent of his Jagirs and general character, would entitle him to the privilege, quite as much as many others who have been unhesitatingly included in the list.

"21. I refrain from entering into detail in regard to every case. I have examined the particulars of each individual claim, and from the statements accompanying Major Goldsmid's several reports, I have put in a tabular form the information which Government will probably require in respect to the name, amount of claim, and proposed settlements.

"22. This statement is appended and marked E. * It shows the names of all who can, in my opinion, be acknowledged as entitled to the benefits of Sir Charles Napier's promise, and explains how their Jagirs have been disposed of since the conquest, or are now to be settled in conformity with the terms of the proclamation above referred to.

"23. It will be observed, that bigahs 308,716 have already lapsed, and that bigahs 40,809 will lapse on the death of the present incumbents, as being grants in lieu of pay or for civil service, and therefore expressly excluded by the terms of the proclamation from re-grant in permanence.

"24. On inspecting this statement, a question may arise in regard to column 8,† how it is that seven of those to whom it is proposed to extend the benefits of Sir Charles Napier's promise not to levy the succession tax, are already paying one-fourth of their produce to Government. Five of these are the sons or successors of Jagirdars who fell in the battles of Meani and Dabba fighting against the English, and in all such cases Jagirs were re-granted subject to this deduction. Another succeeded his father early in 1844, probably before the pledge had been given to the Talpur families; and the seventh pays one-fourth as a fine, because his father failed to make obeisance to the Governor upon the conquest of the country.

"25. There are other apparent inconsistencies in the treatment of these Jagirs, but they are to some extent capable of explanation. Thus Mir Mihrab (No. 15) died in possession of 105,479 bigahs, but his sons received from the Governor a re-grant of only 10,672 bigahs. The fact is, Mir Mihrab had not tendered his obeisance, and on his death his Jagirs were, by a rule then invariably observed, liable to total resumption; but in consideration of his rank this rule was applied to recent grants only, and the ancestral Jagirs were re-granted, just as the proclamation promised, free of tax, though subject to resumption of waste lands.

"26. Again, on the death of Mir Mahmud (No. 2), the terms of the proclamation were followed in the Haidarabad Collectorate, and the Jagirs were re-granted, free of all tax, to the two sons, one of whom, however (No. 5), died before the re-grant was carried out, and his share lapsed to Government. But the quantity of waste land resumed was so great, that Mir Mahmud's successor was very ill-content with the settlement, and a

*Not published.

† The heading was "whether free or otherwise."

revision in his favour would have been recommended had he not been found guilty of attempting to deceive Government.

“27. The difficulty of ascertaining what lands are uncultivated has occupied the attention of every officer connected with Jagir inquiries in Sind, and various subsidiary rules have been provisionally tried, in the hope of devising the means of determining satisfactorily the amount of land resumable as uncultivated. The proportion of waste
Limit of resumable waste. in Jagirs is, however, so large, that a settlement based on such resumption can hardly be satisfactory to the holder. Captain Stack calculated that two-thirds of a Jagir might be considered as uncultivated, and I have no doubt that in most cases this is quite within the mark.

“28. At the same time, it must be borne in mind that the Jagirdar should be allowed some margin for the risks attending all cultivation in Sind, and when it is important to secure, as a matter of policy, the contentment of influential chiefs like those to whom this report relates, the State need hardly hesitate to incur a loss that is merely nominal, and to allow the retention by the Jagirdar of more waste land than he would otherwise be strictly entitled to.

“29. Major Goldsmid has proposed, for the settlement of the present claims, that one-third be deducted for the waste land on the death of existing incumbents, and that a re-grant of two-thirds be allowed to heirs. I beg very strongly to recommend that this proposition be carried out, and that in settling the Jagirs of the Talpur families one-third be resumed as uncultivated, though the proper portion may actually be greater.

“30. Columns 10 to 12* of Statement E show in what manner the
How to deal with lands granted hereditarily in solemn form by the Amirs. Jagirs were originally granted. Major Goldsmid's memorandum (B)† gives further details. Many of these Jagirdars received from the Mirs ‘Ahdnamas,’ or solemn agreements, ratified under oath by writings in a Koran, while some were even assured of the hereditary continuance of their possessions.

“31. These agreements of the Mirs do not appear to have been considered by Sir Charles Napier as fettering in any way the right of the British Government to dispose of the Jagirs, under whatever rules might be established, and accordingly we find that at the outset he subjected the possessions of Mir Ali Bakhsh (who held an hereditary guarantee from the Mirs) to a payment of one-fourth of the nett proceeds of his estate.

“32. In the same way, when it is proposed to allow an hereditary title subject to certain conditions, there appears to be no valid reason for excepting the three hereditary grantees from the conditions generally prescribed for others of similar rank. That Sir Charles Napier would not have excepted them from the operation of the ordinary rules on this point, is

* The amount of the balance to be disposed of granted hereditarily by the Mirs, and the amount granted by them in Ahdnamah without hereditary guarantee.

† Not published.

evidenced by the records, which prove that the cases of both Mirs Ali Bakhsh and Khan Muhammad were some years ago under consideration, with a view to a permanent settlement on these very terms.

"33. Had it been determined to confirm these three chiefs in their hereditary possessions without deduction, bigahs 680,000 would have been re-grantable to them alone, but no such expectations have ever been held out to them, nor would such a re-grant have been in conformity with the principles followed by Sir Charles Napier after the conquest, and which have hitherto formed the basis of Jagir settlements in Sind.

"34. Another point open to question was whether lands already paying one-fourth, should be liable to the same deduction as others on account of uncultivated land. No case occurred in Sir Charles Napier's time, and the rule now adopted for the resumption of only one-third is so much more favourable to the Jagirdar than the complicated method formerly in force that, in my opinion, it would not be proper to assume this point in the Jagirdar's favour, especially as the deduction of one-fourth in these cases was an essential condition of the first grant by the British Government, to which, rather than to grants by the Mirs, we ought to look in deciding on alienations in Jagir.

"35. These remarks will, I trust, sufficiently explain the merits of the first thirty-four cases in Appendix E. It is not proposed to disturb the present incumbents, or to alter settlements made long ago, like those of Mir Muhammad and Mir Mihrab, but sanction is requested to a guarantee for the permanence of those settlements, and authority to decide, on similar principles, claims like those of Ali Murad (No. 10 in E), son of Mir Ahmad, and Ghulam Ali, son of Mir Abdulla (No. 31 in E), which demand revision on account of the Jagirdars having recently died,

"36. It would be desirable also to mark out at once the portions resumable on the demise of all existing incumbents, so that when they die, the claims of their heirs can be settled without trouble and further reference; and as all depend on the same principle, there will, I apprehend, be no difficulty in deciding at once upon the whole of the claims which I have now the honour to submit,

"37. In two, or at most in three, cases, owing to the proposed resumption of land in lieu of one-fourth produce, the quantity of land to be resumed will be very large. I would request sanction for the Commissioner to exercise his discretion in such cases, whether to resume one-fourth of the land, or to lease the resumable land to the Jagirdar for a term of years at a valuation of one-fourth of his estate. If the boundaries be marked off now, there will be no difficulty in carrying out the resumption at any future time; and if such a course be more acceptable to the Jagirdar, I see no reason for refusing to adopt it,

“ 38. The original inquiry had reference only to the Haidarabad Talpurs, whose Jagirs were first re-granted in 1843-44 ; but Major Goldsmid pointed out that there were five others of the same family who had not been before alluded to, because their Jagirs were not re-granted until the recent resumption of Mir Ali Murad's territory. The Commissioner, thereupon, desired that these Jagirs might be included, and a supplementary statement was then framed by Major Goldsmid.

“ 39. Strictly speaking, these Jagirs do not come under inquiry consequent on the Governor's pledge, for at that time they were under the Rais of Upper Sind and not in British territory ; but as the holders belong to the same family, and occupy the same position as those to whom the proclamation referred, it would not be just or politic to apply to them a less favourable settlement than it accorded to their brethren.

“ 40. Mir Muhammad (No. 32) has larger Jagirs than any one in Upper Sind. He is a man of some influence, and even so late as 1838, was of such importance that Sir A. Burnes concluded with him in that year a separate agreement, independently of those made with the reigning Mirs. This agreement guaranteed the continuance of his possessions, but, like other similar documents, must be held as superseded by subsequent events ; for Mir Muhammad shared in the flight of Mir Rustum, and is said to have taken part in battle against the English. He afterwards returned to his estates, and was confirmed in a portion thereof by the Rais Mir Ali Murad. The Jagirs of which he was in possession when Mir Ali Murad was deposed from the Raiship, were confirmed to him by the British Government. It is now proposed that on his death one-third be resumed on account of uncultivated land, and the rest re-granted hereditarily free of tax.

“ 41. For his brother, Mir Ahmad, a settlement somewhat similar is proposed. This Mir has always preserved his good relations with the ruling power, and being a careful and good manager, has made the most of his Jagirs. To resume so large a proportion as one-third, would probably be to resume more than is actually uncultivated, and it is therefore proposed to resume on his death one-fifth, and re-grant the rest hereditarily. I would state that in any case, whenever a Jagirdar asserts that his uncultivated land in the whole estate is less than the one-third proposed to be deducted. I would allow him to demand a measurement by which, of course, he should be made to abide. In the present case, a deduction of one-fifth would bear about the same proportion as one-third in most Jagirs, and I therefore suggest a modification in favour of Mir Ahmad Khan, of the rule proposed for the general settlement of these claims.

“ 42. In the case of Mir Murid Haidar, the application of the usual rule has been suggested, so far as regards the Tatta Malana holding. It is to be observed, that besides the lands entered in the statement, he now holds a share in the revenue of the Aliwah, in Kohera. The management of

Kohera is entirely in the hands of Government, but one-half of the receipts of the Aliwah is paid to Mir Murid Haidar.

" 43. There has been much correspondence regarding this estate. Assuming as correct the view most favourable to Murid Haidar, only one-fourth of the Aliwah could be his by inheritance, while one-half more (that which he now holds) was assigned to him by His Highness Mir Ali Murad in Jagir. As a permanent alienation to his lineal male heirs, one-fourth would be all that he could reasonably expect. This it is proposed to allow, which would give his son one-half of what is now enjoyed. There are about 7,000 bigahs of land in Kallera, adjacent to the Aliwah, which, under this arrangement, would be resumable altogether on the death of Murid Haidar.

" 44. The case of No. 35, Mir Jam Ninda, is a peculiar one. Besides the Jagir which he now possesses, and of which the statement contains a record, he receives a pension of Rupees 300 per mensem, or Rupees 3,600 per annum.

" 45. This pension is for life. It was granted in lieu of the Jagir of Sobha-Derah, which was in the possession of Jam Ninda when Mir Ali Murad was deposed from the Raiship. This Jagir should have been continued to Jam Ninda, being an old possession of his family ; but Government, out of consideration for the reduced circumstances of His Highness Mir Ali Murad, allowed him to resume the Jagir, to which he had no right whatever, and compensated Jam Ninda for the loss by a pension.

" 46. Upon a reference from Government, the Commissioner in Sind suggested that the pension should be for life. Mr. Frere, on now revising the case, expresses his conviction that he was in error, and that he should in justice have recommended the pension subject to the orders of Government as to continuance or otherwise on the demise of the pensioner ; for the pension should have followed the tenure of the Jagir, in lieu of which it was bestowed. It would have been now proposed to continue the Jagir to some extent hereditarily, in conformity with the settlement proposed for others of the Four Talpur Families.

" 47. I would, however, suggest that as the Sobha-Derah Jagir has been resumed, and the pension in lieu granted for life only, the best course is to re-grant hereditarily the whole of the Jagir referred to in the present report, without any deduction whatever. It is a very recent grant of His Highness Mir Ali Murad's, and would not have been re-grantable after the demise of Mir Jam Ninda, but it is considerably less in value than Sobha-Derah, and may not unfairly represent the portion of that estate, which would have been regranted but for the circumstances above referred to. In the propriety of this settlement, I may add, Mr. Frere concurs, and I have therefore adopted it in column 16* of the statement marked E.

" 48. The last on the list (No. 36) is also a case, that requires a special settlement. In this case the Jagirdar, Mir Karm Khan, held, when Mir Ali Murad was deposed, no Jagirs but those which had been recently granted

* Area to be regranted to lineal male heirs.

by the Mir at the instance of Sir Charles Napier. The circumstances are explained by Major Goldsmid, who shows that though there is no doubt the family held Jagirs and allowances in former times, yet the defective state of the Mirpur Mirs' records does not enable him to prove this satisfactorily.

" 49. But of the descent of the Jagirdar from the Talpur Family, whence the Amirs sprang, and of his social position up to this time, there can be no doubt. On account of the very recent date of his present holdings, I cannot recommend that precisely the same rule as has been suggested in other cases be applied in this; but as some provision is necessary, I think Major Goldsmid's proposition to re-grant hereditarily 2,000 bigahs out of the 13,000 which he now holds, should be adopted. This settlement would be sufficiently liberal, and, at the same time, would not be a great alienation of revenue in favour of one who certainly has claims, both by family descent and social position.

" 50. When the cases above discussed have been settled, the whole of the Jagirs held by the Four Great Talpur Families will have been disposed of. A few of the ex-Amirs or their immediate descendants have patches of land around their residences, but the continuance of these lands, as well as of the money pensions which they enjoy, is more properly matter

Why the above cases should not be disposed of in the Political Department. for discussion in the Political Department. In that department the cases of the five Jagirdars last mentioned have hitherto been discussed, but this is simply owing to the accident of their claims having come under review, during the political transactions consequent on the resumption of Mir Ali Murad's territory. There is nothing, as I have before observed, to distinguish their holdings from those of the Talpurs who, like them, were not reigning princes, but connected by blood with the reigning family. The pensions allowed to the ex-Amirs and their families, on the other hand, depend on circumstances which hardly enter into the consideration of ordinary Jagir claims.

" 51. The late Acting Commissioner, in the letter now re-submitted, recommended that these Jagirdars should receive pensions, their Jagirs being resumed. I cannot advocate the adoption of this course. The position held by a pensioner is very different from that secured to a Jagirdar, and to resume the landed possessions of these Jagirdars, and to force them to receive

Grant of pensions in lieu of Jagirs deprecated. pensions in lieu, would not only be opposed to the principles hitherto adopted in Sind, and to which the Jagirdars have been accustomed, but

would probably be so unpopular as to defeat the very object of such alienations. Commutations of land-holding for cash pensions are usually viewed with suspicion, and the former are considered a more stable and permanent provision than the latter, for the conversion into money payment is but too often a prelude to total resumption.

" 52. Though I would deprecate the adoption of the suggestion as a rule, it is not improbable that some individuals who dislike the trouble of managing their own estates may apply for a cash allowance in lieu of land. Such applications may be worthy of favourable consideration if proceeding

from the Jagirdars themselves, but until they make the applications, it would, I think, be unwise to attempt the change.

“53. The result of the settlement now proposed will be that nearly nine lakhs and three-quarters of bigahs will be re-granted hereditarily to the lineal male heirs of the respective Jagirdars whose names are entered in Statement E, and will be enjoyed free of any tax, save for education and road funds, or other local taxes to which Jagirdars may become liable in common with all others.

“54. This amount at first sight appears large, but it must be borne in mind, that the amount confirmed at the conquest to these families was just double the extent, being upwards of nineteen lakhs of bigahs. Of this amount three lakhs have already lapsed since 1843, by failure of direct heirs or other causes, and nearly half a lakh will not be re-grantable at all, having been originally assigned as pay for specific purposes.

“55. The amount of land now in possession of these Jagirdars is fifteen lakhs and eighty-six thousand bigahs, but the whole annual revenue derived from these holdings is estimated to be within one lakh and sixty thousand rupees. This estimate is not founded on very accurate data, but I have reason to believe it not far from the mark, and with the proposed deductions the future alienated revenue will certainly not reach a lakh and a half of rupees per annum. Thus the revenue of these estates is by no means in proportion to their great extent.

“56. Though no decision is called for in regard to the pensions to the ex-Amirs and their connections, yet in order to show at one glance all alienations in favour of the families connected with the late reigning princes of Upper and Lower Sind, Major Goldsmid has, at the Commissioner's request, prepared a statement of cash pensions paid to the ex-Amirs and their immediate families and descendants. This statement shows that the alienations are—

Cash pensions to the ex-Amirs, their families, and other Talpurs	Rs. 3,71,956
Lands held in Jagir by the four families, including the five supplementary names.....	„ 1,59,450

Total.....Rs. 5,31,406”

325. On the 11th of September the Bombay Government with their No. 3002, submitted a copy of Mr. Ellis's letter regarding the Jagirs of the Four Families to the Government of India, with the Appendix which contained in an abstract form particulars of the extent and value of each alienation. They wrote :—

Letter of Bombay Government to Government of India regarding the Four Families.

"4. The parties to whose claims this Despatch refers, are members of the great Baluch clan of Talpurs, to which the ex-Amirs of Sind belong. The ex-Amirs and their immediate families being otherwise provided for, do not enjoy any rent free lands in Jagir. The report, therefore, has no reference to them, but only to their distant relations, who, agreeably to the policy adopted after the conquest of Sind, were permitted to remain in possession of the landed estates, which they held at the date of the battle of Meanee.

5. They constitute an influential class, and, in consideration of their rank and their reduced circumstances, consequent on the withdrawal under British Rule, of the cash and grain allowances and other emoluments which they had enjoyed under the sovereignty of their own kindred, they were promised by the Governor of Sind, special terms of settlement for their Jagirs.

6. Though the exact words of the promise are not now ascertainable, there appears to be no doubt, but that a pledge was given, and its nature is sufficiently explained in a Proclamation subsequently issued by Sir Charles Napier, which is quoted in the 9th para. of Mr. Ellis's report:—

7 The points discussed in the several reports upon these claims are—

I. The scope and precise terms of the Questions for decision. guarantee.

II. The parties to whom it is to be considered applicable.

III. The settlement now to be adopted, and the mode in which it is to be carried out.

8. With regard to the first point, it is the opinion of His Lordship in Council that more stress has been laid on the importance of ascertaining the intention of the Governor of Sind, than was called for under the circumstances. For, had no proclamation been issued, and had no promise been made, still the position of the claimants of itself demands that, a liberal provision of a permanent character should be sanctioned, and independently of former pledges, a settlement somewhat similar to that now proposed would, at any rate, have been incumbent on Government.

9. The fact of a guarantee having been given distinguishes these claims, however, from the mass of ordinary Jagirs, and advantage has been taken of this distinction to submit them separately, as, by doing so, the general settlement of Jagirs in Sind will, it is stated, be simplified and facilitated.

10. On the second point, the report appended gives ample details. His Lordship in Council is of opinion that the list, as finally fixed in Statement E,* may be adopted.

11. With reference to the third point, I am desired to observe, that His Lordship in Council concurs in the opinion that, no attempt should be made to force on the Jagirdars pensions in lieu of lands. He approves of the

* Incorporated in the Roll of Jagirdars of the Four Families.

proposed settlement which is to the effect that, exclusive of grants for pay and specific services no longer required, the Jagirs of the Talpurs mentioned in the List E should, on the death of the present incumbents, be continued to legitimate lineal male descendants, free of all Government taxation, one-third of the land being, however, resumed as uncultivated.

12. Under the rule which has hitherto prevailed in Sind, more than $\frac{1}{3}$ rd would probably be found resumable as waste land, but it has very properly been suggested, that, in these cases, a limit of resumption should be fixed. By these means the vexation arising from attempts to determine the actual amount of waste, and the discontent of the Jagirdar, owing to a too extensive resumption, will, both be avoided. The proposal made in para. 36 of Mr. Ellis's report, that the portions of each estate resumable at the death of the present incumbent, should be at once marked out is approved by this Government, and if concurred in by the Government of India, the Commissioner in Sind will be requested to take immediate steps to carry it into effect. The Governor in Council also thinks, that in the two or three cases alluded to, in the following paragraph of the same report, the Commissioner may exercise his discretion, either resuming the land, or leaving it to the Jagirdar for a term of years at a valuation equal to $\frac{1}{4}$ th of his estate.

13. The limitation of the resumption of waste lands, and the remission of the payment of a tax (one-fourth) usually imposed upon regrants, appear to be the only important points on which the settlement of these Jagirs will differ from that ordinarily adopted. But it is now proposed to obtain sanction for a permanent settlement, whereas the rules hitherto adopted have been provisional or experimental.

Case of the Talpurs in the Resumed Districts.

*Referred to in para. 38 of Report.

14. The cases of the five Talpur Chiefs, who are related to the ex-Amirs of Upper Sind, so differ from the others referred to in the Report,* that they were not under British rule at the time of Sir Charles Napier's proclamation.....The settlement proposed for them also differs, in some particulars, from the rule generally recommended, but the reasons for granting them a favorable settlement appear to the Governor in Council unanswerable, and the causes of the difference in the mode of effecting this object are satisfactorily explained in the accompanying letter.

15. With reference to the case of Mir Jam Ninda, His Lordship in Council observes that, if Rupees 3,600 represent the annual rental of the lands of which that chief has been deprived, the confirmation of a Jagir of Rupees 2,000 annual value, hardly compensates him for the loss.....But it is clear that, at least this Jagir should be continued on the terms proposed, and it will at once be decided in the Political Department whether, on the demise of Mir Jam Ninda, any, and what proportion of the money pension is to be continued, and for how long.....His Lordship in Council is of opinion, that, if two-thirds were continued to the next generation, and one-third to the second, it would be sufficient.

General sanction of Government of India solicited to the settlement.

16. Regarding the details of the other cases, no remark appears necessary. His Lordship in Council would recommend that the Government of India accord a general sanction to the arrangements proposed.

Value and extent of Jagirs only approximate. 17. Mr. Ellis has intimated that the estimated revenue derived from these Jagirs is only approximate. The same may be said of the extent of the land included in the Jagirs for, as the operations of the Survey in Sind are not yet completed, and many of the Jagirs are estates assigned by the Mirs in the lump, without any specification of the number of bigahs, the extent of the alienations is necessarily stated on a rough estimate, framed from such sources as may have been available, when they were first brought to account.

The quantity large—but the value small.

*Note.—The Sind bigah is 2,500 square yards or rather more than half an acre.

18. The quantity of land alienated appears to be very large, but much of it must be unprofitable; unproductive waste, for the total revenue derived from nearly sixteen lacs of bigahs* is stated to be not much above one lac and a half of Rupees.

19. The special Commissioner for Jagirs has requested early instructions to enable him to push on the preparation of further reports, but a more urgent reason for the early disposal of these cases appears to His Lordship in Council to exist in the fact, that, more than one of the claimants have recently died, and a settlement of their Jagirs is urgently called for. The Baluch Sirdars in Sind have, throughout the events of the past year, behaved so well, that, were there no other grounds for favorable consideration, His Lordship in Council would, on this account alone, have deemed it his duty to recommend such a ratification of their Jagirs, as shall assure them that they have now more than temporary interest in the stability of the British Government.

326. On the 13th September 1858, the Bombay Government passed a resolution (No 3022) on Major Goldsmid's Progress Report for the year 1857-58 dated 1st of July 1858, and forwarded to them on the 27th July, in which they agreed with Mr. Frere and Mr. Ellis, that the abolition of the Jagir Department, after a few months, desired by Major Goldsmid was not expedient. "I am more than convinced" Mr. Frere had written "that even after Government have concurred in the principles of the proposed Settlement, a separate Department will be needed to carry out details; and I feel assured that to prevent inevitable confusion and opportunity for fraud and abuse, it will be advisable to continue an officer qualified and empowered as Major Goldsmid, to deal with such questions for some time to come." This was endorsed by the Government. The only other points worthy of notice, which had been mentioned in the progress Report, were the muster of Jagirdars

and the valuation of alienations *in perpetuum*. Major Goldsmid on his tour had been able to “muster and identify” about 700 Jagirdars and sharers in Jagirs, with a view to obtain a better acquaintance with them and their claims, and at the same time to afford them an opportunity to state their own case, and to learn the decisions passed in their behalf. As regards valuations, Major Goldsmid was able to state that, from the data examined by him the average value of Jagir land, throughout Sind, appeared to be at the rate of 7 bigahs to the Rupee.

327. After submitting a report on the Jagirs of the Four Families, Mr. Ellis had applied himself to the consideration of Major Goldsmid’s report on the Sirdars and its appendices, and had found “that in very many instances Captain Pelly had adopted classifications on an average,” that is, when a Jagirdar had held some Jagir in the Second Class and others in the Fourth Class, he had made a settlement throwing all the Jagirs into the Third Class. The admission of a Sirdar to the retention of a Jagir hereditarily, depending in general upon his possessing a holding in the Second Class, Mr. Ellis could not but request Major Goldsmid to revise the classification of all the holdings so vitiated by Captain Pelly’s system. The Commissioner in Sind, however, had previously directed Major Goldsmid not to interfere in the recommendations of Captain Pelly, and hence Mr. Ellis, on the 24th of August, had requested a modification of this order, if his suggestions met with the Commissioner’s approval. Mr. Frere accordingly, in forwarding Mr. Ellis’s letter on the 25th August, to Major Goldsmid, had requested him to make the necessary revision, and had added :—

“My wish that Captain Pelly’s recommendations should not be interfered with referred to matters of judgment, not the correction of errors of fact.”

328. Major Goldsmid, in pursuance of this order, prepared a memorandum of alterations in classification, the reasons for which

were discussed by Mr. Ellis verbally with Mr. Frere while it was submitted by him for formal sanction and amendment of the Statements to the Commissioner, on the 20th September. The proposed "additions and alterations" were approved by Mr. Frere on the 23rd September, and some more later on.

Additions and alterations in
Major Goldsmid's list of
Sirdars.

329. At length on the 14th October, Mr. Ellis submitted to Government his report on the Sirdars with Major Goldsmid's revised appendices and statements, which had been previously approved by the Commissioner.

Mr. Ellis's report to Govern-
ment on Sirdars.

330. He first showed that there were cogent objections against the rule first proposed regarding Second Class Jagirs, *viz.*, that all grants antecedent to the death of Mir Ghulam Ali be formed into this class, and continued hereditarily "subject to the resumption of all uncultivated land, and to the payment of an annual tax of one-fourth." "On the one hand" he said "the period was not so remote, but that persons of insignificance, and even of menial station who had obtained Jagirs during the reign of the Mirs, could receive assignments in perpetuity, thus unnecessarily alienating the State revenues, while on the other hand, a strict application of the proposed rule would render discontented many Sirdars and Chiefs of great importance and influence, whose estates would become of little value under the operation of a regulation for exacting payment of a quarter produce, after the resumption of all hitherto uncultivated waste land. "It became evident, therefore, that such modified rules ought to be laid down that, on the one hand, Sirdars, leaders of tribes, and men of importance should be induced to take a permanent interest in the stability of the British Government, and, on the other hand, public revenue should not be wasted by the permanent alienation of lands in favour of persons of no influence or claim to consideration."

Modifications in the
treatment of this class.

331. Mr. Ellis then referred to the Commissioner's proposal made in his No. 38, dated 15th January 1856, to Government "to select for hereditary continuance portions of the estates now held by influential Jagirdars," and stated that at the date of Mr. Frere's letter, the plan by which the Commissioner's views were to be carried out, had not been fully matured. Captain Pelly's scheme had been shown to be impracticable by Major Goldsmid, who had

Impracticability of Captain Pelly's scheme.

proposed another mode of permanent settlement "on not dissimilar principles to those which guided the Honourable Mountstuart Elphinstone in providing for the claims of the Sarinjamdars of the Peshwa."

" 15. The actual possessions of each Jagirdar have been taken as the basis of the enquiry, the antiquity of his holding has been considered, and then his social position and influence in his tribe. Length of tenure has not been allowed to confer an indefeasible hereditary right, except in holdings traceable to a time anterior to the dynasty which we overthrew. In all other cases a certain social position has been required, while on the other hand a claim has not been rejected because the period which would include it in the favored class of hereditary holdings is incomplete by a few years, provided the rank or influence of the holder be such as to render a provision in permanence an act of policy, if not of equity.

Bases of Major Goldsmid's enquiry—

(a) Actual possessions.

(b) Title.

(c) Antiquity—minor breaks in the chain of possession being ignored.

(d) Rank.

" 16. The state of Sind under the Talpurs must be borne in mind, more specially the peculiar features of a Government divided among several rulers of equal authority, and with separate trains of followers and dependent Sirdars, who occasionally left one master to attach themselves to the fortunes of another.

" 17. A change of Jagirs followed a change of masters, and it was usual for a subordinate Chief to leave the estates he and his followers held from one prince, to obtain new grants from the possessions of one of the other rulers of the province. A lapse of a year or two might thus occur, and a link would be found wanting to connect the new with the older grant, if a very strict connection were insisted on.

" 18. Again it was not unfrequent for the Mirs to grant large allowances in grain and cash to the most influential of their adherents, such allowances being very often in lieu of lands held for many years in Jagir. These sources of income were all stopped on the conquest, and many who now possess but comparatively small holdings in land, were formerly among the most affluent and influential chiefs under the Talpurs.

" 19. It will thus be seen that to have laid down definite rules, would have defeated the object in view; many might have obtained hereditary

privileges who had really no just claim, while others of the class of superior chiefs might have been excluded for some trivial flaw in the proof. As the enquiry has been carried out, this could not be. The principles on which the settlement has been made have been explained above. Much, of course, has depended on a personal knowledge of the circumstances of each Jagirdar, and it is fortunate that the services of an officer, possessing an intimate knowledge of the character and claims of each individual, were available. The list prepared by the Assistant Commissioner for Jagirs, Major Goldsmid, and now submitted for sanction, includes, I have reason to hope, all who have claims to hereditary assignments, and none but those who are deserving of a permanent position as Jagirdars.

"20. The most prominent in the list might have been expected to be the members of the ex-reigning family, and those immediately related to them. But I have already* had the honor to submit the reasons for the exclusion of the Four Great Talpur Families, Government being, to a certain extent, pledged as to the mode of settlement of their claims. In the same Report, it was explained that the ex-Amirs hold pensions and not Jagirs, and the charges on this account were therein exhibited.

"21. From the present list are also excluded, the holdings which are traceable to a time anterior to the Talpur Dynasty. These are held to be regratable in their integrity, for reasons which will be set forth in a report shortly to be submitted regarding First Class holdings and Pattadars.

"22. With these exceptions, the list now forwarded contains the whole of the proposed hereditary alienations amounting to one lakh of bigahs, valued at Rupees 32,000 of annual rental. This amount is, I would respectfully submit, very small compared with the area of Sind, and if the quantity of land to be hereditarily alienated according to the suggestions now submitted, be compared with the amount of Second Class Jagirs originally proposed for permanent regrant, the difference is very greatly in favor of the present scheme.

"23. The money valuation is not very exact, for the estates being under the management of the Chiefs themselves, it is difficult to procure accurate data of their revenues. Their value. There is no reason to suppose that the calculations are far out. Rupees 40,000 may be considered a full valuation. The Jagirdars have, moreover, to contribute water-tax for such water as may be used on Jagir lands from Government Canals, and 5 per cent. as a cess for the support of local roads and education,

"24. The names of the tribes whose chiefs and more prominent members hold Jagirs in Sind, are given in the accompanying report from Major Goldsmid. It will be seen that there are some tribes from which no permanent Jagirdars have been selected. Either the clan itself was not of sufficient

*No. 12 of the 3rd July last.

Exclusion from the List of Sirdars.

Alienations recommended for sanction,

In para. 23 of Mr. Frere's Report No. 38, dated 15th January 1856 the amount of second class Jagirs is stated to be Rs. 2,73,863 from which one-fourth may be deducted as the proposed tax,

favor of the present scheme.

Selections of Chiefs of tribes.

importance, or no individual in it was of such rank and influence, as to be entitled to hereditary provision, while on the other hand, in some tribes, the men of influence are so numerous that a large proportion of hereditary claims has been allowed. For instance, I may mention the Lagharis next to the Talpurs, the most important perhaps, of the Baluch tribes, and whose head Wali Muhammad was, for a long time, the chief minister of Sind.

" 25. Of the Talpurs, fourteen members have been set down for hereditary privileges. The claims of three of these were originally considered among the Four Great Talpur Families, the rest belong to the Thoras and other branches of the same clan, but very remotely connected with the late reigning Family.

" 26. One case among these requires special remark, as involving a departure from the usual rule confining the succession to lineal male issue. The Nawab Muhammad Khan Thora is the holder of upwards of 85,000 bigahs. He is without male issue, and he has long been anxious to obtain from Government a guarantee for continuance of his Jagirs to his daughter, who is married to Khuda Bakhsh, a younger son of another Talpur Sirdar.

27. It is proposed to confirm, after the death of the Nawab 4,000 out of the 85,000 bigahs, to the son-in-law, Khuda Bakhsh, with remainder to his lineal male issue. The portion of the estate thus proposed for continuance is small, and it would only be a moderate ac-

Departure from the usual rule of succession to lineal male issue, proposed in the case of Nawab Muhammad Khan Thora.

knowledge of the conduct of the Nawab who has, ever since the conquest, attached himself steadily to British interests, and used his great influence for the service of the British Government. I mention this case specially, not from any doubt of the propriety of confirming the grant, but because I deem it my duty to bring prominently forward a deviation from the course which has been followed in all other claims included in this enquiry.

" 28. The other cases require no special remark. Major Goldsmid's appendices give full information regarding each individual. The settlements were revised, and amended lists of such as were in any way altered on revision are appended to the statement A. C. *

" 29. The statement A. C. * embodies the recommendations now submitted. I beg to point out that the Jagirdars to whom it is proposed to grant hereditary assignments are seventy-four in number, and the extent of land to be confirmed to them amounts to one lakh of bigahs. The maximum number of bigahs assigned to any individual is 5,000, and the maximum value of any assignments is of Rupees 2,400.

Number of Sirdars and the extent of their grants.

" 30. On an average, a Rupee for every three bigahs will represent the assessment on this land, but the value of different estates varies greatly. In many of the holdings, the land is very poor, little better than a barren tract, in others the soil is of the best. Thus, while the 5,000 bigahs controllable to Budho Laghari produce but Rupees 100 per annum, the lands of Ghulam

* Incorporated in the Roll of Sirdars.

Haidar are estimated to realize Rupee $1\frac{1}{2}$ for every bigah.

"31. Those to whom it is proposed to continue this one lakh of bigahs now hold upwards of six lakhs, burdened, in some cases, with an obligation to pay an assessment equivalent to $\frac{1}{4}$ th of the produce. The holdings confirmed at the conquest amounted to more than $6\frac{1}{2}$ lakhs of bigahs, the difference being accounted for by lapses and resumptions under the British Government.

"32. The jagirdars will, of course, select the best portions of their estates for hereditary continuance, and, therefore, I cannot say that only $\frac{1}{4}$ th of their present jagirs will, under the proposed settlement, be hereditarily alienated. But five-sixths of the land will certainly revert to Government, and much of it will produce revenue to the State, as the population and means of irrigation extend in Sind.

"33. If again, comparison be instituted between the proportion continued and the holdings of all whose claims to Sirdarship were considered at the outset, it will be seen how few have been recognized. Indeed if there be any error at all, I should be disposed to fear that the alienation has not been liberal enough. Major Goldsmid in his Report, expressly pointed out that he had set down the minimum that would be regranted, and Mr. Frere had expected that much larger alienations would be necessary, to satisfy all who had reasonable claims to consideration. It is hoped, therefore, that the proposed assignments will be considered moderate, and receive the speedy sanction of Government.

"34. It only remains for me to suggest how the settlements should be carried out, if approved by Government. The present holders will remain in undisturbed possession of all that they now hold, but they should, I think, be at once informed of the amount of permanent inheritance proposed to be assigned to their successors, and should be requested to select the portion of their present possessions which they would wish so continued. The Revenue Survey is in progress, and its officers might, in conjunction with the Jagir Department, at once define and lay down the boundaries of the future permanent estates so that no further question could possibly arise.

"35. In order to prevent a grant intended as a favor, from operating to the disadvantage of the grantee, it will be necessary, as suggested by Major Goldsmid, to give the holders the benefit of the ordinary rule permitting two generations to hold a Second Class Jagir free of assessment. It will be remembered that the rule originally proposed for Second Class Jagirs was to

Permanent settlement continue them hereditarily, less the uncultivated to come in force on the lands, and subject to a payment of one-fourth. But second succession. when it was resolved not to confirm indiscriminately all Second Class jagirs as hereditary grants, the rule was modified, and it was provisionally laid down by the Commissioner that, all Second Class grants not held to be hereditary, should be continued for one generation after the incumbent at the conquest without any interference or tax, and lapse finally at the death of the second holder.

" 36. This rule should, in my opinion, be applied equally to all the holders of Second Class Jagirs, who are to be admitted to hereditary grants, and the deduction of their Second Class holdings should not, in such cases, take effect until after the death of the first successor to the original grant under British rule.

" 37. Major Goldsmid's remarks regarding the education of the chiefs hardly require the instructions of Government. I am not sure that by devoting local funds raised for the education of the cultivators resident on the Jagir to the mental improvement of a non-resident Jagirdar, the best course is being adopted, or one in conformity with Major Goldsmid's own suggestion in the 20th para. of his Report. But I am sure that much may be done by the legitimate influence of local officers, and as none are likely to exercise that influence more judiciously or more successfully than Major Goldsmid himself, he can, in conveying the orders of Government to the Jagirdars, give the young Sirdars such admonitions as he suggests, and carry out such measures for their improvement, as they may be induced voluntarily to accede to.

" 38. I must, in conclusion, state that, without exception, the whole of those who are herein recommended for hereditary assignments have, throughout the events of the past year, conducted themselves most satisfactorily. Indeed the only one of the claimants as Sirdars, who showed any disaffection to the British Government, was Imam Baksh, Jattoi, whose claim to hereditary continuance was rejected by Major Goldsmid on other grounds, and who has since been deprived of his Jagirs under the orders of Government. Of those recommended in the list A. C. not one, as I before observed, has behaved otherwise than as well affected, orderly, and contented subjects should behave, and it is to be hoped that liberal treatment by the British Government will ensure a continuance of their good conduct and fidelity."

Decision of the Government of India regarding the Four Families.

332. On the 27th of October the Government of India in their No. 1633, decided the claims of the Four Families in the following letter.

No. 1633.

From

C. BEADON, ESQUIRE,
Secretary to the Government of India.

To

H. YOUNG, ESQUIRE,
Chief Secretary to the Government of Bombay.

Dated Fort William, the 27th October 1858.

HOME DEPARTMENT.

SIR,

I am directed by the Honorable the President in Council to acknowledge the receipt of your letter No. 3002, dated the 11th ultimo, with enclosures, and in reply to state that His Honor in Council has been pleased to accord General sanction accorded.

a general sanction to the measures proposed by the Government of Bombay, for the settlement of the estates of the Chief Talpur Families in Sind.

2. The President in Council fully acknowledges the claims of these families to liberal treatment, and agrees in opinion with the Right Honorable the Governor in Council, that no attempt should be made to force on the Jagirdars, pensions in lieu of lands.

3. In order, however, to prevent future discussion and embarrassment, there are some doubtful points which the President in Council considers should be carefully settled.

4. In paragraph 10 of Mr. Ellis's letter it is said, that usually Jagirdars in Sind are liable, on a succession, to the demand of one-fourth of the produce. In paragraph 11, he writes that the ordinary rule for the regrant of

1. The meaning of Jagirs in Sind is to resume the waste lands, and regrant the Jagir subject to payment of one-fourth of the net proceeds. Now there is great difference between one-fourth of the produce and one-fourth of the net proceeds.

5. The President in Council cannot satisfy himself whether the one-third is to be resumed as waste now, or on the succession of heirs or both. The statement E detailing the results of the proposed settlement, has a column (14) showing the quantity to be resumed on account of uncultivated land. From this it may be supposed that one-third is to be at once resumed, and the remainder confirmed to the Talpur, and paragraph 53 of Mr. Ellis's letter says, "the result of the settlement now proposed will be that nearly nine lakhs

* 9,73,949 bigahs. and three quarters of bigahs* will be regranted hereditarily to the lineal male heirs of the respective Jagirdars, whose names are entered in Statement E." 9,73,949 is the quantity remaining after the resumption on account of waste : this corresponds with the statement.

6. But in paragraph 29 of his letter, Mr. Ellis writes, "Major Goldsmid has proposed for the settlement of the present claims, that one-third be deducted for the waste land on the death of existing incumbents, and that a regrant of two-thirds be allowed to heirs. I beg very strongly to recommend that this proposition be carried out, and that in settling the Jagirs of the Talpur families, one-third be resumed as uncultivated, though the proper portion may ultimately be greater," and in paragraph 36 he says, "It would be desirable also to mark out at once the portion recoverable on the demise of all existing incumbents, so that when they die, the claims of the heirs may be settled without trouble." These passages lead to the supposition that one-third is to be resumed now in settlement, and another one-third when on the death of an incumbent the Jagir may be regranted to the heir.

7. From paragraph 11 of your letter it is to be gathered, that in the opinion of the Bombay Government, no resumption is to take place until the regrant of the Jagirs to the legitimate lineal male heirs on demise of the existing incumbents.

8. The President in Council leaves it to the Bombay Government to adopt
 Discretion left to Bom- whichever of these arrangements it may deem most
 bay Government. suitable. But the terms that may be finally deter-
 mined on should be precise and free from all
 obscurity.

9. The President in Council approves of the proposal of the Bombay Gov-
 ernment to grant rent free without any deduction to
 Proposal regarding Jam Mir Jam Ninda and his heirs for ever, the whole
 Ninda sanctioned. of the Jagir now in his possession yielding an
 annual Jumma of Rupees 2,000. After his death two-thirds of the pension
 he now receives in lieu of his other Jagir resumed by Mir Ali Murad, in
 the proper department, on the receipt of a further report from the Govern-
 ment of Bombay, may be continued to his heir, and as the Government of
 Bombay are of opinion that one-third should be continued to the second
 generation, though the arrangement is unusual, His Honor in Council assents
 to this further consideration for the misfortunes of this family.

I have, &c.,
 CECIL BEADON,
 Secretary to the Government of India.

333. Thus the settlement of the Jagirs of the Four Families
 Report on the First Class was nearly completed, while all the materials
 Jagirdars. for a satisfactory settlement of the Jagirs of
 the Sirdar class were in the hands of the Bombay Government.
 There now remained the disposal of holdings more ancient than
 either of these, the holdings dating from before the accession of
 the Talpurs. These were ranged under three heads, First Class
 Jagirs, Pattadaris, and Khairats, of which the latter two will be
 separately treated. On the 2nd November 1858, Major Goldsmid
 submitted to the Commissioner a Roll of First Class Jagirs with
 his letter No. 209, in which he estimated their yearly value at
 Rs. 33,169. This Roll together with those of Pattadaris and
 Khairats was submitted to Government by Mr. Ellis on the 10th
 of November, with his letter No. 30, from which the following
 extract, treating of the First Class Jagirdars, is made.

"3. With regard to the First Class, I beg to observe that it includes chiefly
 Integral hereditary con- grants dating from the period anterior to the Rule
 tinuance of these Jagirs. of the Talpurs. In all the propositions that have
 been made for the Settlement of Jagirs in Sind,
 one point has been by common consent admitted: viz., that grants of older
 date than the Talpur Dynasty which we overthrew, should be continued
 without diminution, hereditarily to the lineal male descendants of the

original grantees, or of those whose names are discoverable as holders in the earliest available records.

" 4. The Talpurs, though liberal in their grants to their own immediate retainers and dependants, were not remarkable for generosity in confirming the grants of their predecessors. There can be little hesitation therefore, in confirming hereditarily possessions which were alienated before the Talpur rule, and which remained, until the conquest of Sind by the British, in the hands of the family of the original grantees.

" 5. The extent of land which it is thus proposed to confirm to this class is bigahs four lakhs and seventy five thousand, of which three-fifths are in the possession of one* chieftain, whom it is specially a matter of policy to conciliate. The whole amount, however, of the assessment, thus proposed to be alienated, is only

Extent proposed to be confirmed.
 *Wadero Ghaibi Khan, Chandia, No. 10.

thirty-three thousand Rupees, the fact being that much of the land included in these estates is unculturable barren desert. I proceed to offer a few remarks on the individual claims, many of which, it will be observed, have already come under the revision of Government.

" 6. The first of the 14 Jagirs in statement No. 1*, comprises all the holdings of the chief of the Numria's. The importance of this tribe, the antiquity of their possessions, and the claims of their chief to the confirmation of his Jagirs hereditarily, were fully discussed in 1852, when the Right Honorable the Governor in Council decided, that the possessions of the late Malik Ahmed Khan, could not be considered in the light of Jagirs concerning the continuance of which Government are at liberty to make such rules as may seem

Case of Chief of the Numrias.

Commissioner in Sind to Government No. 189, dated 9th June 1852, and Government reply No. 5873, dated 8th September 1852.

to them expedient, but that they should be considered as hereditary possessions to be continued undiminished to the lineal male heirs. His Lordship would recognize this right in its fullest extent.'

7. Even if the sanction then given could be now revoked, there would be no reason for suggesting such a course, the conduct of the young chief and of his clan having always been most exemplary; and his hereditary claims may, therefore, be justly recommended for the final confirmation of the Government of India.

8. The second and third are claims of younger branches of the same family. On the former of these cases the orders of Government have, likewise, been received, and the whole estate has been declared hereditary. The first incumbent, Bula Khan, having died, his son Jiand Khan is now in possession of all his father's Jagirs, under those orders, which should not, in my opinion, be disturbed.

Case of Malik Jiand Khan.
 No. 5128 of 11th December 1855.
 It should be mentioned that one of the Jagirs thus confirmed was not in possession of the Jagirdar at the conquest, but as he held grain and cash in lieu thereof, there is no reason to disturb the previous decision.

* Incorporated in the Roll of First Class Jagirdars.

9. When the other member of this family, Kaisar Khan, succeeded his father Muhammad Khan, the Commissioner did not consider, that a claim had been established to a regrant of the whole Jagir hereditarily. **Case of Malik Kaisar Khan.** Out of bighas 4,848, the waste land to the extent of bighas 4,021, was resumed, and the balance equivalent to Napierian bighas 532, regranted.

10. This course was adopted, because the Jagir was not of great antiquity, but there being no doubt of the claimant's descent from the Numria Chiefs who anciently held extensive possessions, and of his present position as one of their principal men, the reduced amount is recommended for hereditary confirmation. **Former holding, bighas 4,848. Present-532.**

11. The fourth on the list is the Jam of the Jokhias, who has great influence among a very numerous tribe. His claim to favorable consideration has already been before Government, on the occasion of a recommendation to allow him a pension of Rupees two hundred and fifty per mensem, in lieu of half the Jagir of Dumani. **Case of Chief of the Jokhias.**
Political Department.
Commissioner in Sind to Government No. 462, dated 31st December 1852.
Government reply No. 753, dated 18th February 1853.

12. There can be no doubt, but that the possessions of the Jam should be confirmed hereditarily to the lineal male descendants of the original grantee, but regarding half Dumani a few remarks are required.

13. The whole Jagir of Dumani was granted by Sir Charles Napier in lieu of transit and customs dues and liquor fees, the collection of which was forbidden to the Jam. In lieu of one-half of this Jagir, Rupees two hundred and fifty per mensem have been allowed as a life grant. The question then is, should the half of Dumani in lieu of which the pension was given, be restored on the death of the Jam, or should the half Jagir now left, be resumed when the pension lapses.

14. I would respectfully submit the propriety of allowing the half of Dumani to be considered as hereditary, while I would reject any claim that may be preferred for the restoration of the half of Dumani, for which the life pension was substituted.

15. One portion of the original assignment was for liquor taxes and other dues, to which the Jam's claim was not very well established, and which had, moreover, acquired a temporary value, owing to the presence of British troops in the town of Gharra, where a Cantonment no longer exists: while the remaining portion consisted of transit dues and customs, to which the Jam's right was undoubted, and by the abolition of which he suffered a permanent loss, as we have acquired a permanent gain.

16. It would be but fair, therefore, to adopt the course I have suggested, and which I would submit for sanction. The whole of the present landed possessions would thus be hereditary.

17. Claims from Nos. 5 to 8 ¶ include the Chiefs of the Kurmati tribe. The chiefs of the Kurmatia. The Kurmatias are equally influential with the Numrias and Jokhias in Lower Sind, and the claim of those chiefs to undisturbed possession of their Jagirs, was fully recognized by Sir Charles Napier who, on the occasion of Haji Khan claiming to succeed, distinctly declared that he would allow the regrant without any deduction from either heirs or co-heirs, the reason assigned being that " this is one of the ancient chiefs of Sind."

18. There being no doubt of the antiquity of the possessions of these chiefs, and there being already on record such strong evidence in favor of the continuance of their Jagirs, these claims should clearly be pronounced hereditary to lineal male descendants of the original grantees.

19. Regarding No. 9, I need only refer to Major Goldsmid's Memorandum * appended to his Roll. Malik Jehan Khan is the Chief of the Jatts, a very numerous tribe in the Delta and he holds his lands under a grant in continuation of title deeds from the Delhi Emperors, antecedent to the Rule of the Talpurs.

20. No. 10 in the list is the Chief of the Chandias, the Wadera Ghaibi Khan. As will be observed from Major Goldsmid's note on the case, the large Jagirs now held by the present Chief, were confirmed to him in succession to his father, it being fully understood that the eventual disposal of them is open to consideration on his death.

21. It is not on the ground of the antiquity of this Chief's title deeds, that it is now proposed to confirm him hereditarily in his lands, for the grant in Jagir is not traceable to an older date than 1818 A. D. But the same policy which induced the former Rulers of Sind to allow a Frontier Chief to hold rent free, the lands which he and his wild adherents had, for years, possessed as almost nominal subjects of the sovereign power, should now be our guide in the treatment of Ghaibi Khan. The reason why his Jagirs do not date further back than 1818, is probably to be found in the fact that, until that year the Border Chief was not sufficiently reduced to subjection, to acknowledge a superior, and accept in Jagir, lands which he had held independent of all control.

22. The Chandias, it must be remembered, live on the western Frontier of Upper Sind, contiguous to the districts under General Jacob, and bordering on the Khelat Territory. It is of importance that a position should be secured to the Chandias, superior to that of their brethren across the border, and in no way can this be done so effectually as by promising their Chief hereditary possession of his estates, free of all assessment, except for local improvements, and subject only to conditions of service such as is now rendered, and the fidelity and good conduct of himself and tribe.

23. The estate consists chiefly of Barani or rain lands. Whenever the cultivation is extended by Canals cut at the expense of the British Government, the Chandia chief, like the Khelat Khan, receives half only of the tax

¶ Vide Roll of First Class Jagirdars.

* Vide the memoir of this Chief in a separate volume.

on the produce realized, the other half being taken by the British Government. This rule will, of course, be adhered to.

24. The next claim is one which has already been confirmed hereditarily by Government. It is quite an exceptional case, and Imambaksh Marria indeed, this is the only grant I have seen in which the Sind Mirs assigned land hereditarily in Jagir, without any condition of service to parties who were not their relations or clansmen.

25. The remaining three cases require little remark. No. 13 † is a grant from the time of the Kalhora dynasty, the other two are of very small value. No. 12 ‡ it is proposed to confirm for the same reason that the grant was made by Sir Charles Napier, the holding being in a wilderness, a desert tract, in which this small patch of ground is cultivated with great labor. The last on the list (No. 14 §) is sufficiently explained by Major Goldsmid's memorandum. * The annual value is only rupees sixteen, and this petty holding should, in my opinion, be confirmed without hesitation as the sole remaining possession of a family which in former days ruled whole districts.'

334. On the 28th December the Bombay Government furnish-

Explanations on doubtful points called for by Government of India regarding settlements of Four Families, furnished by Bombay Government.

ed the following explanations, on the points adverted to in paras. 4 to 8 of the letter of the Government of India regarding the Four Families.

" 2. In discussing alienations in Sind, frequent reference is made to Chowth equivalent to †th a tax of one-fourth which Sir Charles Napier imposed on the re-grant of Jagirs. This is, in all cases, to be understood as one-fourth of the Jagirdar's share, without reference to the realisations of the occupant or cultivator, or, in other words, it is one-fourth of the share which Government would have derived from the land had it not been alienated. In the cases alluded to in your letter under reply, the word 'one-fourth of the Government share' would, therefore, have been more strictly correct, than either 'one-fourth nett proceeds,' or 'one-fourth produce.' Care will be taken, as directed by the Government of India, that the Jagirdars have no doubts on the point.

Resumption of waste prospective
" 3. With regard to the doubt whether the waste land is to be resumed at once or not, I am directed to state that it was not proposed to disturb present possession.

" 4. The passages quoted in your 6th paragraph, showed that the resumption was intended to have effect only on the death of the present incumbents, while the statement referred to in paragraph 5 showed the quantity

† Makhdam Hamid Ganj Bakhsh's.

‡ Allahdad Gabol's.

§ Salar Lekhi's.

* Vide Memorirs of First Class Jagirdars in a separate volume.

of land to be resumed, without allusion to the time when the resumption was to take place.

"5. It will be carefully explained to the Jagirdars that, the proposed settlements will not come into force until their death, the only exception being in cases in which, owing to the recent demise of a Jagirdar, the present possessor had been allowed to succeed provisionally, pending an authoritative decision."

835. Copy of the above correspondence was forwarded to the Commissioner in Sind with the Government letter, No. 4412, of the 28th December 1858, and Mr. Frere was requested to carry out the settlement of the estates of the chief Talpur families in the province, in the manner proposed, with special reference to the 12th paragraph of the letter from the Government of Bombay to the Government of India, No. 3002, of the 11th September 1858.

Commissioner in Sind requested to carry out the settlement of the claims of the Four Families.

336. The above correspondence was forwarded on the 13th of January 1859 to Major Goldsmid, who, on the 8th of February, proposed expending at once the savings of the Jagir Department on the entertainment of surveyors.

Major Goldsmid's proposals.

Preliminary survey.

337. Major Goldsmid recommended that an accurate description of the land now held in alienation should be first obtained, and the extent of each makan with its amount of culturable and waste, registered under the seal of the Jagirdar as well as the Government official. The old recorded measurements not being trustworthy, it was impracticable to estimate a fractional part, and direct the resumption of a given number of bigahs. The first point was to measure Jagir by Jagir with component parts. After this the Jagirdar would be called upon to point out the waste lands which he would prefer to abandon.

"But" continued Major Goldsmid "were the question of resuming the one-third in lieu of waste land reserved wholly until the decease of those incumbents, whose immediate successors would receive their lands upon the proposed permanent tenure, it is deferentially submitted that, the authenticated descriptive plans of whole Jagirs or parts would suffice to render adjustment facile, and the permanent regrants would take effect in an intelligible and natural manner."

~~Faisalnamas not to be issued at once.~~

338. The issue of Faisalnamas at once to the Four Families was not desirable according to Major Goldsmid.

“The knowledge that a vague claim is pending against one-third of their possessions would be, at the best, unsatisfactory, and it is only by the method of carrying out the resumptions, and by showing the Jagirdars that their wishes are principally consulted in the matter of land selection, that we may hope they will appreciate the liberality and justice of Government.The immediate heirs of Jagirdars who have been held worthy of classification in the first rank, may find the special treatment laid down for their alienations prove rather injurious than beneficial, for it is the rule in 3rd class grants that the heir should inherit three-fourths of the whole Jagir for life, and although the one-fourth share resumed is from the culturable as much as waste, the regrant of three-fourths the old Jagir may appear to be a better settlement than the whole Jagir less the third waste. The regrantee in the superior class would, as an individual, suffer by comparison with the regrantee in the inferior.”

~~Permanent arrangement not to come in force until the second succession to the incumbent at Meani.~~

339. Major Goldsmid, therefore, proposed that, as a general rule, the permanent arrangements should not come in force until the second succession to the incumbent at Meani, unless the grantee in the first succession should himself think proper to accept the settlement. “Should, however, these views be disapproved” he added “and it still be considered necessary, in the course of procedure, to distinguish by boundary marks the resumable from the permanently alienated lands, I would suggest that, in lieu of a formal notice in the matter, each Jagirdar be informed, whenever his turn may come, that the lands were to be subjected to measurement. They would be measured and marked off as they now stand, for his own benefit and that probably of his heir. Then would come the question of prospective resumption which would be discussed and disposed of *inter alias res*, as a matter of course, upon the terms, now sanctioned, of resuming a fixed fractional part.”

These proposals of Major Goldsmid were not submitted to Government until 1860.

Bombay Government
on Sirdars and First Class
Jagirdars

340. On the 15th February 1859, copies of Mr. Ellis's letters No. 27 dated October 14th 1858, and No. 30 dated 10th November 1858,

with such portions of their accompaniments as served to show the principles of decision, and the results of the proposed settlements, were forwarded by the Bombay Government to the Government of India with their letter No. 576. The letter ran as follows :—

“ I have been directed by the Right Honourable the Governor in Council to request that you will place before the Government of India the accompanying letters from the Special Commissioner for Jagirs in Sind.

“ 2. The accompaniments to the first of these letters are very voluminous, and consist of genealogical tables, detailed memoranda, and figured statements, framed by the Assistant Commissioner for Jagirs, Major Goldsmid. These, I am desired to observe, appear to have been prepared with much labour and research, but they are not forwarded, as the principles of decision, and the result of the proposed settlements, will be sufficiently understood from the documents herewith submitted. .

“ 3. The two letters, though discussing different classes of holdings, may with advantage be considered together. Exclusive of the holdings of the Sayads of Tatta and of grants of garden lands, which will be noticed below, and the claims of the four great Talpur families, on which the Government of India have already passed a decision, all the Sind alienations recommended for hereditary continuance are disposed of in these communications,

“ 4. The first letter gives a brief summary of the stages by which the Former mode of Settlement. proposals now submitted have been adopted. It would answer no useful purpose to examine in detail the rules originally suggested, or to show the successive modifications they have undergone. It may be sufficient to state, that the mode of settlement at first proposed for the Sind Jagirs was not based on any certain and fixed data. The rules suggested were the best that could, under the circumstances be devised ;but they were in a great measure empirical, and in working them provisionally to test their efficiency, clauses which appeared oppressive, or generally inapplicable, were necessarily modified and altered.

“ 5. The Commissioner in Sind, from time to time, submitted reports explaining the changes, and proposing amended rules based on the results of further experience. The sifting which Jagir titles have by this time undergone, and the experience meanwhile gained, have now enabled the local authorities to submit for final sanction a settlement, of which the main features may be gathered from the accompanying reports.

“ 6. The Jagirs of Sind have been usually divided into four classes. The first includes all Jagirs granted before the accession of the Talpur dynasty. These form the subject

Classification of Jagira.

of the second letter herewith submitted. The second class included the Jagirs granted in the earlier years of Talpur rule, but the original idea of deciding these by date of grant alone was abandoned on the grounds explained in the first of the letters now forwarded.

"7. The third class embraced all Jagirs granted by the Talpurs after the demise of Mir Ghulam Ali in 1810, and before the death of Mir Murad Ali in 1833. The fourth class included all grants from the latter date to the battle of Meani in 1843.

Disposal of the Third
and Fourth Classes.

"8. The following are the rules which were finally submitted for the disposal of these Jagirs :—

"III. class to be re-granted subject to payment of one-fourth assessment for one succession after the death of the incumbent at Meani, and to lapse on the death of the first successor.

"IV. class to lapse on the death of the person who was in possession at the date of Meani.

"9. These rules appeared to the Right Honourable the Governor in Council to give all the indulgence that could reasonably be expected by the holders of grants dated so recently as 1833, and they were accordingly sanctioned.

"10. These rules thus adopted, it will be observed, provide only for the resumption of Jagirs under certain circumstances. They have now been in force for upwards of a year, and it appears to His Lordship in Council most desirable that the rules which will authorise the hereditary continuance of other large classes of holdings should be promulgated as soon as possible ; otherwise the intention of Government in resuming holdings of recent date may be misconstrued by those who have a claim to a more favourable settlement.

"11. It is now proposed to confirm seventy-four of the principal Jagirdars in the hereditary possession of a portion of their Government recommend confirmation of estates. The grounds on which this recommendation is founded are more particularly described from the 9th to the 14th paragraphs of the accompanying letter No. 27. To the principles therein explained, I am desired to state, His Lordship in Council readily assents, and he doubts not but that the Government of India will also concur.

"12. Under the proposed settlement only one-sixth of the total present possessions of these Jagirdars will be confirmed hereditarily, while the possession of the Third and Fourth class Jagirs will lapse wholly to the state. The value of the permanently alienated lands referred to in the letter No. 27 is estimated at Rupees 40,000 at highest. In the opinion of His Lordship in Council this amount of alienation cannot be considered too liberal.

"13. Indeed, it is not improbable that in carrying out the settlement local circumstances may, in some cases, render the re-grant of a few hundred more bigahs almost indispensable to the equitable adjustment of the Jagirdars' claims.

" 14. These local peculiarities cannot be ascertained until the settlement is proceeded with, and the Right Honourable the Governor in Council would, therefore, propose to authorise the Commissioner in Sind to leave in the Jagirdars' possession a small additional quantity of land, if circumstances call for such a concession. This general authority may, I am directed to suggest, be given with the proviso that the total of the additional assessment shall not exceed by ten thousand bigahs in the aggregate the amount now submitted for sanction.

" 15. If this suggestion be acceded to, His Lordship in Council is confident that the proposed settlement may be adopted as sufficiently liberal without being extravagant. Major Goldsmid's personal acquaintance with the chiefs, the labour and ability with which he has analysed the claims of each, and the careful revision to which the original recommendations have been subjected, may be accepted as sufficient guarantee for the correctness of the conclusion.

" 16. The Government would therefore recommend the adoption of the settlement now submitted, as being, in the opinion of the Governor in Council, the one best suited to the circumstances of Sind, the alienations in which differ, as is well known, in many important respects, from those of the rest of this Presidency.

" 17. Of the claims referred to in the second letter, very many have already come under the review of this Government, and hereditary continuance has been sanctioned. There are three distinct classes of claims: the first Jagir; the second Patadari,* a tenure which is explained in the 26th and following paragraphs of the accompanying letter, No. 30; and the third consists of charitable and religious grants.*

" 24. The Jagirs referred to in the accompanying report as First Class grants are among the most important in the province. Undoubted claims of the Numria, Jokhia and Karmati Chiefs. Many of the holders are descendants of the ancient rulers of the country, whose possessions were gradually encroached upon by conquering races until they were content to hold in Jagir as subjects a portion of the territory they formerly had ruled as chiefs. The Numrias, Nos. 1 to 3 in list No. I., the Jokias No. 4, the Karmatis (Nos. 5 to 8), may be specially mentioned as having strong claims on this ground; and, indeed, all in this list, with hardly an exception, could fairly urge a similar plea.

" 25. The only one whose claim His Lordship in Council hesitates to recommend for sanction without some qualification is Ghaibi Khan Chandia (No. 10), who holds three-fifths of the whole extent of land proposed for alienation under this head in all Sind. The present Jagirdar was permitted to succeed his father in 1854, on the distinct understanding that on his death the further re-grant to heirs would depend on the pleasure of Government.

Doubt as to the Chandia Chief.

* These are treated of in separate chapters.

“26. I am directed to state that, in the opinion of His Lordship in Council, sufficient reasons have been adduced for confirming these Jagirs hereditarily. The value of much of the land is merely nominal, the greater part of the chief's possessions being hill and barren desert; and if the rule referred to in the Special Commissioner's 23rd paragraph be strictly enforced, there will be no sacrifice of the interests of Government in confirming this chief in possessions which he prizes highly.

“27. But His Lordship in Council would suggest that the hereditary title be guaranteed on the condition that on each succession the heir pay a Nazar to the British Government. If this be approved by the Government of India, Mr. Frere will be requested to suggest for sanction the amount which should be imposed. The payment of this Nazarana will remind the Chandia chief, whose position is a peculiar one, placed as he is on the Kelat frontier, that it is to the British Government that he owes his lands; while the guarantee of hereditary possession will be the best security for his fidelity and allegiance.

“34. If the propositions submitted in this letter be approved, alienations in the province of Sind may be divided into—
 Division of alienations in Sind.

- I. Jagirs.
- * II. Patadaris, charitable, and other miscellaneous grants.
- * III. Garden grants.

The two former will be again sub-divided into grants—

1. Hereditary, including—

- I. The holdings of the four great Talpur families.
- II. Grants anterior to the Talpur dynasty, and others confirmed by special reasons without diminution.
- III. Reserved portions of estates of principal Jagirdars granted during the Talpur rule.

2. *For one life after* the demise of the present holder.

3. *For the life-time* of the present holder.

The Jagirs in these two sub-divisions will consist of the portions of the holdings of the principal Sirdars not reserved for hereditary continuance, and the grants referred to in paragraphs 7 to 9 of this letter.

“35. On the receipt of the instructions of the Government of India, Mr. Frere will be directed to carry into effect without delay the settlements of the hereditary holdings, and to submit, when the settlement is completed, a statement showing accurately the extent of the alienations thus confirmed, and the final results of the Jagir inquiries in the province. It will much facilitate the completion of the Jagir work in Sind if the orders of the Government of India could be carried out during the present season, and I am, therefore, directed to solicit the favour of an early reply to this communication.”

* These are treated of in separate chapters.

341. The above communication was replied to by the Government of India in Mr. Secretary Beadon's letter No. 711 of the 5th April 1859, in the following terms.

Sanction of the Settlements by the Government of India.

" 2. Adopting the classification noted in the margin, which is taken from the 6th and 7th paragraphs of your letter under review, His Excellency in Council observes that the Government of Bombay have of their own authority disposed of all alienations of the third and fourth classes; and as provision has been made for the resumption, after a longer or a shorter period, of the whole of the grants comprised in these two classes, it is unnecessary for the Supreme Government to enter particularly into this part of the subject, or to say more than that the arrangement made for disposal of these grants seems to His Excellency in Council to be quite unobjectionable.

Classification of Jagirs.

1st class.—Alienations granted generally before the accession of the Talpur dynasty in 1783.

2nd class.—Alienations granted in the earlier years of the Talpur rule, or from 1783 to about 1810.

3rd class.—Alienations granted by the Talpur dynasty from about 1810 to the death of Mir Murad Ali in 1833.

4th class.—Alienations granted from 1833 to the date of the battle of Meani in 1843.

Including the holdings referred to in Mr. Ellis's letter, No. 30, dated the 10th November 1858, paragraph 35.

" 3. The alienations of the 1st class are subdivided under three heads, viz. Jagirs, Patadari tenures,* charitable and religious grants.*

4 " The Jagirs date chiefly from before the accession of the Talpur dynasty; they must, therefore, have been scrutinised by the princes of that dynasty. This circumstance, their great antiquity, and the general character of the holders, who are for the most part chiefs of influence and importance, and some of them the descendants of the ancient rulers of the country, place the propriety of admitting the hereditary character of these grants beyond question. The Government of Bombay have already confirmed some of them as hereditary, and now propose formally to declare the whole permanent.

Settlement of the First Class Jagirdars sanctioned.

" 5. They embrace an area of 475,123 bigahs, and involve a revenue of 39,145 rupees. Of this area one man (Wadera Ghaibi Khan Chandia) holds three-fifths, or 296,049 bigahs, with a revenue of 13,190 rupees. His holding dates only from 1818, and he was permitted to 'succeed his father in 1854, only on the distinct understanding that on his death the further re-grant to his heirs would depend upon the pleasure of Government.' The reasons why this man's holding is included in the 1st class are detailed by Mr. Ellis in the 20th and 21st paragraphs of his letter to the address of Mr. Secretary Young, No. 30, dated the 10th November 1858. The Government of Bombay have some hesitation in recommending the permanent alienation of this man's holding, but in consideration of his family influence, and the peculiar geographical and political position of his estates, they propose that his title should be recognised as hereditary, upon condition

* These are treated of in separate chapters.

of the payment of a Nazarana at every succession to the estate, of which the amount is to be fixed hereafter.

“ 6. The Governor General in Council is pleased, at the recommendation of the Government of Bombay, to sanction, as recommended, the hereditary continuance of all these fourteen Jagirs. His Excellency in Council thinks it scarcely worth while, with reference to the small value of the possessions of the Chandia chief, notwithstanding their large extent, to impose upon his Jagir any exceptional conditions ; but he would suggest to the Government of Bombay that the permanent alienations sanctioned in this despatch should be held subject to the payment of a moderate Nazarana upon every succession or transfer.

“ 7. In the absence of any suggestions from the Government of Bombay His Excellency in Council will not pass any special orders upon the case of the Jam of the Jokias, No. 4 on the Jagir list, which is placed prominently before the Government in Mr. Ellis's letter of the 30th November, paragraphs 11 to 16.

“ 10. Of the alienations classified in the margin of paragraph 2 of this letter, it thus remains only to dispose of those of the Second Class. The nature of these alienations, and the mode in which it is now proposed to deal with them, are described at length in Mr. Ellis's letter to the Chief Secretary to Government of Bombay, No. 27, dated 14th October 1858. It seems that the original intention was to make the grants of this Class hereditary, subject to the resumption of all uncultivated land, and to the payment of an annual tax of one-fourth the net produce of the remainder ; but this rule, though apparently reasonable and fair, was found in practice to work badly and unequally. In some parts the waste land was more valuable to the occupants than the land cultivated, and, in many cases, the exaction of one-fourth of the produce of the cultivated lands after the resumption of all the waste would have rendered the grants to chiefs of influence and rank of little value. On the other hand, the rule would frequently have perpetuated assignments to persons of insignificant and even menial station. The rule, therefore, has been very generally departed from.

“ 11. The principle upon which these grants have eventually been dealt with is thus described in the 14th paragraph of Mr. Ellis's letter under notice.— ‘ The actual possessions of each Jagirdar have been taken as the basis of the inquiry, the antiquity of his holding has been considered, and then his social position and influence in his tribe. Length of tenure has not been allowed to confer an indefeasible hereditary right, except in holdings* traceable to a time anterior to the dynasty which we overthrew ; in all other cases a certain social position has been required, while, on the other hand, a claim has not been rejected, because the period which would include it in the favoured class of hereditary holdings is incomplete by a few

* These are included in the 1st class of Jagira.

years, provided the rank or influence of the holder be such as to render provision in permanence an act of policy, if not of equity.'

Its Result. "12. The result of the inquiry thus conducted is, that it is proposed to recognise as hereditary 72 holdings of this class, containing an area of 106,875 bigahs, and involving a revenue roughly estimated at 32,335 Rupees.

Sanctioned. Discretion to give away 10,000 bigahs more given to the Commissioner. "13. Having full confidence in the great care and discretion evinced by the officers who have conducted this inquiry, the Governor General in Council has no hesitation in sanctioning the hereditary continuance of all the 74 grants detailed in the statement annexed to Mr. Ellis's letter, No. 27, of the 14th October last, and he is further pleased to authorise the Commissioner of Sind, as proposed in your 14th paragraph, to leave in the Jagirdars' possession a small additional quantity of land if, as the settlement proceeds, circumstances are found to call for such a concession; provided that the total of these additional assignments shall not exceed 10,000 bigahs of land. His Excellency in Council will, moreover, be prepared to sanction any such further concessions as the Government of Bombay may think necessary to Nawab Muhammad Khan Thora, and to the two individuals referred to in the 31st paragraph of Major Goldsmid's letter to the Commissioner in Sind, No. 163 of 1858, dated 18th June last.

Characteristics of the Sind-dar Class. "14. The Class benefited by these grants is thus spoken of by Mr. Frere: 'It embraces the oldest and most influential families of the great body of Baluch soldiery, the descendants of the men who gave the Talpurs possession of the country, and who, even when conquered at Meani, did not disgrace the character they had previously maintained, which ranked them among the hardiest and most trustworthy soldiery of India.' His Excellency in Council agrees with the Government of Bombay that the amount of alienation now sanctioned for these people cannot be considered as too liberal, and at the same time he relies on the confident assurance contained in your 15th paragraph that it is sufficiently so. It is understood that the large resump-tions of the lands of these chiefs, which this settlement involves, will not take effect until after the death of the first successor to the occupant at the time of the conquest of Sind by the British.

General conditions of grants. "17. The general conditions upon which the alienations permanently sanctioned in this despatch are to be granted, will be laid down in detail finally by the Government of Bombay. But I am to say that the Governor General in Council approves of Mr. Ellis's proposal to make all subject to a payment of 5 per cent. on the net produce of the grants as a road and educational cess. The Government of Bombay themselves propose that the garden grants should be subjected to a succession and transfer tax, and it has been suggested in the 5th paragraph of this letter, that all other grants should be made upon a similar condition in regard to succession, though transfer cannot be allowed, except in the case of the garden lands. It is unnecessary to allude to the water-rate, which is not of the nature of revenue at all, and which, of course, Jagirdars and Zemindars must all pay

alike. The succession to all these hereditary grants must be carefully confined to lineal heirs male, and it must be made clear that adopted sons will not inherit them. Their continuance will also, as a matter of course, be made dependent upon loyalty and good behaviour.

“18. In conclusion, the Governor General in Council desires me to notice with high commendation the care and the fair spirit with which these important inquiries have been conducted, and the lucid and comprehensive way in which they have been placed before him ; and I am to request that the special approval of the Government of India may be communicated both to Major Goldsmid, to whose laborious researches and accuracy of detail the facility with which this difficult subject has been so easily dealt with is mainly due, and to Mr. Ellis, who has placed the result of those researches so clearly before the Government.”

342. On the receipt of the above reply from the Government of India a copy of it as well as of the letter of the Government of Bombay No. 576, dated 15th February 1859, was forwarded with Government letter No. 1766, of 10th May 1859, to the Commissioner in Sind, who was authorized to carry out the instructions of the Supreme Government for the early settlement of the Jagir holdings still remaining for disposal.

Mr. Frere was informed that it appeared to Government that on the Class of Jagirdars whose future estates were to be levied and if so, on what Jagirs. consist of a selected portion only of their former holdings, more than a nominal Nazarana could not in any case be equitably imposed ; but his opinion was requested whether Nazarana should be imposed at all, and, if so, whether on all permanent holdings indiscriminately, or only upon certain classes of them. (Para. 2.)

Regarding the case of the Jam of the Jokhias, referred to in paragraph 7 of the letter from the Government of India, it was intimated to Mr. Frere that this Government included the approval of this special settlement in their general concurrence in the proposed arrangements. (Para. 3.)

With reference to the observations regarding the Nawab Muhammad Khan Thora and the two other Jagirdars referred to, it was observed that this Government understood that Mr. Frere had considered those claims, and that such further concessions as he approved were submitted in the amended statement accompanying Mr. Ellis's letter to this Government, No. 27, of the 14th October 1858, and that if this impression were incorrect, Government would be glad to receive further suggestions regarding the cases referred to. (Para. 5.)

Particular attention was requested to the remarks in paragraph 17, regarding the general conditions on which the settlement was to be concluded, and Mr. Frere was

Cases to be fixed for 30 years.

told that it would save the Jagirdars from much future annoyance if, in settling the amount of their permanent estates, the amount of this cess were determined and guaranteed for a period of 30 years. (Para. 6.)

Advantage was ordered to be taken of the presence of the survey officers in Sind, to determine forthwith the precise portion of each estate continuable under this sanction, and it was observed that Major Goldsmid would doubtless be able, in communication with the officers of settlement and survey, to carry out the intentions of Government far more satisfactorily than if the definition of each estate were left for future inquiry. Government laid much stress on the importance of effecting this at once, care being, of course, taken to prevent the Jagirdars from supposing that it was intended to resume any portion before the appointed time. (Para. 7.)

Any further details regarding which he might require the instructions of Government, Mr. Frere was requested to submit at his early convenience, in order that no time might be lost in giving effect to the orders of His Excellency the Governor General in Council. (Para. 8.)

At the close of the settlement, Government desired to be furnished with certain information to a statement of the results of the Jagir inquiry be sent to Government at showing—
close of Settlement.

I. Hereditary holdings—

1. By ancient tenure, or on special grounds.
2. As belonging to the Four Great Talpur families.
3. As belonging to Sirdars.
4. As belonging to Pattadars.

II. Continuable for one generation after the conquest unassessed.

III. Continuable as in II., but with a deduction of one-fourth land or produce.

IV. To expire with the life of the holder at Meani ; and a separate abstract, showing the numbers and amount of each class of garden grant, and the assessment leviable from those which were, or would be, subjected to taxation. (Para. 9.)

343. In accordance with these orders, and with the views of the Commissioner personally expressed to him, Major Goldsmid on the 2nd of July, in his No. 58, reported his intention to place two small establishments at the disposal of the Settlement Officers of the Haidarabad and Karachi Collectorates respectively, from the commencement of the next cold season.

Proposed Survey of Jagirs of the Four Families.

344. But with reference to the proposal of the Government of India to exact Nazarana from hereditary Jagirdars, Major Goldsmid deprecated such a levy. He wrote—

“ My reasons are that we really want an upper native class—that unfortunately no individual can be an acknowledged member of such a class without wealth—that the wealth derivable from Jagir land, however extensive be the alienation, is uncertain, precarious, and never considerable, and that fixed assessments, such as water-rates and the road and school cess are sufficient to show that Government is the donor, and may resume, at any time, the benefits conferred on the Jagirdar, should there be sufficient cause.”

Major Goldsmid deprecates levy of Nazarana.

345. With reference to para 5 of the Government of Bombay's letter No. 1766, dated 10th May 1859, regarding Nawab Muhammad Khan Thora and two others Major Goldsmid wrote as follows:—

“ The cases adverted to in this paragraph were duly considered by the Special Commissioner, and the further concessions alluded to were shown in Mr. Ellis's amended statement. This remark applies to the alienations of the two Thora Sirdars, the Nawab Muhammad Khan and Ali Murad. No change, however, was made in the settlement of the estate of Abdallah Khan, Barakzai, and you yourself were of opinion that the resumption which had been effected from his Jagir under the Government of His Excellency Sir Charles Napier should not now be disturbed.”

Special concessions to Muhammad Khan Thora and two others already made.

No change in the settlement of Abdallah Khan, Barakzai.

346. As regards the assessments, Major Goldsmid said that his experience of them in respect of cesses, or shares of Jagirs retained, led him to the opinion that whatever facilities were afforded by settling for lengthened periods, this method was far less equitable than that of frequent revision. He continued—

“ Many instances might be quoted to prove the truth of these conclusions especially with regard to Sailabi lands. And as a Jagirdar may have land watered by the Indus, by canals from the Indus, by wells or rain, all in his range of alienation, and it would be somewhat irregular to assess the same Jagir in two or three ways, I should propose that 5, 7, or at most 10 years be the limit for which all Government claims be assessed and determined. If it be thought inadvisable to put the Jagirdar to the annoyance of closely inspecting his accounts, the reassessments might be regulated according to the condition of neighbouring Government lands, subject to the same natural and artificial influences.”

Assessment and cesses not to be fixed for longer periods than 10 years.

Progress Report.

347. In another communication (No. 571) of the same date, Major Goldsmid set forth the progress made in the past year. “ The necessity,” he wrote,

“ for continuing to bear appeals in the 3rd and 4th classes seems to be obviated by the revision of all settlements in the 2nd and 3rd sub-divisions of Jagir grants as now defined by the late special Commissioner.* This work is now in progress, and while it necessitates great nicety and attention to minutiae it need not be productive of extra expense by the employment of extra hands.”

348. As regards the classification of records there now remained
 Classification of records. only the Sanads of Mirs Muhammad and Shahdad and those of the Khairpur Mirs to be transcribed. The rest had been all transcribed into volumes.

349. The valuation of alienations on a three years' average had
 Valuation of alienations. been also completed by Major Goldsmid. He recorded the estimated value of alienations in Sind at Rs. 5,13,603 per annum. If all the pensions registered in the Jagir office were added, the total, he said, would be Rs. 9,20,085.

350. On account of political and educational duties, Major Goldsmid had not been able to have a
 No muster of Jagirdars muster of the Jagirdars. “ But the objects of the muster,” he added, “ though but partially carried out on this occasion were, by no means, neglected, and a number of cases involving unregistered sub-divisions of alienated produce, especially in Upper Sind, were personally investigated by me with a view to report on adjustment.”

351. Major Goldsmid went on to say that to carry out the settlements of the Mirs' and Sirdars' Jagirs upon
 Re-organization of Survey establishment necessary. the system proposed by him in his letter of the 8th February, it would be necessary to re-organize a survey and measuring establishment at, perhaps, a greater cost than Rs. 1,200 a month. Nothing however, could well be done in this respect before October.

* The Third Class included not only the grants made from 1812-1833, but also those made to non-Sirdars from 1783-1812.

352. As regards the permanent Jagir establishment Major Goldsmid estimated that its total monthly cost need not exceed Rs. 400.

Office establishment.

353. The unequal assessment of the chowth commented on before by Major Goldsmid was remedied by Mr. Frere before he left Sind. On the 22nd of October, Major Goldsmid reported a case in which the assessment (exclusive of the cess) to the extent of $\frac{1}{4}$ th of the produce of the Jagir fixed in 1854, being Rs. 32, the regrantee being unable to pay it, had offered to throw up the Jagir. Major Goldsmid calculating on an average of 10 years up to 1859, found that the assessment on this average would be only Rs. 13. He had previously, under verbal orders from the Commissioner, settled some cases on such an average, and he now prayed for a written sanction. Mr. Frere accordingly gave the following sanction in his order No. 2744, dated 24th October ;—

Revised assessments of chowth on a 10 years' average allowed in cases of hardship.

“ In cases of proved hardship, I sanction the revision of fixed assessments in lieu of fractional shares* on Sailabi alienated lands, by re-assessment on a 10 years' average up to the date of revision.”

354. Shortly after this order, the Despatch No. 10, dated 15th September 1859, of the Secretary of State for India, Sir Charles Wood, on the subject of permanent alienations in Sind, was communicated to the Commissioner for information and guidance,

Sanction of Secretary of State to Jagir Settlement.

under Resolution No. 4175, dated 21st October 1859, of the Bombay Government, in which he was requested to favour Government with his report on paragraphs 1 to 8 of their letter No. 1766, of 10th May 1859, leaving the information called for in the concluding paragraphs to be submitted when the Jagir work had been completed. The Despatch ran as follows :—

" I have received and considered in Council two letters from the Government of India of the dates noted in the margin, forwarding the correspondence with your Government relative to the mode in which it is proposed to deal with the alienated revenues of the province of Sind, on which I now proceed to offer some remarks.

Letter dated 4th March,
No. 4 of 1859, paragraph 11.
Letter dated 23rd April,
No. 6.

" 2. With reference to the Jagirs held by members of the great Baluch clan of Talpurs, to which the late reigning dynasty belonged, it has been resolved to continue them to legitimate lineal male descendants free of all taxation, one-third of the land being, however, resumed as uncultivated on the death of the present holder. The extent of land thus alienated is stated to be nearly sixteen lacs of bigahs, but much of it must consist of unproductive waste, as the revenue given up is estimated at little more than one lakh and a-half of rupees.

Talpur Jagirdara

Classification of other
alienees.

classes, viz :—

First.—Alienations granted before the accession of the Talpur family, 1783.

Secondly.—Alienations granted in the earlier years of the Talpur rule, or from 1783 to 1810.*

Thirdly.—Alienations granted from 1810* to the death of Mir Murad Ali in 1833 ; and

Fourthly.—Alienations granted between 1833 and the date of the battle of Meani in 1843.

Classification of pre-
Talpur alienations.

" 4. Under the first head there are three distinct classes of claims, viz :—

1st.—Jagirs.

2nd.—Pattadari tenures.

3rd.—Charitable and religious grants.

" 5. The first class (Jagirs) are held for the most part by Baluch chiefs of influence and importance, and I agree with you and with the Government of India in opinion that they should be continued in perpetuity to lineal male descendants. They embrace an area of 475,123 bigahs, but the revenue involved amounts only to Rupees 39,145.

First Class Jagira.

... ..

" 8. The second class of Jagirs, consisting of those which were granted in the reigns of the earlier Talpur Mirs, are stated to be held by the oldest and most influential families of the Baluch soldiery, by whose exertions that dynasty obtained possession of Sind. It was originally proposed to make these grants hereditary, subject to resumption, on the death of the holder, of all uncultivated land, and to the payment of one-fourth of the Government assessment on the remainder.

Sirdars' Jagira.

* Should be 1812.

It was, however, found that in practice this rule would work unequally, and it has been very generally departed from. All cases have been dealt with on their individual merits, the actual possession of each Jagirdar being taken as the basis of settlement, and regard being had to the antiquity of his holding and his social position and influence in his tribe. The result of the inquiry has been that you have recommended for recognition as hereditary 74 holdings of this class, containing an area of 106,875 bigahs, and involving a revenue estimated at Rupees 32,335.

“ 9. In consideration of the shortness of the period for which the Jagirs placed in the third and fourth classes have been enjoyed, you have resolved that all holdings of the third class (those granted between 1810 and 1833) should be re-granted subject to the payment of one-fourth assessment for one succession after the death of the person who was in possession at the time of the conquest, and that the fourth class (those granted subsequently to 1833) should lapse on the death of the person in possession at that date.

Third and Fourth Class Jagirs

“ 10. Much praise is due to Mr. Ellis and Major Goldsmid, for the great care and discrimination with which they have conducted the inquiries which have preceded these recommendations. I agree with the Government of India that the amount of alienation which it is proposed to sanction cannot, under the circumstances, be considered too liberal; while I must with them rely on your assurance that it is sufficiently so.

Commendation of Mr. Ellis and Major Goldsmid.

“ 11. In the case of one Jagir only, that of the Chandia chief on the Khelat frontier, you have recommended that a Nazar should be demanded on each succession, in order that he may be periodically reminded that it is to the British Government that he owes his lands. I am, however, of opinion, upon consideration both of policy and finance, that the suggestion of the Government of India, that all the permanent alienations should be held subject to the payment of a moderate Nazarana on each succession, should be acted on in making the final arrangements with these chiefs.

All permanent alienations to be subjected to Nazarana.

“ 12. I observe that the Government of India have directed that succession to all these hereditary grants must be carefully confined to lineal heirs male, ‘and it must be made clear that adopted sons will not inherit them.’ As all the Jagirdars appear to be Muham-madans, the object of this latter condition is not apparent.”

Prohibition regarding inheritance by adopted sons unnecessary.

355. Thus under Mr. Frere’s administration, the settlement of the Sind Jagirs which had been an open question since 1842 was brought to a close. It will have been observed that the Despatch made no mention of the First Section of the Third Class of

Implied sanction of the settlement of the First Section of the Third Class

Jagirdars, composed of those lowered from the Second Class to the Third for lack of social status. But as it approved of the remission of assessment to those whose grants fell in the Second Class according to their antiquity, it may, by implication, be said to have sanctioned the only distinction which existed between the First Section and the Second Section of Third Class Jagirdars.

356. The only questions that now remained to be disposed of
Questions for disposal. besides the survey of Jagirs were—

- (1). Whether any Nazarana should be imposed, and
- (2). Upon what general conditions permanent alienations should be granted.

SECTION V

**COMPLETION OF SETTLEMENTS AND ROLLS
UNDER Mr. INVERARITY AND Mr. MANSFIELD.
OCTOBER 1859—SEPTEMBER 1863.**

357. The communications made by the Government of Bombay under dates the 10th May and 21st October 1859, were answered by Mr. Inverarity—Mr. Frere's successor—in his letter No. 39 of the 10th of February 1860, with which he forwarded Major Goldsmid's letters No. 11 A of the 8th February 1859, and No. 57 dated 2nd July 1859.

Mr. Inverarity deprecates levy of Nazarana

358. Regarding Nazarana Mr. Inverarity agreed with Major Goldsmid that it should not be exacted, and to Major Goldsmid's reasons he added "the truly uncertain quality of the soil in alienated lands, repeatedly demonstrating that grants important in extent are unimportant in productive value." He then continued:—

"3. If the object of fixing a tax of this nature be to create a return of Government revenue, such result has, in all but First Class Jagirs, been provided for by prospective resumption, and it would, therefore, appear in the light of a double demand. If the object be, on the other hand, to show the Jagirdar that he is a subject and servant of the State, I am of opinion that this end is already attained in the imposition of a cess of five per cent. for roads and schools, assessed upon the first regrant under the new rules; or perhaps, better still, the assessment might take effect upon the receipt of the fresh Sanad now under preparation for every holder of alienation in the hereditary classes.

Because prospective resumptions in all but First Class Jagirs would bring in a return of Government revenue, and the payment of the cess would bring home their subjection to the Jagirdars.

"4. In First Class Jagirs, where there is no prospective resumption, I should not be disposed to advocate any further exaction from the holders than from their fellows in the next grade, upon the ground that the measure could be carried out on no general principle. For instance, the hill chiefs of the Numria or Jokhia clans could not, in justice, be subjected to a Nazarana under our Government, in as much as their independence has been curtailed, and their immunities have been regulated by the ordinary application of our levelling system of rule, so as considerably to reduce their income; and

And because the levy of Nazarana from First Class Jagirdars alone would be based on no general principle.

as they will be called upon to pay a road and school cess, I do not think that more can be required. Other cases might be cited similar to those of the hill chiefs, and if we except so many, it would hardly be equitable to select a few individuals for special taxation."

359. Regarding the question of further concession to Nawab Muhammad Khan and two other Jagirdars, he merely repeated what Major Goldsmid had written on the point.

Further concessions to Nawab Muhammad Khan, &c.

360. As to the general conditions on which the settlements were to be concluded, Mr. Inverarity submitted for approval the following forms of Sanads, for permanent Jagirs together with one for Khairatdars.

General Conditions of Sanads.

(1). FORM OF SANAD FOR SIRDARS.

To

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honor to those who are worthy of honor, and to keep respectable persons from want or difficulty, it has been thought fit to institute enquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made not only to meet the present necessities, but also for the future support of the sons and lineal male descendants of a certain number :

Preamble-Objects of grant.

Now you, having been found, on enquiry, to have been possessed, at the conquest, of Jagir land in this Province continued to you by His Excellency the Governor, Sir Charles Napier, the British Government have determined that your possession shall not be interfered with for the term of your natural life, so long as you remain true and loyal. And this Sanad is now granted to you in supersession of all prior documents, confirming you in the grant aforesaid.

Confirmation of existing possession.

And further in consideration of your rank, and the social position of your family, it is ordered that from the whole amount of bigahs in your possession, the amount of—bigahs be accorded to your heirs for ever, free of all assessment except 5 per cent., for roads and schools. This allotment may be now chosen by yourself and marked off in communication with the Settlement Officer of Government, or reserved for after-consideration by your heir, the only provision being that the permanent Jagir consist of one consolidated and well defined land alienation, where the possessions are contiguous, and as far as practicable, complete makans.

Extent and definition of permanent holding.

Liability to payment of 5 per cent., upon regrant.

As it has, however, been the custom of the British Government to allow a regrant to the sons of the superior Jagirdars in Sind found in and allowed possession at the conquest, of all lands of which they were so possessed, on payment of assessment equal to $\frac{1}{4}$ th produce, or on resumption of $\frac{1}{4}$ th the whole amount of land: Your immediate heir will have the option of accepting this settlement in his own individual case, and should he prefer such alternative, the permanent arrangement would not be carried out until the occurrence of a second succession. But if he, or indeed you yourself, accept the said permanent settlement, it will not be optional on his or your part to revert to the original state of things.

With respect to the payment of Water Rates, you will be subject to the Local Rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service whether in supplying soldiers in time of war, or laborers in time of peace, as a necessary condition of tenure: yet is it expected that all good and faithful subjects of Her Majesty the Queen, whether Jagirdars or not, will render all assistance in their power on any special occasions, when such may appear desirable, and it is natural to infer that those who hold certain revenues and benefits alienated to them or continued to them in alienation by the State, should be the foremost in proving themselves worthy of the privileges conferred upon them, by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live.

Registered No.

Commissioner in Sind.

Assistant Commissioner for Jagirs in Sind.

(2). FORM OF SANAD FOR THE FOUR GREAT TALPUR FAMILIES.

Modifications in the above form to suit grants of the Four Great Families.

Add to Third clause after the words "rank and social position."
 "And of the late Governor's Proclamation in respect of the Four Talpur divisions of Shahdadani, Shahwani, Khanani and Manikani."

Insert in same clause, after the words "roads and schools."

Limit of resumption one-third.

"In this amount no more than one-third of your present possessions will have been resumed on account of waste land (and—bigahs in lieu of pay) agreeably to custom under the late Governor, His Excellency

Sir Charles Napier.

In same clause after the words, "by your heir."

"Should you have, as is most probable, sufficient waste land to cover the Government demand, on that account, you will not necessarily give up one inch of productive soil."

Resumption to be made from unproductive soil.

361. Mr. Inverarity wrote regarding these forms as follows :—

"9. They contain all that it appears to me necessary the holders should clearly understand, and illustrate the principles of settlement sufficiently to guide the proceedings of future local officers. The Sanad to the Sirdars generally, it is proposed to modify in the case of the Four Great Talpur families, by substituting the passages subscribed for others in the body of that document. On the subject of assessment for a period of years, I have ascertained that settlements for long periods have been tried and failed because of the uncertainty of inundation, and of consequent receipt of revenue on this account. I concur with Major Goldsmid in thinking that it would

Settlement of assess- be inadvisable to assess arbitrarily for long terms ;
ment and cess on Jagirs but I would leave the question of assessment optional
for long terms, inadvisable. with the Jagirdar himself whether it should be calcu-
lated for a period of years, or for the period of his natural life."

362. On the subject of determining the precise proportions of permanently continuable alienations by survey, Mr. Inverarity

Demarcation of prospective resumptions un- requested attention to Major Goldsmid's
wise. No. 11 A of the 8th of February, and subse-

quent accompanying correspondence, and continued as follows :—

"10. The views herein recorded were, I am told, put on paper and submitted to Sir Bartle Frere under his own verbal directions, and Major Goldsmid has been acting, and continues to act, under the full impression and belief that the course pursued was approved by my predecessor, who retained the papers with him for eventual report and reference to Government. I am certainly of opinion that it would be unwise to mark off prospective retrenchments of Jagirs during the lives of present incumbents, and without entering into objections in further detail, I would simply submit, in all deference, my recommendation that the measure be reserved for the occurrence of casualty.

"11. Each Jagir is now being surveyed, and the whole number of plans will form a volume of office records. The specimens of survey already sent in from the Karachi Collectorate, prove that there will be no difficulty in defining the permanent Jagirs, whenever the time comes to effect the permanent settlement. It will give no great trouble to the local officers to mark off the new boundaries under instructions from the Assistant Commissioner in the Revenue Department, or whatever officer may have charge of the Jagir Daftar. There will be no dispute about this land or that land, because

Survey of Jagirs in progress, and when completed the demarcation or regrant of permanent holding would not be difficult.

Government will allow the regrantee to take from whichever side he pleases, provided he adopt one continuous or convenient line of boundary. All this arrangement is explained in the proposed Sanad, and will, in all probability, be anticipated by the Jagirdar himself. The Sanads should be given and explained to the holders by the Assistant Commissioner, and not by a subordinate. There is no reason why the greater number of them should not be given by myself in public durbar or some appropriate occasion during the current year.

Because the regrantee would have option to take what land he liked so long as it was *en block*.

“ 12. The Settlement Officer is the only Survey officer in Lower Sind, or that part of the province in which alienations are abundant, and with him the Assistant Commissioner for Jagirs has placed himself in communication both in Karachi and Haidarabad. He has set apart a portion of office allowonce monthly for two separate establishments of Survey, one in each Collectorate. Both these are put under the orders of the respective Settlement Officers, and the results of their operations will be duly set forth in the Annual Progress Report of the 1st July next.”

Two survey establishments already working in the Collectorates of Haidarabad and Karachi.

363. Mr. Inverarity then concluded as follows :—

“ 13. The approval of Government to the proposals above made appears to me all that is requisite to enable me to give effect to the orders of His Excellency the Governor General in Council. It will be observed that Sir Bartle Frere had instructed the Assistant Commissioner to submit the principal papers connected with the Sind Jagir Settlements for separate publication, but on this subject, I need not trouble Government at present with detail.”

Government approval to these proposals solicited.

364. Government replied to Mr. Inverarity's letter above quoted in their communication of the 30th March 1860.

Government reply.

With regard to the imposition of a general Nazarana suggested by the Government of India, the Bombay Government concurred in the opinion of the Commissioner in Sind that, considering the mode of Settlement adopted for Sind Jagirs, the levy of a Nazarana on each succession should not be insisted on for the revenue which it would yield, nor did the Bombay Government think that it was called for in acknowledgment of the rights of the State, inasmuch as provision would be made for the continuance of the alienation during loyalty and good behaviour. A further reference was, therefore, made to Calcutta intimating this opinion, and suggesting that, if the Government of India and Her Majesty's Secretary of State for India were of opinion that Nazarana should be levied, the amount should be nominal, and that on no account should the Jagirdars be called on to pay as Nazarana sums which would probably be considered in the light of additional imposts.

Nazarana not to be levied. Reference made to Government of India.

The question raised by the Government of India in paragraph 13 of their despatch of the 5th April 1859, regarding the claims of Nawab Muhammad Khan Thora and two others, was considered fully disposed of in the 8th paragraph of Mr. Inverarity's letter under reply.

The forms of Sanad drawn out by Major Goldsmid appeared to embrace all the topics which it was necessary to mention in such documents, but the words "heirs for ever" in the 3rd clause were far more comprehensive than the authority conveyed by the sanction of the Government of India. The words should, it was observed, be "lineal heirs male", but as the Sanad would in many cases be given to a son of the first possessor under British rule, it would be necessary to secure the right of succession of all male descendants of the person who was recognized by Sir Charles Napier.

Grants to be continuable to "lineal heirs male" of Jagirdars recognized at the Conquest.

Fourth clause in Sanad to apply only to first successors of grantee at Conquest.

The 4th clause in the form of Sanad would, it was presumed, be inserted only in grants wherein there had yet been no succession. With this understanding the clause was approved by Government.

It was remarked, with reference to the last paragraph of the Sanad, that the orders of the Government of India directing the limitation of the grant during good behaviour should be fully carried out, and that accordingly a proviso should be added at the close, to the effect that, failing loyalty and good behaviour on the part of the grantee or his successors, the Sanad would be revoked, and the grant resumed.

Government saw no objection to the adoption of Major Goldsmid's suggestion to allow a Jagirdar the option whether the road or school cess should be calculated for a period of years, or for the term of his natural life. Provided the amount was not left for settlement yearly, or at short recurring periods, it was immaterial what limit was fixed, the object being to secure the Jagirdar from the constant interference of Government officials.

No reasons were assigned by the Commissioner for the recommendation to defer the demarcation of permanent estates, nor did Government consider Major Goldsmid's reasons on this point conclusive. It was remarked that it was especially with reference to the prospect of an early definition of permanently continuable estates, that application was made to the

Government of India for authorising the Commissioner to assign additional land, not exceeding ten thousand bigahs in the aggregate, if in the progress of the settlement circumstances call for such a concession. If the settlement was to be postponed until all the officers who were acquainted with the requirements of each case had left the province, it was to be feared that very little good would result from this provision for correction of errors and omissions.

Early demarcation of resumptions desirable to correct errors and omissions.

Government of India for authorising the Commissioner to assign additional land, not exceeding ten thousand bigahs in the aggregate, if in the progress of the settlement circumstances call for such a concession. If the settlement was to be postponed until all the officers who were acquainted with the requirements of each case had left the province, it was to be feared that very little good would result from this provision for correction of errors and omissions.

But the main object in pressing immediate settlement was, it was remarked, to carry out in the field decisions recorded on paper, and to secure the correct interpretation of those decisions by their completion under the superintendence of an officer qualified, from his experience of past proceedings, to interpret them correctly.

Partial attainment of these objects by the survey in progress.

This object would have been partially attained by the measures which had been adopted by Major Goldsmid, with Mr. Inverarity's approval, for surveying and mapping the several Jagirs.

It was presumed that by these measures the land would be divided into sections with defined boundaries, so as to admit of easy sub-division, and that on the death of a Jagirdar there would be no reason to complain of the absence of means for ascertaining the extent and value of his holding, and the portion continuable to his heir; and that, moreover, in future years as lapses occurred, the division of lands resumable and lands continuable would be effected by the local authorities without extra expense, and that the necessity for supervising such settlements would not be made the excuse for the maintenance of a special officer and establishment.

If such means would be available—then immediate demarcation not pressed by Government.

If this was so, Government stated that they did not desire to press the immediate demarcation of the permanent portion of Jagirdars' estates, especially as each sanad appeared to provide for such demarcation if the Jagirdar desired it; but if, after considering these remarks, the Commissioner deemed it inexpedient to mark off the permanent portion of estates, he was instructed to be careful to provide for the maintenance by the Jagirdars of all internal as well as external boundary-marks.

365. The Government of India, to whom a report was made, approved of the instructions issued by the Government of Bombay to the Commissioner in Sind, in their letter above quoted.

Government of India approve the above instructions.

366. In his letter, No. 109 dated 30th April 1860, the Commissioner in Sind, replied to such portions of the Government letter, No. 1121, of the 30th March preceding, as appeared to call for further report with a view to dispose of the question of Sind alienations.

Commissioner's further report.

The words "lineal heirs male," Mr. Inverarity observed, had been introduced into the proposed Sanad in substitution of "heirs for ever," to which would be added, in the case of a son or grandson of the incumbent at

the conquest, "failing whom, to the lineal heirs male of the grantee recognised by His Excellency Sir Charles Napier, Governor of Sind." The 4th

Amendments in Sanad suggested by Government, carried out.

clause was, he remarked, only intended for grants to which there had been no successor. To the last clause had been added the words "failing loyalty and good behaviour on your part, or that of any of your successors, this Sanad will be revoked, and the grant resumed."

Demarcation to be deferred.

Adverting then to the subject of marking off the portions of Jagirs, Mr. Inverarity gave the following reasons for postponing this operation.

"1st. That the demarcation of Sind for prospective resumption would create a tendency to stop cultivation and agricultural progress on such particular portions as were declared resumable.

"2nd. That in a country so affected by natural and exterior causes, land now marked off as waste may be the most productive at the period when coming under actual resumption.

"8. These two objections may be briefly considered together. The measure would act detrimentally to cultivation, because the Jagirdar could not be supposed to give time, care, or money to lands not entailable, in the same ratio as he would to unchangeable family holdings. He would never undertake a fair share of any permanent work, whether with Government, Zemindars, or others, except such permanency were confined to his own hereditary estate. Everything without the limit of permanent boundary would be comparatively neglected, and although Government, in consideration of eventual resumption, might consent to bear the greater share of labour and expense in carrying out works of prospective returns, such arrangements would be at variance with the principle of Sind Jagir settlements, which aim at creating a class of independent landed gentry. On the other hand, as now proposed, he would understand that Government had in possession a detailed plan of his Jagir, a reference to which would enable the local authorities to cut off the acknowledged less valuable portion at any time, but that if recent changes of the river or other external influences should have rendered the value or worthlessness of particular patches doubtful, his heir would not necessarily be compelled to abide by the original line of demarcation in office record.

Because it would arrest cultivation and agricultural progress.

"9. So also with his Zemindars, his shopkeepers, cultivators, or "haris."

Because the position of the Jagirdar in relation to his tenants on the continuable and the resumable portions respectively, would become different.

These without the pale of permanent boundary-marks would be a different tenantry to those on the acknowledged family estate. They would have no interest in the prosperity of their landlord or employer; they would rather watch the progress of Government assessment, and anticipate the period of removal to Government control. The larger the tract of territory coming under settlement, the greater appears to me the difficulty of at once marking off the actual portion held resumable without affecting the well-being of those portions.

" 10. I trust to be able to prove to the satisfaction of Government that

Because no difficulty would be experienced on occurrence of casualty, in demarcation,

by the survey and maps now being made no difficulty need be experienced in cutting off from a Jagir the portion resumable on casualty. The enclosed copies of correspondence, * with plans attached, are submitted for perusal and inspection. A *nota-bene*

may be added to the illustrative sheet of each Jagir showing the proposed line of permanent boundary. It is clearly impossible that work of this kind can be hurriedly as well as efficiently performed; but the Settlement Officer himself would, after the present season, have no difficulty in deciding, subject to the Commissioner's confirmation, where the resumption might have effect. The hot weather has now set in, and there being employment for one surveyor at Karachi, Corporal Ryland will at once be called in from the trying climate of Sehwan, and his establishment broken up. The other surveyor, who is working in the Haidarabad Collectorate, will continue his operations for some short time longer.

" 11. By the arrangements now reported, it is intended that the charac-

Jagirs being surveyed in such a manner as to secure easy sub-division.

ter, productiveness, and natural and artificial boundaries of the Jagir shall be so exhibited as to admit of easy sub-division, and that on the death of a Jagirdar there will be no trouble in defining the portion

continuable to his heir.

" 12. I am of opinion that, the new sanads may be endorsed with a

Sanads to be endorsed with a remark making it obligatory on Jagirdars to keep up internal as well as external boundary-marks.

remark that the Jagirdar is enjoined to keep up the boundary-marks, internal as well as external, in his estate, and that such information should be formally and separately communicated to him by the Assistant Commissioner. The Collector would then be empowered to carry out the settlement in permanency of any individual Jagirdar as casualties

occur, debiting the re-grantee for the expense entailed by the want of boundary-pillars for any particular Dehs or Makans. Should it seem meet to Government to bear any portion of expense on such occasions, the demand would be but trifling and admissible as an ordinary contingent charge. It is not in any way contemplated to maintain a special officer and establishment for completing these settlements.

Progress Report for the year ending 30th July 1860.

the year ending 30th June 1860.

Jagirdars of the Second Class according to antiquity of title but not placed in the Class of Sirdars separated from Third Class Jagirdars.

367. On the 2nd of July 1860, Major Goldsmid submitted his Progress Report for

The division of the Second and Third Classes of Jagir grants alluded to in his last Progress Report had, he said, been completed for the Collectorates of Haidarabad and Karachi in the Persian Section of the Jagir Department.

The revisions in the Shikarpur Collectorate were comparatively unimportant. Major Goldsmid proposed to prepare and forward to the Collectors Rolls of such grantees as held life-tenures or tenures regrantable to one generation only after present incumbents. Every Jagir involving permanent alienation should, he recommended, be entered in a printed record.

Rolls of all non-permanent Jagirs to be sent to Collectors. Rolls of all permanent ones to be printed.

The transcript record of Sanads was now nearly complete, and the survey operations had made some progress. Towards the close of the year 1859, Major Goldsmid had secured the services of two surveyors, Messrs Ryland and Fernandez, each at Rs. 200 per mensem, to carry out the survey of certain Jagirs registered in the permanent class of alienations. It was late, however, in the season before they arrived, and later still before they could commence work. Mr. Ryland however, who had returned to Head Quarters from his out-door duties in the Collectorate of Karachi on the 8th May 1860, had, in somewhat less than 5 months, surveyed 10 Jagirs amounting in the aggregate to 95,043 bigahs.

Classification of records and survey operations.

Major Goldsmid did not feel quite sure in the results of Mr. Fernandez's survey in the Haidarabad Collectorate, and he therefore, proposed to subject them to further scrutiny.

In the Jagirs measured in Karachi and Haidarabad the ascertained measurements were less than those previously registered by 34,357 and 4,178 bigahs, respectively. With the exception of one large item of more than 23,000 bigahs found on measuring the Jagir of Drig, which was under investigation, Major Goldsmid accounted for the deficit as follows:—

“The Jagirs were either very loosely measured in the first instance, or perhaps, not measured at all, but estimated at an approximate figure. In some cases the river may have encroached upon the lands; in some, portions of Jagirs may have been thrown out of cultivation by natural causes, and eventually abandoned as profitless: it may be that a higher number was registered by the Jagirdar himself when the information was originally sought at his hands; and this to cover future deductions on a Government measurement, or to exalt his importance. I do not think there is anything extraordinary in the discrepancy, nor that the circumstance calls for any minute investigation. At the same time, I would not make the gain thus indirectly obtained to Government the means of reducing the future permanent possessions, recently sanctioned for the Four Great Talpur families and Sirdars of Sind. The revenue alienated is the main consideration, not the actual number of unproductive acres.”

Deficits in areas of Jagirs measured by the Jagir Surveyor due to previous loose measurements or estimates—to erroneous or misleading returns by Jagirdars (in 1846)—to diluvion—and to relinquishment of waste portions.

The amount of surveying work yet to be done in Talpurs' and Sirdars' Jagirs. The surveying work to be done, and that already done was, according to Major Goldsmid, as follows :—

Haidarabad—bigahs to the measured in all	15,37,203
bigahs completed	... ... 45,166
	<hr/>
Balance	14,92,037
Karachi—bigahs in all	... ... 4,14,972
„ completed	... ... 1,29,400
	<hr/>
Balance	2,85,572

He estimated that it would occupy two more working seasons to survey and plan out all Jagirs of the Talpur and Sirdar classes in the Province as to the extent of which any doubt existed—"but after the ensuing cold weather" he added, "enough will, I think, have been done to leave the balance to temporary or purely season establishments."

Regarding the Survey of 1st Class Jagirs, Major Goldsmid wrote as follows :—

"There appears no necessity immediately to measure or in some cases re-measure and survey, 1st Class Jagirs, or such extensive land grants as are possessed by the Numrias, Jokhias, and others whose alienations will not be diminished by prospective settlements. The boundaries may be accepted as they now stand, and have hitherto been acknowledged ; and the whole demarcation will fall under the cognisance of the Revenue survey or local settlement, in the same manner as that of other lands, and subject to established rules of detail ; but the case is different with lands involving certain resumptions to take effect on the death of present incumbents or their successors. It is necessary to know the precise area of these, and the character of the soil contained within that area ; it is necessary, in fact, to possess data on which the Collector may carry out a regrant without further reference than a mere report of the settlement having been effected. To provide for this necessity has been my aim in organising the present Survey, and I trust that the system adopted will meet with approval and success. A form of the rolls intended to guide the Surveyors is appended, marked D.*"

* This form contained the following columns-Number-Zillah-Names of Jagirdars-Taluka and number-Extent of land as shown in Collector's Roll and found from latest measurement-Remarks.

A Roll classifying *de novo* all the Mirs, Jagirdars, and persons of any note or distinction in the country was in preparation, "with a view," said Major Goldsmid, "to the future guidance of officers as to their treatment both in a public and private capacity." This Roll, he proposed, should form a part of a printed volume "exhibiting all existing Jagir grants in detail, and the rules laid down for their disposal."

He appended a Memorandum of settlements made during the year on the death of Jagirdars, or on petitions for resumption of $\frac{1}{4}$ land in lieu of fixed assessments, for compensation for canal expenses, for redistribution of shares in Jagirs, for re-allotment or exchange or re-assessment of land—or on reports by Collectors as to the possession of a Jagir in an unauthorized spot, or in excess of the old measurement, and as to differences between the new measurements and the old registered areas.

Of the benefits of the Sind Jagir Settlement and Classification of grants, Major Goldsmid quoted an example in a recent petition received from one Allahdad son of Fazal Nizamani.

Benefits of the settlement. No necessity any longer for the employment of Vakils by Jagirdars

"Petitioner," he wrote, "had addressed me sometime ago to obtain his father's Jagir, alleging that he had no other means of maintenance, and that he could get no longer employment as an agent for Jagirdars. I replied that his petition could not be considered as regards re-grant of Jagir, he having remained silent on the subject for 17 years; but that he was quite at liberty to continue his profession of Vakil or agent. He has now re-stated his case to the Commissioner, setting forth that the agency in question has become wholly unprofitable owing to the establishment of "classes and rules," and that Jagirdars will no longer accept his services, as their settlements may be anticipated by themselves, and arrangements made accordingly in direct communication with Government, and without the intervention of a third party. This complaint being genuine, may, I think, be taken as a fair proof that the system has worked well, and realised, at least in one important respect, the desired results."

368. Mr. Inverarity, in forwarding this Progress Report to Government on the 2nd of August (No. 162), observed that only a few minor details remained for disposal, with regard to the wording of Sanads, and the mode of adjusting prospective resumptions. He expected that, the survey of Jagirs in the Karachi Collectorate would be almost finished next season, though not that of the Haidarabad Jagirs. "The Shikarpur Jagirs, exclusive of those in Larkhana or Mehar, were of comparatively small extent, and might be surveyed by the regular establishment of

Details yet undisposed of by Government.

Survey.

the Settlement Officers. The larger Jagirs to be found in the Larkhana and Mehar Districts, might, however, be surveyed by Mr. Ryland whenever the completion of his work in Haidarabad admitted of his devoting his attention to them."

369. Mr. Inverarity concurred with Major Goldsmid that the definition by boundary marks of First Class Jagirs which necessarily resulted from the operations of the Settlement Officers, was quite sufficient for all practical purposes, it being unnecessary to interfere with their internal sub-divisions.

Delimitation of First Class Jagirs by boundaries sufficient.

370. Mr. Inverarity also recommended that the compilation suggested by Major Goldsmid be made and printed.

Jagir compilation.

371. On the 18th of January 1861, the Bombay Government in Resolution No. 320, Revenue Department, expressed their satisfaction at the progress reported, and their hope that no exertions would be spared to complete the survey of the Karachi Jagirs next season. They approved of the transfer of Mr. Ryland to perform the Jagir survey in the Haidarabad Collectorate, or in Larkana or Mehar, and of the Commissioner's proposal regarding First Class Jagirs. They entirely concurred in the high commendation which had been bestowed by the Commissioner on Major Goldsmid's services, and informed the Commissioner that Major Goldsmid's appointment on the 14th December 1860, to succeed Mr. Stewart as Assistant Commissioner, had been made by them "in consideration of the universal testimony borne to his qualifications as a public servant."

Government orders.

Proposal regarding delimitation of First Class Jagirs sanctioned.

Major Goldsmid appointed Assistant Commissioner.

372. On the 31st of January in their letter No. 550, Government approved the course adopted by the Commissioner for

adjusting prospective resumptions in Jagira, on the distinct understanding that when, by the death of the

Course adopted for adjusting prospective resumptions sanctioned. The quarter land which a first successor had option to resign might be resigned from any land he liked, so long as his holding was *en block*.

present holder, it would be necessary to call upon his successor to surrender one-quarter of the Jagir, his choice of the portion to be surrendered be kept perfectly free, fettered only by the usual condition that the portion

selected be one continuous area, and not made up of small unproductive pieces chosen from different parts of the holding; and Mr. Inverarity was requested to cause this to be most distinctly understood by the local officers on whom would devolve the duty of adjusting the resumptions.

373. They also approved the addition proposed by Mr. Inverarity to be made in the form of Sanad.

374. His Excellency the Governor paid a visit to Sind in February 1861 when the Sanads were further submitted to him by the Under-Secretary, and the alterations in the wording made

Visit of His Excellency the Governor to Sind and verbal alterations in Sanad.

in accordance with Mr. Shaw Stewart's instructions were communicated to Major Goldsmid, and embodied by that officer in the form. Some of the Sanads to permanent Jagirdars were issued in open Durbar on the 28th of March by the Commissioner at

Haidarabad, and the rest on Her Majesty's Birthday by the Commissioner at Karachi, and by the Collectors at Haidarabad and Shikarpur. No Sanads were framed for non-permanent Jagirdars. Specimens of the Sanads actually issued will be found in the Appendix.

Issue of Sanada.

375. The Karachi Survey establishment was in the field from 5th November 1860 to 24th May 1861, and that of Haidarabad from 5th November 1860 to 24th July 1861, after which date Mr. Fernandez was discharged. Jagirs supposed to contain 1,27,328 bigahs were measured by the former, and found to contain no less than 1,61,148 bigahs, while Jagirs supposed to contain 75,190 bigahs were on measurement by the

Survey operations.

latter found to contain only 59,386 bigahs. With reference to the excess discovered, Major Goldsmid observed in his completion report dated 1st October 1861, that it was due to the fact that the stony and mountainous tracts though considered as connected with the estates had not been formerly looked upon as forming part of the estates, and had not, therefore, been measured, and that in one case the discrepancy was attributable to the neglect of the Jagirdars to report the area of several Makans to the Jagir Department.

376. He then proceeded :—

“ In Karachi no less than 66,180 bigahs have been found on re-measurement in excess of the registered amount. In Haidarabad, on the other hand, the register gives 15,804 bigahs more than the re-measurement. Last year’s report showed in the two Collectorates an amount to the Government credit of bigahs... 38,535
 Discrepancies in area. This added to ... 15,804 of the

present year, gives..... 54,339 bigahs, so that the whole excess on the registered measurement is, after all little more than 11,000 bigahs. Considering the unculturable nature of the soil of which this excess is composed, the discrepancy in revenue may be safely reckoned at nil. Another year’s experience, moreover, may turn the scale the other way.”

377. Major Goldsmid estimated that Mr. Ryland would be able to finish the remaining bigahs in the Karachi Collectorate during the next season, and that the Haidarabad Collectorate would occupy a period of not less than 8 years, and the Shikarpur Collectorate about 1 year. But the yearly expense of Mr. Ryland’s establishment was only Rs. 600, while Mr. Ryland himself was borne on the permanent establishment of the Commissioner’s office, and employed there on general duties.

378. An abstract of the superior class of alienations was appended by Major Goldsmid to his Progress Report. He valued all the alienations as follows after adding those confirmed in Thar and Parkar and to the Sayads of Tatta, which will be dealt with separately.

Description of alienations.			30th June 1860.			30th September 1861.		
			Rs.	A.	P.	Rs.	A.	P.
1	Jagir ...	...	4,49,959	0	0	4,41,082	5	0
2	Pattadari and Hissadari	...	22,668	0	0	22,757	0	0
3	Khairyat	...	42,064	0	0	41,777	9	0
1	Pensions. { Political Revenue Miscellaneous ...	...	4,24,556	13	7	*4,38,704	13	7
2		...	.....			†6,194	0	0
3		...	1,407	8	0	‡2,257	12	0
Total ...			9,40,655 5 7			Total ... §9,52,773 7 7		

* To a more thorough scrutiny of the list and increase to the pensions of the Mirs may be attributed the change.

† This year first brought into the account.

‡ Increase owing to the commutation of grain into money-payment not before brought to account.

§ Or Rupees 9,58,773 7 7 including the Tatta Sayuda.

379. The transcription of Sanads was now completed, and the
 Issue of Rolls of 3rd and 4th Class Jagira. amended Rolls of 3rd and 4th Class grants were also completed and despatched to the Collectors in November 1861.*

380. On the promotion of Major Goldsmid, on the 12th of
 Reduction of Jagir Office. December 1860, the appointment of a separate Jagir Assistant had ceased, and from the 1st of May the reduced office establishment had merged into the general establishment of the Commissioner's office. Major Goldsmid in his Progress Report stated that the work to be carried on in a daily routine in future was very simple. The Collectors would have no difficulty in disposing of ordinary lapses and references. "Any special reference, involving, it might chance to be, re-investigation of title, should be made" continued Major Goldsmid, "to the Assistant Commissioner in the Revenue Department, under whose charge it is proposed to place the Jagir records. In the English Department the Assistant Superintendent of the Commissioner's Office, and in the Vernacular Department the head office Munshi will be the Assistant Commissioner's assistants in this particular duty. Correspondence on survey and measurement may, as a rule, be carried on in the vernacular, but the details under this head belong rather to the Settlement Officers than the Collectors."

381. To test the completeness of the Jagir inquiry Major Gold-
 Precise of questions treated in the Jagir Department from June 1857 to September 1861. smid ascertained what had been the several questions treated in the department since his last resumption of office on the 7th June 1857 up to the 6th September, and the number of petitions received in respect of each. The questions were as follows :—

* In these Rolls grants for two lives not liable to assessment on regrant were shown as 2nd Class—those for the same number of lives but liable to assessment on regrant were shown as 3rd class—and those continuable only for life as 4th class. The double meaning of the term Second Class had led to great confusion—so in this book all non-permanent Jagirdars ranked in the Second class, have been designated as the first Section of the 3rd class.

1. Disposal of lands under the rules of Alluvion and Diluvion.† No provision was needed for these cases, they being legitimately within the Collector's province.

Boundary disputes between Jagirdars and Forest Department,

2. Land included within Forest limits. This question was one purely of boundaries to be decided by the Collector in communication with the Forest Department.

3. Imposition of water rate.‡ This too, according to Major Goldsmid, was a question of ordinary revenue, and its final settlement he proposed to hand over to the Collectors.

Water rate.

4. Means of irrigation from Government canals. This also was a matter, the disposal of which rested entirely with the Collectors,

Means of irrigation from Government Canals.

Disputed measurements and boundaries.

5. Disputed measurements and boundaries. These involved the necessity of retaining the surveying establishment. The number of petitions under this head amounted to exactly $\frac{1}{4}$ th of the whole—being the largest number for any one head.

Alienations disallowed at the Conquest, or resumed at any subsequent period.

6. Alienations disallowed at the Conquest or resumed at any subsequent period.

"The late Commissioner" said Major Goldsmid, "was naturally very averse to enter upon inquiries which had been authoritatively closed by His Excellency Sir Charles Napier, or his immediate successor, and it has not been usual to admit to re-investigation claimants of this kind. At the same time, few can say that they have not had a fair hearing, however clearly the case, by their own showing, told against them. The information in the office records is now so complete, that no trouble or confusion need be anticipated in respect of future applications to the Commissioner from disappointed claimants."

7. Regrants or resumptions upon the decease of incumbents. On this subject Major Goldsmid wrote as follows:—

† See a separate Chapter on this subject.

"In ordinary cases, where there are no heirs male in lineal succession, it has been provided that First Class Jagirs should be regrantable to the lineal male descendants, if any, of the grantee in the earliest acknowledged Sanads.

Regrants or resumptions upon the decease of incumbents without lineal heirs.

My interpretation of this rule has been to select first the nearest relative of the last deceased. Of a brother's prior claim there can be no doubt. Failing a brother, a cousin is sought for in the next elder branch, and so on. Second Class Jagirs, on the other hand, do not go back further than the incumbent at the Conquest, and it seems to me that this distinction is a proper

Vide letter from the Special Commissioner from Jagirs, No. 30 of the 10th November 1858, paragraph 3.

one to lay down, except in the case of Chiefs of tribes. For these tenures the wearer of the turban should, I submit, be the Jagirdar, provided he himself be the lineal male descendant of a nominee in former Sanads, and provided, the lineal male heir of the incumbent at the conquest is not forthcoming. But this question can hardly be said to apply to more than a very few Sirdars in this province, and may well be reserved for future special consideration, should occasion ever arise.

"The point now to be considered is that of failure in male succession altogether, a not uncommon contingency in Sind. Whatever the class of Jagir, and whatever the rule applicable to that class, instances may be supposed in which no legitimate inheritor is to be found at all. I am inclined to believe, and would venture to suggest, that the First and Second Classes of Sind Jagirs might be held as 'hereditary personal Inams' and treated as laid down in Rule IX, Schedule B, of Act XI, of 1852, provision 1st.

Government Resolution No. 1338, dated 13th March 1854. Territorial Department—Revenue.

Government letter No. 1701, dated 18th April 1854, Political Department.

But if such procedure be not admissible, and the poverty and destitution specified in the rule be not satisfactorily proved, there will be no course but non-conditional lapse. In such case, the whole alienation reverts to the state. Relatives, dependants, male and female, young and old, wake to the discovery that the lands out of which they have

derived more or less subsistence for years, have suddenly changed their character and become Government possessions. It were impossible to suggest a remedy to this state of affairs by any specific provision calculated to meet all future requirements of individuals; because the remedy would strike at the root of the rule of inheritance already admitted for Jagirs in Sind. Had it been otherwise, it would have been my duty to have put forward, in a separate communication, any proposals which I might have had to offer; but I would rather make every lapse in alienations of a hereditary nature the theme of a special report in the Political Department, such as it has been the custom to submit on the occurrence of casualty among pensioned members of the late reigning family."

8. Assessments or liens upon regrants. On this point

Assessments or liens upon regrants.

Major Goldsmid quoted the Commissioner's circular No. 1037 of the 14th May 1858,

(vide page 204, para. 320).

9. Sub-divisions among co-sharers, other than parties named in Sanads, who assert legal claims on produce.

Sub-division of Jagir produce.

On this subject Major Goldsmid wrote as follows :—

“The question is one not only of very great importance, but of great intricacy. As a rule, I have steadily adhered to the principle laid down for my guidance, to avoid recognition of any such sharing as a right; but

Recognition of sub-division as a right, avoided.

exceptive cases of great hardship have occurred, in which I have felt that non-interference would be positive neglect of a palpable duty. I will at once proceed to illustrate the meaning intended to be conveyed, by a few of the more prominent cases.

I. By Government Resolution of the 29th June 1854, communicated in

Except in cases of great hardship and palpable injustice.

No. 3182 to the Commissioner in Sind, the whole Jagir of Chanrat was specially confirmed in perpetuity to the Marri chiefs, descendants of certain original grantees under Mir Fateh Ali. Upon receipt of this decision in Sind, instructions were at once issued for the restoration of the share of one Mohbat Khan, which had been previously resumed in default of male issue. The result was a difficulty, the removal of which I reported as follows :—

‘The favour was gratefully received in the light of a Government gift;

Letter to the Commissioner No. 3 of 4th January 1855.

but its distribution has been a source of internal contention. Fazil Khan was the elder brother of the deceased, and his son Karim Dad claimed the whole share. Moreover, he was his uncle's heir, named under testament; the youngest brother Sohrab, yet alive, claimed an equal distribution.

‘My first impression was that the case must eventually be adjudicated in the Civil Courts, and that it might be better not to interfere. Government had granted the land in *perpetuum* to the legitimate male issue of the original grantees ‘as a whole,’ and the names of the two Sirdars Karim Dad and Imam Bakhsh had been used, because they were those of the senior members in the respective branches. Sub-divisions were not to be made under authority for individual shares; but on consideration, I thought it might not be out of place to attempt to conciliate the parties, and bring the disagreement to an amicable conclusion. There seemed, in fact, to be a misapprehension of the meaning of Government, which it would be well to rectify. I therefore sent for Karim Dad, and told him that his uncle (Sohrab) had complained of his exclusion from the recently restored share of Chanrat; and that without wishing to force him to a settlement I thought it would be more becoming if they could come to some friendly understanding on the matter. The litigants met in my tent at Adam-Khan's Tando, and after a long sitting and most vehement deprecation of his treatment on the part of Sohrab (a somewhat infirm old

man), Karim Dad agreed to give three shares out of seven to his uncle, reserving the larger portion in right of seniority. I witnessed the bonds of agreement drawn up on the occasion; one of which was given to Sohrab, and one to Karim Dad, a copy only being retained in the office.

'I will not take up your time with detailing the arguments used upon both sides; perhaps the strongest which occurred to myself in favour of Sohrab's claim was the fact of his having been an equal loser with Karim Dad, when the proceeds of the litigated share were escheated to Government in 1851-52-53. Should you not disapprove of the interference exercised, this report will place on record a family arrangement which may henceforward become matter of reference.'

"My proceedings were fully approved; but I am not sure that on the death of Sohrab a new difficulty will not arise. In this case, I should suggest that the bond signed before me be admitted as the basis of all future settlement."

Then after giving two more instances of sub-division of the produce of Pattadaris and Khairats respectively, Major Goldsmid continued;—

"The foregoing three instances and explanation of their particular bearings upon the general question mooted, will suffice to indicate the evil for

Some remedy needed. which a remedy is required, and that a remedy would be popular is a fact easily borne out by the evidence of the petition box. The 123 petitions recorded in the table* is not an extraordinary number, but the hardships which they set forth are not to be lightly passed over. It is true that the British Government proclaims its own principles of civilized justice as the standard for guidance; but the promulgation of the theory that Jagir grants are not to be held as "hereditary property," that the acknowledgment of a succession to Jagirs is no more than a gracious permission to the elder member of a distinguished family to collect the Government share of an estate pending good behaviour, and the matter of sub-division is one which rests with the nominee in the Sanad, the promulgation of this theory will not, it is submitted, prevent those who suffer from its practice, becoming keenly sensible to the tyranny and injustice of their elder and more fortunate brethren, and to their own wretched position as disowned and disinherited vagrants. It is the contrast with the state of things under the former Government which presents itself to these persons in painfully true colours. Among the class of Jagirdars known as Pattadars the evil is most perceptible, and I remember an instance in which an anonymous writer hinted that the sufferers were actually presenting their petitions for redress at a neighbouring durbar. He represented that Affghan Pattadars were taking their cases

Great misery resulting from the recognition of primogeniture.

and complaints to the sovereign of their own people, who readily sympathized with them. This statement, however unworthy of notice in itself, especially from its anonymous character, is yet one of those straws which contribute to solve a problem. My experience in Sind has shown me the greatest misery resulting from the instalment of an elder son in a Jagir to the exclusion of his brethren, and the non-interference of

* Of petitions made by Major Goldsmid, not here reprinted.

Government, except in a passive, un-official form, to secure the presumed rights of others than the one registered grantee. In 1853, two brothers, Pirs of Sirhind (Fida Mohyud Din and Nizamud Din) men of considerable note and influence at or in the environs of Shikarpur, had comparatively large alienations. In 1857 both had died. Fida Mohyud Din had left six sons, and his regrantable alienations had been given to Muhammad Ashraf, the eldest. Nizamud Din had left nine sons, and had, in like manner, been succeeded by Pir Emamud Din, his first-born. The anger and ill-feelings, the slanders and conspiracies, which have arisen between brothers and cousins in this family since the decease of the old Pirs, would form material for a volume. The Magistrate had laboured in vain, I myself have frequently laboured in vain to appease the litigants; and it is not gratifying to reflect that the regranted alienation is the bone of contention; but instances of the kind could be multiplied.

Existing rules on the subject of encumbering Jagirs and sub-dividing its produce.

At present we have the following rules bearing more or less upon the question under discussion.

Bombay Government Circular No. 2890, dated 13th July 1848.

1. "Existing incumbents of Jagir lands will be held incapable of charging the estates with debts beyond their own lives, whether they revert to the State or to individuals.

2. "In a joint grant the shares of the co-sharers shall be held to be equal, unless it be proved that an unequal division was made or recognised by competent authority under the former Government; with the proviso that no decision under the above rule shall debar any sharer from claiming in a Court of Justice, against a co-sharer, the enforcement of an unequal division made by the sharers themselves, though un-sanctioned by competent authority.

Commissioner's No. 1311, dated 17th May 1853.

Commissioner's No. 3205, dated 8th October 1855.

3. "That no Court shall attach more than two-fifths of the annual proceeds of any Jagir or pension, in satisfaction of debts due by Jagirdars, &c.

Commissioner's No. 2267, dated 14th September 1858.

4. "No Court inferior to that of the Collector and Magistrate is competent to take cognisance of a claim to share in Jagir produce."

Defect of these rules.

In the term "Nominees" may be included, in certain instances the term "Bradari" or "brotherhood," and other more general expressions.

"The second of these lays down the necessary principle, but the application is only in favour of those who are descendants of nominees, if not nominees themselves, in Sanads.

“As regards other classes of rent-free holders, among whom instances of family feud occur, such as already cited, I would respectfully suggest that the Collectors be enjoined to use their best efforts on these occasions to promote harmony, and obtain, when practicable, the consent of all parties in the form of written agreements. At the same time, their efforts cannot in all cases, as I have shown, supply the full remedy required.”

Proposes that Collectors should intervene as conciliators.

“The law court should not have power to make away shares of Jagirs, except those known as Pattadari, or those contemplated in the Commissioner’s letter of the 17th May 1853, above quoted; but where actual injustice is committed by an individual Jagirdar holding land in the class for which hereditary provision has been made, it seems to be but fair that he, as an individual, should be as amenable to the law for the due disposal of his Jagir produce as for any other part of his inheritance. The Government Resolution of the 13th July 1848, could protect a succeeding generation; moreover no inferior authority to the Magistrate could adjudicate in the matter; and the rule* applicable to ordinary debts and creditors, where the Jagirdar is the party sued, should be held available in limiting the amount of Jagir produce to be set aside in satisfaction of the claim. I trust that this view of the case may meet with attentive consideration. It is a question the disposal of which need not delay the present final report, but a future decision on which may be required to meet some exigency arising.”

Civil Court to have jurisdiction in cases of joint grants under Sanad and in cases of actual injustice.

10. Exchange and transfer of alienated lands.

“The Collectors”, wrote Major Goldsmid, “have been addressed on this point to the effect that exchange and transfer of any but garden lands in alienation should not be entertained except on very special grounds, such as a case in which the convenience to Government would be great.”

Exchange and transfer of alienated lands.

11. Disputes with Zamindars and cultivators. This was a matter entirely for the Collector to decide, according to Major Goldsmid.

Disputes with Zamindars and cultivators.

Farming lands resumed by Government.

12. Farming land resumed by Government. This heading Major Goldsmid illustrated as follows :—

“I. A. B. C., and D. are sharers in a Jagir, each holding his separately measured allotment for life. B. dies and A. petitions Government to be allowed to farm the lapsed share in preference to any applicant from without.

“II. A. is a Jagirdar who succeeds to three-fourths of his father’s Jagir, a quarter having been resumed under the rules for regrants. He requests to be allowed to retain the whole alienation, paying Government revenue demand upon the one-fourth lapsed.

"The Collectors are enjoined to give the preference to Jagirdars under these and similar circumstances ; except, indeed, any valid reasons exist for a contrary course."

Hissadari levy of 6 per cent.

13. Hissadari* levy of 6 per cent. under Sir Bartle Frere's No. 1373, dated 7th June 1858. The detail was one of revenue and belonged to the Collector's department, as ruled by the Commissioner on the 12th June in a circular to the Collectors.

14. Five per cent. cess for roads and schools. This was described and illustrated by Major Goldsmid in a separate appendix, and will be found separately treated in this work.

15. Remission of tax on Fisheries.

"This question," he wrote, "is one of no material bearing upon the general question, and its disposal is dependent on the specification entered in Sanads of former Governments, or upon clearly established precedents."

382. Major Goldsmid had not been able to register the personal appearance of the whole of the inferior class of Jagirdars, and he, therefore, suggested that extracts from his rough roll might be forwarded to the Collectors with a request that they would take an opportunity of testing and completing, or at least adding to the information therein afforded, during their district tours. He also wished to be authorized to address to holders of alienations in the hereditary class, a request to supply him with the names of their sons, and the age or approximate age of each, and to instruct them to intimate for the future, intelligence of births and deaths to the Assistant Commissioner in the Revenue Department, who would affix his initials to every new entry in a register of heirs to be kept for the purpose. It was not advisable to enter the names of the heirs in the printed rolls, as the object of future reference would, in many cases, be nullified by the intervention of a death casualty, "and were the names of all sons to appear in print, the occurrence of future casualties would only seem to create still greater confusion."

* Separately treated.

383. On the 1st of November 1861, Mr. Inverarity, in
Issue of 3rd and 4th Class Jagir Rolls to Collectors. forwarding the Rolls of 3rd and 4th Class Jagirdars to the Collectors, took occasion

in his No. 3181 to endorse many of the suggestions made by Major Goldsmid in his "Completion report." He referred

Questions as to Alluvion and Diluvion, Land included within forest limits, Means of irrigation and water-rate. Disputes with Zamindars, to be dealt with in the Revenue Department.

to the heads of reference detailed by Major Goldsmid, and said the 1st, 2nd, 4th, and 11th, relating to the disposal of lands under the rules of Alluvion and Diluvion, land included within Forest limits, means of irrigation from Government canals, and

disputes with Zamindars and cultivators, called for no comment.

The water-rate (No. 3) was a question of general revenue then

Questions regarding measurements and boundaries.

pending, but disputes regarding measurements and boundaries (No. 5) involved, on the con-

trary, "not only references to the records of the Jagir Department, but the continuation of a system of annual survey and measurement of Jagir lands." For this reason a

Survey establishment. surveyor had been permanently appointed to the Commissioner's office, and the Assistant Commissioner in the Revenue Department would, in conjunction with the Settlement Officer, dispose of his services to the best advantage during each working season.

384. Regarding petitions for opening up old rejected claims, and
Regrants. questions arising on the death of present incumbents (Nos. 6 and 7), the Collectors were instructed pending the publication of the final report about to be submitted to Government, to refer to the documents then before them, and use their discretion in replying of their own knowledge or in submitting the case to the Commissioner for instructions.

385. As to the claims of persons not mentioned in Sanads
Claims to shares. to shares of produce (No. 9) rules were under preparation, but in the meantime the Collectors were to act on the rules in force.

386. "The question (No. 10) of exchange and transfer of any but Exchanges and transfers. garden-lands in alienation," repeated Mr. Inverarity, "should not be entertained except on very special grounds, such as a case in which the convenience to Government would be great."

387. With regard to No. 12 also, he could only repeat the instructions already made known more or less in demi-official or vernacular correspondence on particular references, "that where practicable an applicant should be allowed the first chance of farming lands accruing to Government from his father's or family Jagir" "In other respects," he added, "the arrangement is purely one of ordinary Revenue routine."

388. The Hissadari levy and the 5 per cent. cess (Nos. 13 and 14) required no modification of rules in force, but the Commissioner begged that more care be bestowed on the due distribution of the 5 per cent. cess, and in proposals for the expenditure of the cess on local purposes.

389. The remission of tax upon Fisheries (No. 15) might be held a matter of ordinary revenue, "though, as a rule," he added, "remission should not be allowed in alienated lands, unless when so provided in the title-deed or under exceptional circumstances."

390. On the subject of assessments or liens upon regrants (No. 8) the Commissioner left the Collectors at liberty to act upon Sir Bartle Frere's order No. 1037, dated 4th May 1858. But there was another question under this head which concerned the revision of cash assessments already fixed by the Jagir Department. "Whether the share be $\frac{1}{4}$, or as frequently in the resumed Districts $\frac{1}{2}$ or $\frac{1}{40}$, one rule must hold equally good for all, should relief in these instances be allowed." The rule laid down by Sir

Bartle Frere was the rule which was quoted for the future guidance of the Collectors. They were to revise “upon an average of ten years, taking into account the returns of produce up to date of revision.” “In the matter of regrants,” continued Mr. Inverarity, “passed under the Rules of 1853, when the settlement was made upon the calculation of the produce of 5 years prior to casualty, and allowing so many acres of land for so many measures of grain, I understand it to have been my predecessor’s wish that such settlements only should be revised in which the regrantee had been a proved sufferer.” Each case was, therefore, to be considered upon its merits, *i. e.*, according to the degree of hardship entailed, and in this light only recommended to the Commissioner for revision. The Commissioner further directed that “all changes of assessment on land for money, should be reported in the vernacular to the Assistant Commissioner, and must have reference only to the person named in the written Rolls forwarded. For the superior classes of Jagirdars no change of the kind can be admitted except under express sanction of the Commissioner, obtained in the usual manner in the English Department.”

391. Finally, the Collectors were told to forward any applications received from Jagirdars for the return of their Sanads given to the Jagir office with their recommendation, and to circulate these instructions among their Deputies and Kardars.

392. On the 23rd November 1861, (No. 321), Mr. Inverarity forwarded Major Goldsmid’s final report with its accompaniments* to Government.

Applications for return of documents.

Major Goldsmid’s completion report and his Jagir compilation sent to Government.

* There were 9 Appendices intended for publication.

I. Prior periodical reports from January 23rd, 1854. This Appendix was designed to complete the series of Progress Reports of which Major Goldsmid’s last was the 7th.

II. General correspondence divided into 3 heads :—

1st. From the conquest up to the appointment of a separate establishment for Jagir inquiries or from 1849 to 1853,

2nd. From Captain Stack’s appointment to the re-opening of the Jagir inquiry or from 1854 to 1857,

3rd. From Sir Bartle Frere’s investigation into the claims of Sirdars to the close of inquiry, or from 1858 to 1861,

393. In reference to the question "regarding succession to hereditary Jagirs on failure of lineal heirs male, or to Jagirs on failure of heirs male or legitimate claimants whatsoever," Mr. Inverarity stated that in his opinion, "on the occurrence of each and every such occasion a special report on the condition and circumstances of the family should be forwarded by Collectors to Government, in the Political Department, previous to the adoption of any steps towards resumption." (Para. 9.)

394. In regard to the question of sub-division amongst co-sharers, it was a subject of regret to Mr. Inverarity that the mere fact of succession by the heir should itself have been construed in Sind a bar to the assertion of rights by others who, up to such succession, might have been considered to have had a share or interest in the inheritance.

"The lineal male heir," continued he, "is under the Government rule the registered nominee or incumbent, and although Sub-division of produce among co-sharers should be left to the Courts. Government is not called upon to recognize sharers, yet it does not by recognizing the heir bar the right or title of other members of the family to their accustomed shares. Under this view I would record my opinion that although the heir may be duly registered and in possession, yet claims upon him arising out of that possession, urged by members of his family, which he may repudiate or decline to meet, may justly, and with reason, be left to the adjudication of our Courts of Law." (Para. 10).

395. In reference to the registry of heirs, Mr. Inverarity had requested Major Goldsmid to complete an office register of them from the information already in his possession. "When this information can at present be readily

III. Rules—

(a). Of general application.

(b). Special illustrations.

IV. Survey of Jagirs.

V. Classifications of persons of rank.

VI. Classification of alienations.

VII. The Sayads of Tatta.

VIII. Forms of Sanads.

IX. Records of the department and establishment.

obtained from other sources," he added, "I feel a delicacy in authorizing a formal application in writing to each Jagirdar on a subject to which native rules of etiquette attach an importance to which Europeans are strangers."

396. In their Resolution No. 172, dated January 15th, 1862, (Revenue Department) the Government of Bombay approved of the Commissioner's proposal contained in his 10th paragraph "with the condition, however, that no Jagir case of the nature described should be admitted on the files of any Civil Court, without the written permission of the Commissioner in Sind. "This" they said, "would ensure all other methods being tried before resort to the Law Courts."

Government approve Mr. Inverarity's proposal regarding disposal of claims to shares by Courts with a modification.

397. They also approved the proposal in the 9th paragraph of the Commissioner's letter, pending his report upon the subject of a Summary Settlement which they recommended for Sind.

And also his proposal regarding resumption of lapsed estates after report.

398. This recommendation was made on the following grounds :—

"It may, in the first place, be objected that the Sind Jagirs being now settled, and the completion of the settlement having been reported in these papers, there is now no cause for any summary proceedings. But this objection is not valid. The introduction and perfection of the settlement now made cannot be finished for 40, 50, or 60 years, until all the Jagirs granted for one or two lives shall have lapsed. Till then the Collectors must be constantly on the look out, and the inquisitorial proceedings so distasteful to the Jagirdars must continue. Again, there has been an increase of 4,000 or 5,000 Rupees a year to the cost of the Commissioner's office to provide for the 'Jagir work,' and a protracted survey and examination of all these Jagir estates is going on which will last many years. As regards this survey, the existing boundaries of the rent-free holdings have long ago been laid down, and the object now is to compare these holdings with the area which it has been decided to give hereditarily. The Jagirdar is not bound to give up cultivated land if his holding is found to exceed his grant. He will give up unarable waste, which will be useless to Government and would much better be left in the hands of the Jagirdar." (Para. 4).

Government recommend a summary settlement for Sind.

Because it will save the Collectors from supervision, the Government from survey and other expenses, and the Jagirdars from inquisitorial proceedings.

Practice regarding excesses found in Jagir areas.

To look at the effects, in a financial point of view, of applying the Summary Settlement. The lands which will be permanently hereditary may be estimated at 1,77,320 Rupees*; on these a Nazarana tax of 1 anna to make them transferable will yield Rs. 11,080. The remaining third (*i. e.*, of Rs. 2,65,973, or in figures Rs. 88,660), as well as the Jagirs continued for one or two lives must pay both Chowth and Nazarana to make them heritable and transferable; this will yield Rs. 1,07,109, and Government would therefore get a present revenue of Rs. 1,18,187. (Para. 5).

“His Excellency in Council has little doubt that a Summary Settlement, arranged so as to suit Sind, would be acceptable to the Jagirdars. The Commissioner should, therefore, obtain and submit to Government their opinions on the question; and if a majority of them be in favor of it, the Summary Settlement will be applied to them. (Para. 6).

“Major Goldsmid does not think that in the long run any great difference will be found between the actual area of the holding, and that granted in the Sanads. It is, therefore, allowable to assume the value calculated on the Sanads to be the value of the holdings which would be summarily alienated in perpetuity, *viz.* Rs. 5,05,616 and deducting the Chowth and Nazarana „ 1,18,189

Rs. 4,01,880

or four lakhs of Rupees will remain as the property of the Jagirdars. (Para. 7).

“The present system, if carried out, involves a present charge of Rs. 5,05,616 yearly, to be reduced gradually during a period of 50 or 60 years to Rs. 1,77,320 a year; and if the Jagirs be now summarily settled, there will be a permanent charge of four lakhs of Rupees.

His Excellency in Council believes that the ‘present values of these payments will be found nearly equal,’ the assessment having been calculated not on the Revenue Survey rates, as in the Deccan, but upon the profits of the Jagirdar on the proceeds of the Jagir for a series of years. Government had little doubt that the assessment which would eventually be placed on the alienated lands would be much less than the estimated values.”

399. Regarding the compilation of a history of the Jagir enquiry,

Jagir compilation. His Excellency in Council was of opinion that many of the letters in the immense mass of correspondence submitted by Major Goldsmid might be summarized, and that the

* Major Goldsmid's estimate was Rs. 2,65,979, but as the grants so valued were declared permanent to “lineal heirs male” only, the Government inferred that there was no absolute permanent alienation. Moreover, the grants included those to the Talpurs and Sirdars, parts of which were to revert to Government at the death of the present occupants. Hence the Government estimate at Rs. 1,77,320 or $\frac{1}{2}$ rda.

whole might be much reduced in bulk. The Commissioner was, therefore, instructed to request Major Goldsmid "to prepare and submit to Government for the purpose of being printed, a summary of all the correspondence which had taken place on the subject of the Sind Jagir enquiry, including the reports periodically made by himself."

400. In accordance with the Government Resolution, the Commissioner, on the 25th January, requested Major Goldsmid "to show the principle of the summary settlement and the effect of its application to Sind Jagirs, and to fully explain both to Jagirdars, when obtaining their opinion".

Commissioner's instructions to Major Goldsmid.

401. On the 7th of April 1862, Major Goldsmid submitted for approval a circular which he intended to issue to the Jagirdars, in which it was explained that the Jagirdars could secure all the lands in their possession in perpetuity "as heritable and transferable property without reservation as to adoption, collateral succession or transfer," on payment of an annual Nazarana of one anna for each rupee of assessment fixed by the Survey and Settlement Officer on Jagir lands, in the same way as on Ryoti lands, and of rent equal to one-fourth of such assessment.

Major Goldsmid's draft circular regarding Summary Settlement.

402. Major Goldsmid pointed out that as regards assessments, the question was a far more difficult one than could be imagined by those unacquainted with the details of alienated, as well as other assessable land in Sind.

Major Goldsmid's objections to the Summary Settlement.

"Sailabi or inundation land," he said, "may have yielded crops for 5 years preceding a Jagirdar's demise, but the river may desert the locality for the five years succeeding. An assessment made upon the first period would be out of place on the second, and so *vice versa*, supposing a case where Government would be the loser."

1. Fluctuations of cultivation and revenue in Sind.

403. The introduction of the Summary Settlement meant, moreover, a departure from the policy of resuming waste lands which

ever since the Conquest had been "the law of the land," and had been finally confirmed by the Supreme Government, and by the

2. Principle of resumption of waste already sanctioned by Secretary of State.

Secretary of State. Taking as his guide the Bill read before the Legislative Council of India on the 6th July 1861, on the subject

of Summary Settlements, Major Goldsmid stated that strictly it would be only applicable to charitable grants, and Pattadaris in Sind, all other grants having been excepted by the terms of the bill. But even if the bill could be made to apply to all permanent grants, the spirit of the Summary Settlement seemed hardly to admit of the class distinctions made in settling the Sind

3. Summary Settlement would not admit of class distinctions on basis of *status*.

Jagirs on the basis of status. Sir Charles Napier had offered terms which savoured of a Summary Settlement but these had not been accepted, and Major Goldsmid, though he showed the principle and the effect of the Summary Settlement in obedience to the Commissioner's order, did not anticipate "that the majority of Jagirdars would voluntarily accept present taxation for prospective benefits."

404. It was not until the 14th of April 1863, that the Commis-

Commissioner's reply to Government—Resolution regarding Summary Settlement.

sioner replied to the Government Resolution in his No. 142. He submitted that it was undesirable to alter a settlement which had

been made after so much careful and laborious enquiry, and which had received the approval of the Secretary of State for

Summary Settlement would unsettle minds of Jagirdars.

India. He was also of opinion that the proposal of any change would only unsettle the minds of the Jagirdars. The greater

portion of the land which would ultimately be resumed by Government was unarable waste, and it was hardly likely that a

Jagirdars would not pay assessment for the privilege of retaining unarable waste.

Jagirdar would consent to pay anything for the privilege of retaining such land. Some few who were in debt might be ready to pay a

Nazarana tax for permission to alienate their lands, but the Commissioner thought that every such instance might form the

Only indebted Jagirdars might agree to Summary Settlement in order to be able to alienate their Jagirs.

subject of a special report to Government, and that it was inadvisable for the convenience of a few needy Jagirdars to impose a tax upon the whole class. “Unless therefore,” he concluded, “I am again directed by your Excellency in Council to do so, I shall forbear to submit the proposal to the Jagirdars.”

405. The Resolution No. 1574, passed by Government on this letter on the 16th May 1863, ran as follows :—

“Government defer to the opinion of the Commissioner

Government finally abandon their proposal to introduce Summary Settlement.

“whose views should be acted upon.” This

Resolution was confirmed by the Secretary of State in his Despatch No. 47, dated 31st

May 1864, which was forwarded to the Commissioner on the 20th of August 1864.

406. The compilation of the Jagir Summary left afterwards to the Bombay Secretariat had been completed in November 1862,

Distribution of printed Jagir compilation.

in which month the printed copies had been distributed to the Collectors. This Sum-

mary did not contain the rolls of all the permanent Jagirdars as had been at first proposed. On the 26th of June 1863, Mr.

Mr. Mansfield's instructions to Collectors.

Mansfield in his circular No. 1334 to the

Collectors, promised to supply them shortly with new rolls, and directed them in future to give the necessary orders in accordance with the rules, on the death of a Jagirdar, and merely report the final arrangements for record, and to dispose of Jagir questions in the same manner as they dealt with other matters of revenue administration. “All Jagirdars,” he added, “should be given to understand that they should make all their petitions to you in the first instance, and only appeal to me if they are dissatisfied.”

Issue of rolls of permanent alienations to the Collectors.

407. On the 2nd September 1863, Four Rolls, *viz.*, (1) of First Class Jagirdars, (2) Talpurs, (3) Sirdars and (4) Pattadars, Hissadars, and Khairatdars, were accordingly forwarded to the Collectors signed by Mr. Maxwell Melvill, Assistant Commissioner in Sind.

SECTION VI.

JAGIRS IN THAR AND PARKAR.

408. After the Conquest of Sind, the District of Thar and Parkar with the exception of Umarkot, Chilar and Guddra (which were attached to the Haidarabad Collectorate) was placed under the Political Agent Cutch, by Sir Charles Napier, and it continued under this Agency until 1854, when it was annexed to Sind. The few Jagirs in the Umarkot and Nara Talukas were classified by Captain Pelly on the same principles as Jagirs in the rest of Sind—and it is, therefore, only necessary in this chapter to state how Jagirs in the Desert and Parkar were settled. The Sodha Rajputs who under their leader Purman had wrested Umarkot from the Sumras in 1226, A. D., and who had themselves been deprived of this possession by the Kalhoras in 1750, appear to have held out against the Talpurs with success until 1831-32 in the Desert,

Position of the Thar and Parkar Chiefs. and until 1834 in Parkar. Their chiefs collected the land revenue, levied transit and town duties, imposed the grazing tax and another tax called the Marriage tax in some parts, and virtually enjoyed independence. Even after the Amirs assumed the Government, the chiefs of Parkar and Virawah (standing over against Parkar on the confines of the Desert) enjoyed a position more analogous to that of the Malik of the Numrias than of ordinary Jagirdars.

409. The Rana of Parkar, Ratansing, was murdered in 1832 by Jagoji, but was succeeded eventually not by Jagoji but by Rana Karanji, under the orders of the Amirs. Karanji, who according to

Karanji succeeds Rana of Parkar. Captain Raikes,* was a cousin of the murdered Rana, but according to Colonel Evans,† the son of a poor labourer of Ranpur adopted by the Rana's

* Vide memoir on Thar and Parkar, p. 25.

† No. 382 dated 31st October 1859, to the Commissioner.

widow, was only 3 years old at the date of his investiture with the dignity and privileges of Ratansing, and owed his good fortune to the intercession of the English Government with the Amirs in his favour.

410. On the Conquest of Sind by Sir Charles Napier he was found in possession of the villages of Ranpur and Surachand under a Sanad of the Amirs, and in the enjoyment of one-half of the town and transit duties of Parkar.

411. The Chiefs of Virawah† besides holding the *town* of Virawah rent-free and enjoying half the town and transit duties of their *district*, had an assignment of $\frac{1}{4}$ of the land revenue of all the villages in their district, and derived no inconsiderable income from the Salt lake of Mukhai.

412. Sir Charles Napier by sanads dated 15th October 1844, and 1st May 1847, respectively, confirmed both these Chiefs in their possessions for 7 years, but substituted $\frac{1}{2}$ of the frontier duties for $\frac{1}{2}$ of the transit duties which were abolished. He also continued Ukka Malday manager (Pirdhan) and naib to the Rana of Parkar, in the rent-free enjoyment of the village of Mokleah for 7 years, by a Sanad dated 15th October 1844. The limit of 7 years appears to have been fixed with the view of enabling Government to make such modifications from time to time as circumstances might render expedient. But at the expiration of the term the grantees were informed, agreeably to instructions from the Commissioner in Sind, that no immediate alteration was contemplated in their existing privileges, and that the renewal of their Sanads was under consideration.

413. The town duties were abolished in 1848, and the frontier

† Ladaji walad Punjaji, Punjaji walad Mohorji, Naranji walad Mohorji, Wagji and Jaggatsing.

Compensation to Chiefs for abolition of town and frontier duties. duties in 1852. But compensation was given for this loss both to the Chief of Parkar and of Virawah to the extent of Rs. 2,158 and Rs. 1,805 per annum, respectively—besides sundry sums to their clans.

414. In addition to the three Jagirdars specified above, there were several other Chiefs to whom Sir Charles Napier issued Sanads in October 1844. But none of them could in strictness be called a Jagirdar. The Chief of the Raomas in Baliari and the Chiefs of the Norays and Sodhas in the Noreki and Sodhki divisions of Dipla, enjoyed assignments of land revenue which were commuted to yearly pensions. **Other alienees.** The town and transit duties enjoyed by the Chief of Pitapur were likewise commuted for an annual allowance of Rs. 10. The Sodha Chiefs of Mitti and Islamkot were given 4 and 16 Santhis* respectively, for cultivation, and the Chiefs of the Vasaipotras and the Mays were confirmed in their rent-free possessions of 11 and 19 *Thurrs*,† respectively. But these Santhis and Thurrs were rather grants of the nature of Seri than Jagir, and have therefore, never been treated as Jagirs.

415. All the three Jagirs of the Rana of Parkar, his Naib, and the Chief of Virawah, together with their other privileges were confiscated in 1859 after the revolt, which broke out in that year in Thar and Parkar, was quelled. It is necessary to take a bird's eye view of the events which led to this revolt, as well as of those which followed it, in order to understand the origin of the present Jagirs in the District.

416. It was on the 15th of April 1859, that Rana Karanji with his brother Bhopatsing and the Thakurs (Chiefs) of Virawah, Lakdir, and Barana rose against the British Government. The main cause of this insurrection lay in the enforcement of certain administrative reforms

* Santhi—as much as can be cultivated with one plough.

† Thurr—a watering place with a hamlet, plough, and patches of cultivation.

which, though sanctioned long ago, had not been put into practice during the incumbency of Captain Raikes.

417. The Kardars under Captain Raikes were all Nagar Brahmins, friendly to the Chiefs. The Police were under the control of the Kardars, and the retainers of the Chiefs were, therefore, generally safe from their clutches. At the Battai season, the chiefs were not prevented from exacting certain perquisites from the cultivators in the district, and they enjoyed the grazing tax. All this was changed when Thar and Parkar was placed under the Commissioner, and a Kardar was sent from Haidarabad. A Revenue Survey was commenced, enquiries were set on foot regarding the grazing tax—the licensing system was substituted for the farming system in respect of opium to which the chiefs were addicted, and from smuggling which they had been de-

Causes of revolt. riving no small profit. The retainers of the chiefs were no longer safe from arrests for offences. One of Karanji's immediate followers was fined by the Kardar for damaging a well, and the Rana's intercession proved of no avail. The Rana had a boundary dispute with the Patel of the village of Kasba which was decided against him by Lieutenant Tyrwhitt, and on his failing to erect the necessary boundary marks, the cost of their erection was recovered from him just 20 days before his rebellion. To add to these causes—some young men of the Telegraph Department working in the district, had caused great excitement by impressing labourers, taking liberties, and intriguing with, some Koli women, and refusing to pay for supplies. And the visit of the Rajput witnesses to Haidarabad to give evidence at the trial of these officials disclosed to them the scanty force garrisoning the capital itself.*

418. When therefore, the Rana raised the standard of revolt on the 15th of April 1859, more than 2,000 Kolis and others flocked

* Vide No. 388, dated October 31st 1859, from Colonel Evans, to the Commissioner. No. 1844, dated 14th November, from the Collector of Haidrabad, to the Commissioner, and Commissioner's No. 150, dated 28th November 1859, to Government.

to his camp. He attacked the Kardar's Kacheri and the Police Thana, and plundered the treasury. The news of the out-break reached Haidarabad on the 19th April, and Colonel Evans, then commanding that station, who had immediately despatched a wing of the 3rd Baluch Regiment towards Nagar—received orders on the 24th, to proceed himself to take command of all the troops converging on the town from Haidarabad, Ahmedabad, Cutch and Deesa. He caught up the Baluchis on the 30th April at Islamkot (62 miles from Nagar) where also he found the Deputy Collector and Magistrate of Thar and Parkar, Lieutenant Tyrwhitt, with his "Levies," and a large party of Sodhas and other native volunteers under the Sodha Chief of Umarkot. On the night of the 1st May the Deesa force under Major Quayle, was attacked by the rebels and forced to halt till morning when the attack was again renewed. The flashes of the guns of the Deesa force were plainly visible to Colonel Evans though he was at a distance of nearly 50 miles, and sending a messenger to Major Quayle, he marched onwards, and on the morning of the 2nd May reached Virawah which was found deserted, the only human being in it being a Sami, (a class of friars). However, the wife of the Thakur of Pitapur—Phulbai who had stood on the defensive when the insurrection first broke out, and had offered the police force in the village, asylum in her own house in case of necessity, sent large supplies of provisions for which she was afterwards rewarded with the grant of her village in Jagir for her life. On the next day, Colonel Evans was joined on his line of march by the Sodha

Services of Phulbai, Thakurs of Budhesar, Samatji, and Habbaji
 Samatji and Habbaji. his cousin (who represented the elder branch of the family), with their Bhyad (or clan). They informed Colonel Evans that the Nagar people intended to fight, and had poisoned the wells, and their information turned out correct. The town of Nagar was, however, taken on the 3rd of May, after a spirited resistance, and the insurgents were driven into the hills, whence they dispersed in all directions only to meet

again in Marwar. On the 18th of May, therefore, Colonel Evans, with the Budhesar Thakurs made a march of 66 miles on Kejriara, and beat off the rebel camp killing some and making several prisoners. The fugitives however could not be pursued owing to the darkness of the night—the quick-sands of the river Luni, the thick jungle, and to add to these difficulties, a storm of rain. On the next day and the following days up to the 1st of June, they were labouriously tracked through Marwar, to the hills of Wudgaum—but without success. Colonel Evans, after conferring with the Agent of the Governor General at Rajputana as to the best means of hunting down the rebels, and seeing the Political Agent Jodhpur off for this purpose, returned to Nagar on the 15th, only to find 4 days later the Rana and his colleagues as strong as ever. On the night of the 19th Karanji and the other Thakurs attacked the Kacheri,* killing and wounding several Sepoys. They were however, driven off with severe loss, and did not venture to approach Nagar again. The Thakurs of Budhesar were present at this action, and Colonel Evans, on August 23rd 1859, thus referred to their services from “the date they had joined him—“ From that day to this these “Thakurs have never left me, having accompanied me to Marwar, “and to Abu; and on the morning of the attack in June last, “they were the first to join me, and to give ready and prompt “assistance in tracking the rebels.” And again “these men have “been employed in various ways, in fighting for us, in collecting “forage and provisions, in risking their lives as spies, in making “long and fatiguing marches in Marwar.”

419. He therefore recommended (1) “that the village of “Budhesar (producing a revenue of Rs. 300, a year) should be granted “rent-free to the two Thakurs and their heirs for ever, and also (2) “that an annual money payment of Rupees two hundred be made “them out of the estates forfeited by the rebellion of the Chiefs

* Court house.

Jagirs proposed for them by Colonel Evans sanctioned by Government.

of Nagar, Virawah, &c.”* Mr. Frere considered this reward to be no more than was suitable and well deserved† and the Bombay Government made “a strong recommendation” to the Government of India for its grant‡—which was sanctioned§ “in consideration of the loyal services performed” by the Thakurs. The object of granting the allowance of Rs. 200, was “to make up for the poverty of the village presented to the “Thakurs,” and as the village was granted in perpetuity, the Bombay Government ruled that the allowance was meant to be so also. (Bo. Govt. Res. dated 29th March 1860, forwarded with letter No. 1560, dated 7th April 1860, to the Commissioner and letter from Bombay Government No. 2039, dated 12th May 1860, to the Commissioner.)

420. The other persons recommended for Jagirs for their services during the insurrection were as follows :—

Name.	Nature of grant or privilege.	Rough valuation per annum.
1. Phulbai wife of Surat-sing Thakurani of Pitapur.	Village of Pitapur (about 7,000 bigabs) rent-free for life	Rs. 400
2. Rana of Umarkot...	Village of Kawra (about 6,000 bigabs) rent-free for life, besides a sword worth Rs. 100	„ 120
3. Mowji Lohana** ...	Village of Kasba (about 8,000 bigabs) rent-free for life	„ 350½

* Colonel Evans' No. 239, dated 23rd August 1859.

† Letter to Government dated 17th November 1859, Political Department.

‡ No. 5286, from the Government of Bombay to the Commissioner dated 14th December 1859.

§ No. 834, dated 27th December 1859, from the Government of India, to the Government of Bombay.

** The services of Mowji were described by Colonel Evans in his No. 233, dated 20th August 1859, to the Commissioner in the following terms :—“ Mowji is a very respectable Lohana merchant of Bhuj, well known there to Colonel Trevelyan and who has been of very great use to the force since it came to Parkar, both in supplying it with provisions as well as with information. Indeed, without Mowji's exertions, even those of Lieutenant Tyrwhitt would, at times, have been almost inadequate to meet all our wants.”

The first was sanctioned by the Government of India in their Other Jagir grants. No. 834, dated 27th December 1859, to the Government of Bombay, the second was sanctioned by the Bombay Government in their No. 406, dated 26th January 1860, and the third by the Government of India, in their No. 1352, dated 30th June 1860, to the Bombay Government. All these grants were subject to no other cess than 5 per cent. for the maintenance of roads and schools.

421. Besides these four Jagirs, one of which was in the First Class, and the rest in the Fourth Class, several Grants of *Thurrs* and *Hurlas* excluded. *Thurrs* and *Hurlas* were granted rent-free to their holders for their loyal behaviour and assistance during the outbreak, and there appear to have been many such free holdings before. Their continuation to the holders' successors rested however "upon political or local considerations," and Major Goldsmid therefore proposed "to leave them out of the "four Classes of Jagir and to treat them as special alienations."†

† Appendix C to his Progress Report No. 138, dated 2nd July 1860.

SECTION VII.

ALIENATIONS IN UPPER SIND FRONTIER DISTRICTS.

Classification.

422. Alienations in the Upper Sind Frontier District now consist of six kinds :—

1. Political Jagirs or rent-free grants held in perpetuity on special tenure.
2. One Second Class Jagir grant.
3. Two Pattadari grants.
4. One Khairat grant.
5. Five special life-grants.
6. Miscellaneous grants.

By far the most important of these are the grants included under the head No. I.

423. To quote the words of General Sir William Napier in his history of the administration of Sind, these grants first arose from Sir Charles Napier's "singular expedient for protecting the Frontier of Sind against outstanding robbers."

Origin of Jagirs and the terms on which they were granted.

"Houses and lands," says Sir William Napier, "were bestowed (on these tribesmen) on the military tenure of opposing the incursions of their kindred robbers still in arms, yet with this stern admonition, that if they themselves robbed any one, or failed to oppose the incursions of others, their lands would be taken away, the Chiefs hanged, and the followers set to labour in chains."

It appears that on the blockade of the Baluch tribes by Sir Charles Napier in the fortress of Traki in March 1845, the Jakhranis, Dumbkis, Ramdanis, and Mundranis surrendered on condition (1) that their lives should be spared, (2) that they should be settled in the District of Ropah, north of Shikarpur, and (3) they should be allowed liberty during good behaviour, and subsistence as camp followers, until they could raise crops to support themselves.

424. The tribes which had thus surrendered, were placed under the charge of Captain Goldney (then serving as a volunteer with the army of His Highness Mir Ali Murad) who conducted them to Khanghar, the modern Jacobabad, on the 14th March 1845. "Here," writes Captain Goldney—

"I took the principal men of the various tribes to several places in the Ropah district and also in the neighbouring Divisions, Mubarakpur, and Dulelpur (better known as Mirpur), but I found none so favourable for a location as Janidera, a place abandoned many years before, on account of these very robbers, and having excellent wells, good land, and tolerable facilities for irrigation. It was also within reach of the cavalry out-post of Khangarh."

425. The Murad Wah canal and part of the Mirwah were made over to the Baluchis, being cleared at the expense of Government; Darya Khan, Jakhrani, was placed at the head of the whole, and under him, the following were held responsible for their respective people ;

"Jamal Khan Dumbki, Sileman Khan Ramdani, Dinganah Khan Mundrani."

426. These colonists apparently set about agriculture at once, for in October 1845, the crops are said to have been "very good," and the rations as camp followers, promised on their surrender, were discontinued from that month.

427. In August 1845, His Excellency the Governor of Sind (on the recommendation of Captain Goldney) made the three following formal rent-free grants to the leading men of the tribes "during good behaviour and obedience to the British Government."

1. To Darya Khan Jakhrani and his son, "600 bighas rent-free and the fort of Janidera with two packa wells."

2. To Jamal Khan Dumbki and his son, "400 bighas on the same terms."

3. To Sileman Khan Ramdani and his son, "400 bigahs on the same terms."

428. These three grants were the only formal rent-free grants made by Sir Charles Napier on the Upper Sind Frontier, of which any record can be found. In the case of all other lands given out

Formal and informal grants. to the tribes, it was clearly only intended that rent on the Government share of the produce should be remitted for a period. At first, this "period" was fixed at one year, but subsequently in 1845 it was extended to three years, and writing in October 1847, Captain Goldney recommended that the colonists be "continued on their present footing for twelve months longer, after which a light corn-rent might be imposed, and the assistance on the canals gradually withdrawn, until, at last, the bounty of Government be restricted to the Jagirs of the three Chiefs."

429. All the land thus given out appears to have been juari land, but in the spring of 1847 Captain Goldney, with his Excellency the Governor of Sind's approval, gave 50 bigahs of wheat land to each of the three Chiefs "at $\frac{1}{4}$ batai", i.e., at a rent of one-quarter the produce. This rent was, however, not levied in the first year. It was subsequently decided to levy batai at the rate of one-eighth and one-seventh produce on all lands, except those granted rent-free to the Chiefs, and these rates were apparently actually levied in 1849, except in the case of old Turk Ali and his grandson Bira, to whom Major Goldney granted 75 bigahs rent-free on the Mirwah, and with regard to whom he recommended in his No. 2161 of 21st March 1849 that "they should receive an annual grant of 100 bigahs for the future."

Major Goldney's grants restricted by Mr. Pringle to one season.

430. In reply to this recommendation, the Commissioner, Mr. Pringle, wrote:—

"I will not interfere with the exemption from rent allowed by you to Turk Ali and his grandson Bira for the present season, but I see no reason to continue the indulgence beyond that time, as it was not promised by Sir Charles Napier, which it doubtless would have been, had he considered it expedient or necessary."

431. The Commissioner, however re-considered this decision, and
 Mr. Pringle re-considers on the 27th April 1850, (in his No. 776),
 his decision. wrote to Mr. Inverarity who had succeeded
 Major Goldney as Collector, saying—

“I have been induced to re-consider my letter No. 827 of the 11th
 April 1849, and request you will continue to Turk Ali the indulgence of ex-
 emption from rent on 100 bigahs proposed in the 3rd para. of Major Gold-
 ney's letter No. 2161 of 21st March 1849.”

432. In 1851 the Jakrani Chiefs petitioned for more land and im-
 Major Jacob recom- proved water-supply, and in forwarding their
 mends that the Jakhranis petitions to the Commissioner, Major Jacob
 be allowed to hold their lands rent-free. wrote in his No. 46 of 8th March 1851 :—

“I am of opinion that it will be advisable to grant these requests. It
 appears to me that these reformed settlers who have now taken kindly
 to agricultural pursuits, should, by all means, be made to feel that they can
 earn as comfortable a livelihood in their peaceful employments, as they could
 formerly by robbery. I beg, therefore, strongly to recommend that they
 be allowed to hold their lands free of all rent. For those lands which
 they now hold, they pay, I am informed, one-eighth of produce; from this,
 they should, I think, be entirely relieved, and be allowed to occupy the lands
 originally assigned to them, as well as any others which may now be granted
 free of tax of any kind. The revenue collected is very trifling, while the
 collection is vexatious to the people beyond all proportion to its pecuniary
 amount.”

433. The Commissioner, Mr. Frere, sent a copy of this letter to
 Major Jacob's letter re- the Acting Collector of Shikarpur, with a
 ferred to the Acting Col- request that he would do his best to give
 lector of Shikarpur. effect to the recommendation of Major Jacob.

His reply in favour of To these orders, the Acting Collector
 Major Jacob's proposal. replied as follows in his No. 325 of 10th May
 1851 :—

“With reference to your letter No. 384, dated the 15th March last,
 with accompaniments, I have the honor to inform you that I have given
 Turk Ali, an additional 150 bigahs of land for cultivation during the ensuing
 Kharif. In giving the land to this Chief, I have not specified whether it
 be a free grant or liable to be taxed. Major Jacob in his letter No. 46 to
 your address, recommended these settlers should be allowed to hold their
 lands free of all rent. When the land was first apportioned to them, the
 following allotments were made free of rent :—

1. Daria Khan Jakhrani, 600 bigahs on the Murad wah.
2. Jamal Khan, Dumbki, 400 bigahs on the Rind wah.
3. Sileman Khan, Ramdani, 400 bigahs on the Mirwah.
4. Dhinganah Khan, Mundrani, 400 bigahs on the Mirwah.
5. Turk Ali Khan, Jakhrani, 100 bigahs on the Mirwah.

“Any additional cultivation which these people carried on, was bataied at the rate of $\frac{1}{8}$ th the first year, $\frac{1}{7}$ th the second, $\frac{1}{6}$ th the third, and $\frac{1}{5}$ th the fourth, and all following years at the rate of $\frac{1}{4}$ th of the produce. The amount received in batai by Government is really so very small, amounting only to about 8 Kharwars more or less, that I would beg to recommend its entire remission.”

Mr. Frere authorizes remission of assessment.

435. To this recommendation, the Commissioner, Mr. Frere, replied as follows in his No. 863 of the 23rd May :—

“I have the honor to acknowledge receipt of your letter No. 325 of the 10th instant, and in reply to inform you that I approve of the grant of 150 bigahs of additional land to Turk Ali, and authorize the remission recommended to the other Chiefs at the end of para. 1, as far as Government lands are concerned.”

Grants covered by Mr. Frere's sanction.

436. This letter of Mr. Frere (No. 863 of the 23rd May 1851) was the original authority for the grants now held rent-free by—

1. Ghulam Ali Khan walad Darya Khan, bigahs 16,111-19-17.
2. Jamal Khan Dumbki, bigahs 3,538-3-9.
3. Mubarak Khan walad Sileman Khan, and Alisher walad Dhingano Khan, bigahs 11,190-14-3.
4. Mubarak Khan walad Sileman, bigahs 150-0-0.
5. Ghulam Khan, Jakhrani, bigahs 300.
6. Dad Muhammad Khan, Jakhrani, bigahs 6,843-18-0.

437. From the date of Mr. Frere's orders, the tribes were allowed to cultivate as much land as they required, free of any batai or assessment, and as the numbers of the tribes increased, of course the area cultivated increased also.

438. The desirability of putting some limit to this indefinite increase of free cultivation, appears to have suggested itself to the authorities on the Frontier some time before 1861, for in that year, orders were issued to the Kardars by the then Assistant

Limitations on indefinite increase of free cultivation.

Political Superintendent (Major Briggs) directing them to measure up and demarcate the lands held by the tribes and their Chiefs. This work was carried out by the Patwaris or Village officers, and “Paṛwanas” or separate and formal written orders were then addressed to the Kardars, (officers corresponding to Mukhtyarkars) by the Political Superintendent, directing them to continue to the Chiefs, the lands specified therein. All doubts

Nature of tenure defined as to the nature of the tenure, were set at
by Sir W. Merewether. rest by Colonel Sir W. Merewether’s No.

1080 of 4th November 1873, which distinctly declared that all lands given to the Jakhranis and Dumbkis in the neighbourhood of Jacobabad in 1845, “should be held in perpetuity as 1st Class “Jagirs and granted to the legal heirs in succession.”

439. From the above account, it will be seen that when the

Summary. tribes were first settled down in 1845 by

Sir Charles Napier, only three formal rent-free grants of 600, 400, and 400 bigahs were made to the three Chiefs; that lands were at the same time given out to their followers rent-free for one year; that this term was subsequently extended to three years; that a light rent was then levied for two or three years; that the colonists objected to this rent and demanded further concessions; and that, acting on the advice of Major Jacob, Mr. Frere, as Commissioner in 1851, consented to the remission of all Government demand on account of rent; that the lands were demarcated in 1861; and that in 1873, Sir William Merewether directed that all these grants should be regarded and treated as 1st Class Jagirs.*

440. There can be no doubt that the lands were granted for

Object of the grants. the support of the men of the tribes and not
for the Chiefs alone, and that these holdings

may consequently be regarded (except of course in the case of the personal grants to the Chiefs) as mere tribal allotments.

* In No. 1080, dated 4th November 1873.

441. Other grants in Upper Sind Frontier were almost all made or confirmed, under the mistaken impression that Government Resolution No. 1237 of 12th May 1865, authorized the Political Superintendent, Upper Sind Frontier, to dispose, as he deemed expedient, of 12,000 bigahs of land in the Upper Sind Frontier; whereas all the Government Resolution really did sanction was the grant of 12,000 bigahs (or about three square miles) of uncultivated land at the tail of the Shahi-wah canal to members of the Mazari tribe, in order to induce them to settle down peacefully to agriculture in Sind. As a matter

Other grants made owing to wrong interpretation of Government Resolution.

of fact, no members of this tribe were ever settled in Sind, and certainly no rent-free lands were ever granted to members of this tribe under Government Resolution No. 1237 of 1865. But this Resolution has been freely quoted as the authority under which Colonels Mainwaring, H. Green, Dick and Phayre, (when Political Superintendents of the Upper Sind Frontier) gave out lands to other tribes and persons, either as an inducement to settle, or in recognition of past, or in order to secure future, services.

442. Most of these grants were clearly made without the sanction of even the Commissioner, and it would appear from Sir William Merewether's remarks on a demi-official letter from Colonel Phayre dated 20th March 1872, asking for a grant of 200 bigahs for a chief named Yar Muhammad, that had the sanction been applied for it would not have been granted at least after 1869. Sir William Merewether wrote as follows :—

Most of the grants made by Political Superintendents without even the Commissioner's sanction.

“ Yar Muhammad has been frequently told (and it was publicly announced by me in Darbar in 1869), that no more free-grants of land would be given on the Shahiwah or anywhere else, without sanction being first obtained from the Commissioner in Sind, and then it would only be granted on very exceptional occasions. The Jakhranis have had many advantages since they were located on the Sind Frontier. They have enjoyed a very large share of the Government employment, and they have been given lands free near Janidera. They should rest contented with these favours, and if they require more land for cultivation, they should apply for it in the same way as any other Zamindar.”

A copy of these remarks was sent to the Political Superintendent, Upper Sind Frontier.

443. In 1873, Colonel Haig, Settlement Officer, Right Bank Division, on surveying the Jacobabad Taluka reported the existence of five Jagir villages in the Taluka, with an average area of 8·09 square miles each, (i. e., in all 25·908 acres) and recommended that the Jagirdars should receive Sanads, and that the Jagirs be entered in the General Jagir Roll. He added :—

“ I believe there has been as yet no formal determination of the Class to which they belong, and it would be necessary to decide the point before the Jagirs are placed on the Roll. The original grants were not distinctly defined, and the Jagirdars are said to have added very largely to the areas actually assigned to them. The survey definition has been made in accordance with the instructions furnished under the authority of the Political Superintendent, actual possession being assumed to be rightful possession.”*

444. On the receipt of this letter by the Commissioner, a list of Jagirdars in the District who held their lands without Sanads was called for, but was not furnished until the 12th of February 1876, (No. 391). It was, however, not accurate, and was returned on the 17th March for correction.

445. Before it could be re-submitted the attention of Government was drawn to the subject by the Annual Revenue Report of the Sind Irrigation Department for 1874-75 forwarded to Government on the 4th of September 1876, which showed the total amount of remissions and free-grants on the Desert Canal in Upper Sind Frontier to be Rs. 8,347, and on all the Canals in Sind together to be Rs. 4,00,188. After disposing of the Report in the Irrigation Department, the Government in the Revenue Department called for a special report respecting remissions and free-grants, and desired to be informed ;—

(1). On whose authority the latter had been made.

(2). Whether they had been confirmed by the Commissioner in Sind.

* No. 104, dated 10th March 1873, to Political Superintendent, Upper Sind Frontier.

(3). Whether there was any limit to them, and

(4). What circumstances were considered sufficient to entitle an applicant to a free-grant.*

446. This Resolution led to an extended inquiry into the alienations in Sind and eventually to the publication of the present work.

The Resolution leads to inquiry.

447. Confining our attention in this Chapter to the *non-Sanadi* Jagirs in Upper Sind Frontier, it appears that only a few of them paid either the Jagir cess or Hakabo.†

No cess or water-rate paid by Jagirs in Upper Sind Frontier.

448. The question as to the cess was referred to Government who decided in their Resolution No. 2469, dated 19th May 1878, in the Revenue Department, that the Local cess at one anna in the Rupee should be levied in the Frontier District on all Jagirs from 1st August 1878.

Government decide that the cess should be levied.

449. The question as to Hakabo was not referred to Government until the 31st of January 1881, although its levy on all holdings obtaining water from Government Canals, was sanctioned by the Commissioner, from the 1st August 1878. The delay was due to the objections raised by the Jagirdars who asserted that it was understood when they settled in the country that, they would not be called upon to pay any such rate or cess, and that as a matter of fact, it had not been levied before. The title-deeds of most of them were merely orders addressed to the Kardars by the Political Superintendent stating that land was granted to some Zamindar, Rassaldar, or Chief "free of assessment." It

Objections to the payment of water-rate and the cess.

* Bombay Government Resolution No. 12, dated 2nd January 1878.

† "The Jagir and Hakabo tax is only levied on Shah Ghazi Wali Muhammad, Ragha Khan Kulpur's and Sayad Motan Shah's Jagirs. The latter pays a nominal Jagir cess of Re. 1 and 12 annas as a charitable cess." No. 1564, dated 15th April 1878, from the Superintendent Upper Sind Frontier, to the Commissioner. Besides these Farid Khan Khosa also paid Hakabo. He and Shah Ghazi and Ragha Khan held Parwanas from the Commissioner who had inserted the conditions regarding the payment of the one anna cess and Hakabo. (See Commissioner's No. 342, dated 31st January 1881).

was not said that the Jagirdars were to get what water they wanted from Government Canals without paying for it, and the merits of the question were, therefore, clear enough. But the Commissioner, nevertheless, thought it inexpedient to enforce the rate for the following reasons :—

(1). The Jagirdars were “not very skilful or industrious as farmers.” They were mostly in debt,* and it was not probable that they would make any very heavy indents on the water-supply for many years to come, or while the social condition of the Frontier was what it was.

(2). The conditions on which the land had been granted to them *viz.*, their abstaining from plunder, their loyal behaviour, and their furnishing ready assistance to the Government in repressing disorders among their clansmen, and their aiding the police in the prevention and detection of crime, had been faithfully and diligently observed.

(3). The Jagirdars could make no distinction between the water-rate and the ordinary assessment. To them the imposition of the rate appeared in the light of a breach of faith.

(4). The Jagirdars were men of influence, and according to Major Malden, Acting Political Superintendent, they were a source of great strength to the Government on the border.

(5). They had, during the Mutiny, done excellent service by preventing an outbreak on the Frontier, and they were still performing valuable services in the capture of robbers from the Hills.†

450. On these grounds the Commissioner was inclined to think Commissioner's proposals. that “the maintenance of loyal feeling among “these Chiefs and Zamindars” would be “of more value to Government than the amount of the Hakabo and the local cess, due “from them.” He added :—

“18. Should Your Excellency in Council concur in this view, and be “disposed to rule that the imposition of the two cesses should be for the

* The outstandings against them in respect of the cess and Hakabo for the preceeding ten years were only Rs. 1,869, and yet they were not able to pay this sum off.

† “A few weeks ago some Bugtis came down to our territory and plundered “several camels. The police applied to Doda Khan who at once responded and “taking some of his men rode at such speed after the plunderers that although he “killed his mare in the effort, he was enabled to recover all the stolen property and “bring in the principal thief who was convicted and sentenced by me to two years’ “imprisonment.”—Major Malden’s No. 2928, dated 15th July 1880 to the Commissioner.—This Doda Khan held a Second Class Order of Merit for services during the Mutiny, accompanied by a grant of Rs. 2 per diem.—*Ibid.*

“ present foregone, I would recommend that the indulgence should be
 “ weighted with the following conditions :—

“ 19. In the first place, the Jagirdars should be told that the concession is
 “ a pure matter of favour, and is revocable at the pleasure of Government: that
 “ their lands are strictly service grants held in consideration of services to be
 “ rendered, and on the exertions of the holders to preserve peace and order on
 “ the Frontier.

“ 20. Secondly it should be clearly laid down that the collection of
 “ Hakabo is foregone only so long as the cost thereby incurred by Government
 “ without return is moderate. That is to say if a Jagirdar takes advantage
 “ of the indulgence to farm out his Jagir, and bring large areas under
 “ cultivation with great profit to himself, and much increased consumption of
 “ Government water, such terms will be imposed as may be necessary to secure
 “ the public interests. It will be the duty of the Superintendent, Upper Sind
 “ Frontier, to report from time to time on this subject, as he finds occasion.

“ 21. If it should appear unnecessary to make the concession in perpetuity,
 “ the Hakabo and local cess might be imposed on the first succession to a Jagir
 “ after the date of the orders issued.

“ 22. Formal Sanads clearly embodying these various conditions should,
 “ I think, be now issued.”*

451. The Government Resolution No. 1171, dated 25th February 1881, (Revenue Department) after reciting the facts in the preamble, ran as follows :—

Government Resolution
 exempting Jagirdars from
 cess and water-rate, under
 certain limitations.

“ *Resolution.*—His Excellency the Governor in Council entirely concurs
 “ in the views expressed by the Commissioner in Sind. Although the Jagirdars
 “ referred to have no legal claim to exemption from payment of the Hakabo
 “ and Local cess, and Government would be acting strictly within their power
 “ in enforcing the payment, sufficient reason is shown by Mr. Peile why Govern-
 “ ment should refrain from exercising their right. The amount payable is compar-
 “ atively trifling, but the Jagirdars are not men in affluent circumstances; they
 “ have rendered and are rendering efficient service of the nature demanded
 “ from them and on account of which they hold their lands, and valid political
 “ reasons exist to induce Government not to require them now to pay these
 “ rates.†

“ 2. Under these circumstances His Excellency the Governor in Council
 “ sanctions the adoption of the course proposed by the Commissioner in
 “ paragraphs 18-22 of his letter.”

452. On receipt of this Resolution the arrears were written off,
 Who were to be exempted. and the Political Superintendent was requested
 “ to explain fully and exactly in writing to all the Jagirdars the

* Commissioner's No. 342, dated 31st January 1881.

† The existence of the Government Resolution No. 2469, of 14th May 1878, had been pointedly brought to the notice of Government by Mr. Peile.

“terms and conditions on which the demand for Hakabo and Local
 “cess” was suspended, as they were approved by Government.
 “The indulgence,” Mr. Peile added, “should not be conceded to
 “alienees, not of the family of the first grantees, and if any of the
 “lands are in possession of mortgagees,* each case should be
 “reported for orders.” The grant of formal Sanads was postponed
 till the Survey Department should ascertain the proper area of
 each grant, and whether the holdings were entirely in possession
 of the first grantee or his lineal heirs male.†

453. The Jagir inquiry in Upper Sind Frontier proved to be no
 simple matter, owing to the irregular manner
 in which grants had been made, and to care-
 lessness in recording them. It was not until
 the 5th of June 1883, that the Commissioner was in a position
 to report its result to Government.

Report to Government on
 alienations in Upper Sind
 Frontier by the Commis-
 sioner.

1. Daryakhan Jakhrani.
2. Ghulam Alison of No. 1. Ja-
khrani.
3. Turk Ali Khan, Jakhrani.
4. Jamal Khan, Dumbki.
5. (1) Suleman Khan, Ramdani.
(2) Dhingano Khan, Mundrani.
6. Suleman Khan, Ramdani.
7. Alam Khan walad Hotkhan,
Bhugti.
8. Doda Khan, Bhugti.
9. Khudabakhsh, Kalpur.
10. Jafar Khan, Rind Ramazai.
11. Baluch Khan, Dumbki.
12. Biland Khan walad Wali Mu-
hammad, Bijkani.
13. Yar Muhammad, Khoso.
14. Wazir Khan, Dumbki.
15. Sardaru Khan, Khoso.
16. Sanjar Khan, walad Jalal
Khan, Rind.
17. Dilijan Bhugti.

454. The statement A submitted
 to Government con-
 tained recommenda-
 tions in respect of the
 estates of 27 original
 grantees, whose names
 are noted in the margin. Of
 these 27, the last was a Khair-
 atdar, and the rest were Jagir-
 dars belonging to the Jakhrani,
 Dumbki, Ramdani, Mundrani,
 Bhugti, Kalpur, Rind, Khoso and
 Khyheri tribes. The total esti-
 mated area held by them was

Names of
 persons re-
 commended
 for Jagirs.

* “There is a distinct clause in the deeds granting the Jagirs to the effect that if the land is
 “sold or mortgaged the grant becomes void. It is possible however, that the grantees have not
 “realized that this clause would be enforced” Political Superintendent to Commissioner, No. 1673,
 dated 31st May 1881.

† Commissioner's No. 898, dated 15th March 1881, to Political Superintendent.

18. Kamand Khan, Bhugti.
19. Islam Khan, "
20. Mai Mendi, "
21. Hassan Khan, walad Jan
 Muhammad Khan, Khyheri.
22. Yar Muhammad Khan, walad
 Aitbar Khan.
23. Azim Jan walad Muhammad
 Khan.
24. Jani Beg and Alam Khan,
 Jakhranis.
25. Motan Khan, Jakhrani.
26. Aitbar Khan, Rind.
27. Shah Ali (or Kuli) Mujawar.

50,427 bigahs, 21 viswas and 19 wasas, and, the estimated assessment on the portion of this area supposed to be cultivated, after deducting the area allowed for fallows, was Rs. 7,099.

455. The questions for discussions were—1st how far the written Questions discussed. orders by the Political Superintendents to the Kardars in 1861, and the subsequent declaration of Sir William Merewether in November 1873, bound Government; 2ndly whether assuming that the Government was not bound by them, it was expedient or advisable to continue these grants; and 3rdly what conditions and restrictions should be imposed, if it should be deemed expedient to continue the grants.

456. On the first question the Commissioner wrote :—

<p>How far the orders of Political Superintendents to the Kardars and the subsequent declaration of Sir W. Merewether bound Government.</p>	<p>"It is very difficult to understand how the Political Superintendents "thought themselves justified in making these grants "in perpetuity, when as Statement B† shows, the "sanction of Government was in other cases sought "for before making comparatively small <i>life</i> grants. "It seems to me quite clear that the Political Super- "intendents exceeded their powers."</p>
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457. Addressing himself to the second and third questions, the Commissioner agreed with the Deputy Commissioner, that the Baluch Settlers would rightly or wrongly look upon the assessment of their holdings in any shape as a breach of faith, and with Mr. Peile, that the maintenance of loyal feeling among them was of more value to Government than any mere realizations of revenue. This remark applied specially to the first six grants, which comprised about 19,060 acres, which were of a peculiar nature, and

† Statement B, was of authorized alienations.

which the Commissioner recommended for confirmation in perpetuity. They were each held in a kind of joint ownership by the Chiefs and their tribesmen, and there was no doubt that the lands were granted for the support of the men of the tribes and not for the Chiefs alone. These holdings, therefore, might be regarded (except of course in the case of the personal grants to the Chiefs) as mere tribal allotments, but the Commissioner thought it was obviously more convenient to deal with them as conditional Jagir grants.

“In other words,” he continued, “the Chief should be regarded as
 Conditions and restric- “the Jagirdar or superior holder, and his tribesmen
 tions of free-grants. “as hereditary tenants holding their lands under him,
 “if not by a right derived directly from him, at any
 “rate, subject to customary control by him. The lands were, in the first
 “instance, clearly granted not for the benefit of the Chief alone, but for the
 “support of himself and his tribe; and I find that so well has this been
 “understood that the existing arrangement with regard to these lands is
 “that the Chief’s share should be one-fourth of the irrigable area cultivated
 “each year, the remaining three-fourths being distributed amongst the
 “tribesmen.

“There seems no objection to a continuance of this arrangement. It
 “gives the Chief the power and influence over his followers necessary to
 “make his rule over them effective, and is, I think, the best settlement that
 “could be devised, having regard to the peculiar nature of the grants and
 “of the people who hold them. In order, however, to prevent doubts or disputes
 “hereafter, I consider that the terms of the holdings should be distinctly
 “set forth in the Sanad* to be now granted.

* APPENDIX C.

FORM OF SANAD TO TRIBAL CHIEF.

Whereas according to the terms of the surrender of your tribe to Sir Charles Napier in 1845 ;

* You in the case of Jamal Khan Dumbki.

Your father in the case of others.

* In the case of Dad Muhammad Khan Jakrani “relations—and connections” should be substituted throughout for “the men of your tribe.”

{ *You } and { your } followers were obliged
 { Your father } { his }
 to leave the Biluchistan Hills and settle in Sind, and
 whereas certain lands in the Upper Sind Frontier
 District were allotted to { you } and the men* of
 { his } tribe who accompanied and followed { him }
 { your } { you }
 for { his } and their support, and whereas subsequent
 { your }
 additions were made to these lands ;

Government is pleased to continue to you and the men of your tribe who are now settled with you in Sind and to your and their heirs and descendants

* Of these alienations 900 acres‡ should, I think, be continued as
 Recommendations re- “Jagirs to certain Chiefs, viz., 300 acres to Ghulam
 regarding original grants. “Ali* (out of grant No. 1); 200 acres to Jamal
 “Khan (grant No. 4) 200 acres to Mubarak Khan*
 “(grant No. 5); 200 acres to Ali Sher* (grant No. 5); the rest being conti-
 “nued as tribal grants during the good behaviour of the Chief and tribesmen.
 “These appear to be the only Jagirs originally granted to the leading men
 “of the tribes.”

458. The recommendations regarding the remaining grants
 Recommendations re- (which were comparatively recent), made
 regarding recent grants. by the Commissioner after full consideration
 of the circumstances of each grant and after consultation with
 the local officers, were as follows;—

“1. That grants Nos. 8, 13, 14, 15, 16, 17, 19, 20, 25 and 27 be conti-
 “nued during the life time of the present holders, and then wholly or partially
 during good behaviour the lands noted in the margin, free from all charge on
 account of rent on the following conditions :—

1st.—That your share and that of your heir who succeeds you as Chief shall
 not exceed $\frac{1}{4}$ of the area cultivated each year, the remaining $\frac{3}{4}$ being divided
 amongst the said men of your tribe according to custom.

2nd.—That you, your heirs and successors and the men of your tribe culti-
 vating land within the limit of your Jagir shall be liable, when Government see
 fit to impose them, to the local rates in force to meet the Government expenditure
 on canals, and also to the payment of 5 per cent. for roads and schools, calculated
 on the net annual produce, as well as any other cess legally leviable on your
 lands.

3rd.—That you shall be of loyal behaviour and peaceful habits, and reside
 on the lands granted to you.

4th.—That you shall abstain from crime, and render every assistance in the
 prevention and detection of crime.

5th.—That when called upon to do so, you will furnish such number of men as
 may be specified by the District Magistrate to assist the Police in pursuit of
 offenders or raiders.

6th.—That you will not, except with the consent of the Commissioner in
 Sind, sell or mortgage or otherwise dispose of any portion of the lands now
 continued to you.

7th.—That you will render every reasonable assistance to Revenue Officers
 within the limits of your Jagir when required to do so.

The breach of any of the above conditions shall render your Jagir liable to
 forfeiture and resumption by Government.

Commissioner in Sind.

‡ Roughly taking 2 Bigahs=1 Acre.

* These 3 are names respectively of the son of No. 1, and the sons of the two
 grantees under No. 5.

“ resumed. The terms upon which I consider these life grants should be made
“ are shown in Appendix D.*

“ 2. That in the case of grants Nos. 18, 21 and 22, which have been mort-
“ gaged by the grantees in contravention of the terms of the grants, the
“ present holders be allowed ten years to clear off the mortgage, and in the
“ event of their failing to do this, that the grants be resumed, otherwise that
“ they be continued during the lives of the present holders.

“ 3. That grant No. 15 be resumed at once, as the grantee has by his
“ misconduct and neglect to aid the Police, broken the conditions on which the
“ grant was made; that (as the first was must irregularly and† informally made
“ and the second only continued pending inquiry)‡ grants Nos. 24 and 26 be
“ resumed at once, and that grant No. 23 which the holder has relinquished§ be
“ similarly treated.

“ 4. That half of grants Nos. 18 (unless Government is pleased to continue
“ the whole of this grant) 9, 10, and one-fourth of grant No. 11 (provided
“ the existing mortgage be cleared off within two years) be continued in perpe-
“ tuity as Service Inams, and that the rest be resumed on the death of the
“ present holders. If the mortgage on grant No. 11 be not cleared off with-
“ in the two years, the grant should be resumed. The terms upon which I
“ consider these Inams should be granted are shown in Appendix E.¶

APPENDIX D,

FORM OF LIFE GRANT SANAD,

* Whereas Government has been pleased to grant to you
the below mentioned lands in the village of
Taluka of revenue free namely,
(Here describe lands)

It is hereby declared that the same will be continued to you for life subject to
payment of Hakabo or Local Fund cess, Village Officers' cess, or any cess legally leviable
if demanded, provided you behave loyally, abstain from crime, and render assistance in
detection of crime and pursuit of offenders and raiders, and when required to do so, render
reasonable assistance to the Revenue authorities within the limits of the lands hereby
granted.

Commissioner in Sind,

† It was made by a demi-official letter from Colonel Phayre, Political Superintendent,
to Mr. Bolton, Deputy Collector.

‡ That is the inquiry which resulted in the Commissioner's report. The original
grantee having died—his successor was continued in this grant pending inquiry.

§ On the ground that it was worthless.

¶ FORM OF SANAD FOR GRANT OF SERVICE INAMS IN UPPER SIND FRONTIER.

Whereas Government have been pleased to grant to you
the below mentioned lands in the village of , Taluka
of , revenue free, namely,
(Here describe land by boundaries, &c.)

It is hereby declared that the said land shall be continued to you in perpetuity free of all
claim for land revenue on the following conditions :—

1. That you pay Hakabo and any other local cess legally imposed whenever called
upon to do so under the rules in force for these levies.

“ My reason for recommending the grant of these Inams is that it seems desirable that part at any rate, of these later irregular grants should be continued as a kind of Service Inam in order (1) to secure the prestige and influence of the leading families ; (2) to prevent the hardship which a sudden withdrawal of the whole grants might involve ; and (3) to keep the chief men of the tribes on the side of Government and law and order ; and my reason for recommending a resumption of mortgaged grants, after due notice, is the needlessness of continuing such grants for the benefit of Frontier money-lenders.”

459. There remained only to notice the question of payment of Hakabo (water-rate) and Road and Village cess|| by these rent-free landholders. On this subject the Commissioner referred to Bombay Government Resolution No. 1171, dated 25th February 1881, and stated that the clauses in the Sanads had been drawn up with special reference to Mr. Peile’s opinion in his letter No. 342 of 1881 to Government, so as to reserve to Government the right to impose these cesses at any time if deemed advisable. To impose them at once, the Commissioner thought, was not politically expedient.

460. The Bombay Government Resolution (No. 9406, dated 21st December 1883, Revenue Department) passed upon this report, after stating the circumstances which had led to the inquiry, ran as follows :—

“ 2. Mr. Erskine has submitted statements for the Upper Sind Frontier only, but he has given a careful history of each important grant in that

2. That you continue to behave loyally, and reside peacefully on the land hereby granted to you.
3. That you abstain from crime, and render assistance in the detection of offence.
4. That when called upon, you shall furnish men to assist the Police in the pursuit and arrest of offenders and raiders.
5. That you do not sell or mortgage any portion of the lands hereby granted or continued to you.
6. That when required to do so, you render reasonable assistance to Revenue Officers in the discharge of their duties within the limits of the lands now granted to you.

This grant is made subject to reservation of right of the Secretary of State for India in Council to all mines and mineral products.

This Sanad is executed on behalf of the Secretary of State for India in Council by order of his Excellency the Government in Council, Bombay.

Commissioner in Sind.

Under the Sind Village Officers’ Act of 1881.

“ district, and has thus furnished the means of deciding which of the grants
 “ are valid, and has made recommendations regarding those which he does not
 “ consider to have been duly authorized. He has also made proposals for the
 “ entertainment of a special establishment for the preparation of sanads and the
 “ compilation of information regarding alienations of all kinds. He does not
 “ consider that special enquiries regarding title will be required in any other
 “ district in the Province.”

“ 3. Mr. Erskine shows that a very small fraction of the grants of land
 “ to Sirdars or tribesmen in the Upper Sind Frontier District were made by
 “ really competent authority as it is now understood, but there is no very
 “ tangible distinction between the first six grants on his list, Appendix A, and
 “ most of the others. No doubt the Political Superintendents of the Frontier
 “ District exercised considerable licence in making these grants ; but there were
 “ important political objects in view which have not ceased to exist, and at the
 “ time of the grants land was of small value in this District. Government
 “ Resolution No. 1237, dated 22nd May 1865, sanctioned a grant of 12,000
 “ bigahs on behalf of a certain tribe, and although it appears that the tribe
 “ named has not benefited by the sanction, yet the grants made under it are
 “ enjoyed by Sardars of the same class, and the total area of land granted is not
 “ materially in excess of the sanction. In these circumstances His Excellency
 “ the Governor in Council would confirm all these grants in the terms of the
 “ draft sanad forming Appendix C. to the Commissioner’s letter, with the ex-
 “ ception of those only the holders of which have violated these terms. Grants
 “ Nos. 12, 23 and 27 in Appendix A. will, under this ruling, be resumed as
 “ proposed by the Commissioner. Government also approve of his pro-
 “ posals as to the grants which have been mortgaged contrary to the general
 “ conditions of such grants.* In cases of resumption it should be understood
 “ that the land will remain in possession of the present holders on condition
 “ that they pay the assessment, the hakaba rate, and the local fund cess on
 “ the lands.”

“ 4. The question as to payment of hakaba and local cess by the holders
 “ of grants which are confirmed, has been decided by Government Resolution
 “ No. 1171, dated February 25th, 1881. Paragraph 20 of letter No. 342 of
 “ January 31st, 1881, addressed to Government by the Honourable Mr. Peile
 “ when Commissioner in Sind, should, however, be carefully kept in view. And
 “ as to the local cess to which all large land-holders may reasonably be expect-
 “ ed to contribute as a fund for the execution of works of local benefit, His Ex-
 “ cellency in Council is of opinion that if the Jaghirdars cannot be prevailed
 “ upon to pay it voluntarily at once, the payment should be exacted on the
 “ occasion of the first succession, at any rate on the cultivated area. In Clause
 “ 2 of the sanad given in Appendix C. it should be more distinctly expressed
 “ that the levy of hakaba and the local cess is postponed as a matter of favour
 “ and during good behaviour and for so long only as may seem proper to
 “ Government in regard to the circumstances of the district and the particular
 “ estate.”

* These were Nos. 11, 18, 21 and 22.

“ 5. The Remembrancer of Legal Affairs should be requested to put the “form of sanad proposed by the Commissioner in Sind into proper shape.”

461. The Legal Remembrancer accordingly drew up a form
 Form of Sanad drawn up. which was approved by Government, and forwarded to the Commissioner in Sind for adoption. (*Vide* Bombay Government Resolution No. 2193, dated 12th March 1884). The approved form ran as follows :—



THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

To

Whereas, in accordance with the terms on which your tribe surrendered in the Christian year 1845, to Sir Charles Napier, you* and your* followers were required to leave the hills of Biluchistan and to settle in Sind, and in consideration of your thus settling in Sind a Jagir consisting of certain lands in the Upper Sind Frontier District was allotted to you* and to the men* of your* tribe who accompanied and followed you,* for your* and their support, and whereas certain other lands have since been added to the said Jagir, and it has pleased Government to direct the issue of a Sanad to you in confirmation of the said grant ;

*These words should be varied to suit each case.

It is hereby declared that the lands described in the Schedule hereto annexed, which constitute your Jagir, shall be continued by the British Government to you and to the men of your tribe who are now settled with you in Sind, and to your and their heirs and descendants for ever, exempt from all claim on account of land revenue, subject only to the following conditions, (namely) :—

(1). That you, your heirs, and descendants shall continue loyal and faithful subjects of Her Majesty the Queen Empress ;

(2). That you, your heirs, and descendants shall reside within the limits of your said Jagir, and pursue peaceful habits ;

(3). That you, your heirs, and descendants shall abstain from the commission of or the connivance at crime, and shall at all times render every assistance in your power in the prevention and detection of crime ;

(4). That you, your heirs, and descendants shall, whenever required by the Magistrate of the district, furnish such number of men as shall be specified by the said Magistrate to assist the Police in pursuing and arresting offenders and raiders ;

(5). That you, your heirs and descendants shall whenever required, render every reasonable assistance to any Revenue officer of Government in the discharge of his duties within the limits of your said Jagir ;

(6). That the portion of the said lands of your Jagir to be held from time to time by you, or by any of your successors in the Chiefship of the tribe, shall not exceed one-quarter of the total area at the time being under cultivation, the remainder being divided, according to the prevailing custom among the men of your tribe ;

(7). That the lands of your Jagir shall not be deemed to be exempt from liability to the payment of :—

(a). The *Hakabo* rate levied by Government for the maintenance of canals ;

(b). The cess leviable under Bombay Act VIII, of 1865 for objects of public local utility and improvement ;

(c). Any other tax not being a land revenue tax, that may be leviable under any law from time to time in force ; and that the exemption from such taxation hitherto allowed to you and to the men of your tribe as a matter of favour in consideration of your good behaviour will be continued only during the pleasure of Government, and shall cease whenever Government, having regard to the circumstances of the said lands and of the district generally, shall think fit so to direct.

(8). That the right of Government to mines and mineral products in the lands of your Jagir shall be deemed to be and is hereby expressly reserved.

(9). That in the event of any act or omission which, in the opinion of Government, amounts to a breach of any of the aforesaid conditions Nos. (1) to (6), both inclusive, or in the event of the lands of your Jagir or any part thereof, being at any time mortgaged, charged, leased or alienated without the consent of the Commissioner in Sind or of such other officer Government shall from time to time nominate in this behalf, the said lands shall be liable to forfeiture and resumption by Government.

This Sanad is executed on behalf of the Secretary of State for India
in Council, by order of the Governor of Bombay in Council, by and under
the hand and seal of the Commissioner in Sind this
day of 188

Seal.

Commissioner in Sind.

Schedule referred to in the foregoing Sanad.

(Here enter a full description of the lands.)

Commissioner in Sind.

462. The Jagirdars, who were in the District, were, in accordance with the Commissioner's instructions, assembled on the 4th of March 1884 by the Deputy Commissioner who explained to them the conditions* on which the collection of Hakabo in their case was foregone, and the views of Government on the payment of local cess as laid down in the Government Resolution of the 21st December last. He however, failed to persuade any of them to contribute to the cess during their lives.

463. The holders of grants Nos. 11, 18, 21, and 22 were also informed that if they failed to clear off their liabilities within the two years that had been allowed to them, their grants would, under the orders of Government, be resumed.†

* *Vide* Para. 20 of Mr. Peile's No. 342, dated 31st January 1881—page 305.

† Deputy Commissioner's No. 602, dated 8th March 1884, to the Commissioner.

CHAPTER II.

PATTADARI SETTLEMENT.

464. Major Goldney in his No. 32, dated 13th November 1847, to the Commissioner, explained the origin of the Pattadari tenure in the following terms :—

“ Upper Sind at the period of the invasion of Hindustan and the sack
 Origin of the tenure. “ of Delhi by Nadir Shah formed part of the Subah
 “ of Multan : on the dismemberment of the empire
 “ of Delhi the portion termed Moguly, comprising
 “ Sukkur, Bukkur, Shikarpur and its dependencies, was annexed to the Durani
 “ Kingdom founded by Ahmad Shah Abdali an officer of Nadirshah, whose
 “ capital, was Cabul up to A. H. 1225 about A. D. 1802). The Afghan pos-
 “ sessions in Sind extended on the North-East to Kashmor on the Multan
 “ frontier, North to Roghan and the desert, West to Naushahro Abro, and
 “ South to Madeji on the Larkana river.

.....
 “ Traces of the old Afghan ascendancy still remain in the Pathan families, yet
 “ thickly settled in the neighbourhood of Shikarpur : here they still possess
 “ some privileges such as reduced rents and the ‘ Pattadari,’ a rent charge
 “ on the proceeds of certain lands and villages not uncommon in the protected
 “ Sikh States in Northern Hindustan, but I believe peculiar in Sind
 “ to the Moguly District.”

465. Later on* the same officer thus described the nature of this tenure :—

“ The Government share is, in the neighbourhood of Shikarpur only,
 Nature of the tenure. “ subject to an addition of $\frac{1}{8}$ to $\frac{1}{4}$ as Pattadari, a
 “ species of free holding peculiar to this District.
 “ Introduced by the Pathans, it seems to partake
 “ both of the Jagir tenure and of right by purchase.”

466. It has been stated in Chapter I that Sir Charles Napier ordered Pattadaris to be treated as small Jagirs—but Mr. Frere in his No. 171, dated 19th May 1853, (para. 57) to Government was
 Special rules necessary not of this opinion. He considered that
 for Pattadaris. special rules were necessary for this “ class
 “ of partially rent-free holders,” as their case differed “ in several

* Reply to Mr. Pringle's Revenue question No 3.

“material particulars from that of ordinary Jagirdars.” He however did not suggest what rules should be prescribed, as the information before him was not yet sufficient for the purpose.

467. Captain Goldsmid, however, who had been communicated with on this subject, *inter alia*, by Captain Stack, furnished on the

Captain Stack's theory as to origin of tenure. 6th September 1853, certain details and documents, on studying which Captain Stack was “inclined to think that Pattas were originally given to the Zamin-
“dar holding the land and tilling it through his Ryots, for the pur-
“pose of encouraging and increasing the cultivation by giving the
“holder of the Patta increased means for outlay on the land, and
“an increased inducement to make the most of it.”

“The lapse of time, however,” he added, “appeared to have made these
“rights hereditary and permanent, as much so as the Inam grants in the
“Dekkan and elsewhere, and I am told that in some instances the title and
“income so sprung up have even been disposed of for money.”*

468. On receipt of Captain Stack's letter Mr. Frere wrote† to the Collector of Shikarpur for a full report showing “in detail the

Captain Goldsmid's report on the tenure. “origin of the tenure, by whom first granted,
“and to what class of grantees,” the original rights and obligations of Pattadars, the changes that had taken place in the character of the alienation, and the terms of regrant under the Talpurs and their predecessors. The Collector asked Captain Goldsmid (who was his Jagir Deputy,) to draw up this report, but this officer not having been able to prepare it before joining the Commissioner's Camp on the 21st January 1854, as Assistant Commissioner for Jagirs, submitted it on the 7th of February 1854, No. 22, to the Commissioner.

He first quoted from a memorandum (No. 786 of the 28th October 1852) of Lieutenant Dickson, Deputy Collector of Shikarpur, who had described Pattadaris to be “grants of waste lands
Meaning of the word Pattadar.— “made by the former Afghan rulers to their relatives,
“followers and retainers subject to the payment by the grantees of a certain share of the usual Government produce or revenue.”

* Para. 16 of Captain Stack's letter No. 147, to Mr. Frere, dated 24th September 1853.

† No. 3365, dated 15th November 1853.

and had further stated that they "were made to depend on the continued increase of agriculture with the consequent augmentation of the revenue to be paid to Government." He then quoted Professor Forbes' definition of Patta viz; "a grant or lease, specifying the quantity of land possessed by each tenant and the amount of rent with which it is charged" and expressed his opinion that the Pattas of Pattadars were of this description. (7). "For instance," he continued:—

"A predatory race have possessed themselves of waste lands in a neighbouring territory. Some of the number apply themselves to tillage, cutting canals and proving the agricultural revenues of such portion as have fallen to their lot: * A doubt arises as to right and title; the authorities interfere: eventually a royal mandate becomes necessary. The cultivators have done good service in their new pursuits; and it shall become a means of enriching the king's treasury as well as themselves. The grant is confirmed to them on payment of a stipulated yearly sum. So long as cultivation continues, and the land remains productive, the assessment will be light and easily met. If labour cease and produce fail, the grantees will be bankrupt. Both sides of the question have been exemplified in the Shikarpur Collectorate. (*Vide* Roll Nos. 2 and 3.**)"

"8. The grant of a village or canal, or any fixed number of bigahs, at a reduced assessment of Government dues, if made for no special object, which would be superior to other considerations, may thus be held as grants for the increase of cultivation, and admitted under the Pattadari of Lieutenant Dickson, without losing sight of the stricter definition. The 'augmentation of revenue' by increased assessments may be inferred; but I think it doubtful that as a general

Theory that Pattas were given for increase of cultivation.

* Compare the account given by Captain Mackenzie of the Settlement of the Pathans in the Cis-Indus Tahsils of the Dera Ismail Khan District at page 85 of the Settlement Report of this District published by the Panjab Government in 1879. They "brought with them" we read, a "miscellaneous body of emigrants, through whom doubtless they expected to make their enterprise profitable.....Land was practically unlimited in extent: a virgin soil open to appropriation by the new comers at will; to them accordingly it was apportioned by the Captain of the bands, in large lots, within whose limits (Hads) it was in the power as it was also the interest of each grantee to do what he could in the way of agricultural improvement. This class have always retained their lordship of the Manors. They have always maintained a tangible superiority, and have therefore been recognized by us as owners of landed rights superior to all other superior proprietors." Each *had*, it appears from p. 95 was generally owned "by a small body of superior proprietors usually one family" who held "undivided on shares and less frequently divided on *patties*." The holders of *patties* were called *pattidars*. It is remarkable that in preparing a Roll of all those in whose earliest Sanads the word *Patta* was inserted, Captain Goldsmid found only 11 such claimants, and of these 11 claims aggregating Rs. 6,400 yearly there were only three "in support of which documents were produced of prior date to the Talpur accession—while the older claims usually considered in the light of Pattadaris and so registered in the Government records" amounted "to Rs. 9,700 annual alienated revenue in the hands of 12 sets of claimants (six of whom could produce royal Sanads." The great sub-division found in almost all Pattadaris as well as the fact that the holders were sharers with Government, makes it probable that their proper designation was *Pattidars* rather than *Pattadars*.

** Shah Muhammad, Timur Khan, and Sujawal Khan, and Nazzar Muhammad Khan. Nos. 2 and 3 on the Roll drawn up by Captain Goldsmid in 1854.

In Timur Shah's Sanad to Saifullah dated 1776 A. D., the grantee is allowed to bring any quantity of the land allotted under cultivation, without a higher assessment.

"noted, that the Kandhar grants are for the most part vague and wanting in details, and that the true terms of the tenure can sometimes only be deduced from the allusions thereto in the documents of the after ruling power."

"rule such was the intent in the original Sanads. Where a sum of money was fixed in lieu of Government exactions of every kind upon a whole estate, the records do not establish anything like fluctuation according to actual produce, except where the value so far deteriorates as to make the assessment severe. On the other hand it must be

As to the variations in the character of the tenure, Captain Goldsmid wrote as follows :—"Changes of Government, under Variation in the character of the tenure.

"circumstances which have, perhaps, few known parallels in history, have so affected this description of grant (in common with others on the west bank of the Indus), by making it, at one time a family provision, at another a purchased inheritance, at another a barter of mutual convenience, that the original meaning has been suffered to glide imperceptibly away.* Did not the character and position of the grantee afford a means of guidance, it would not suffice that the term 'Patta' or 'Pattadari' was nowhere to be found in the Sanad, to cause the claim to be invalidated. The non-entry may have been occasioned by the uncertainty of Khorassan rule in Sind. A great warrior king was succeeded by an ordinary being invested with regal dignities. Then followed the stealthy invasion of the Talpurs, whose usurpation was as unorthodox as the concessions of the Afghans were wretched and mercenary." There was much of confiscation under the Amirs even on the Eastern bank of the Indus, where grants by the Delhi monarchs had not been trampled upon by Nadirshah, as in the opposite or Moghli territory ceded to that conqueror by treaty in 1739.

"14. Admitting these premises," continued Captain Goldsmid, "it will not be thought strange to observe difficulty in tracing Pattadars really Hissadars. the tenures under discussion to their actual origin. If 'Pattadari' be an important distinction, however, in the classification of Free Grants, entitling the holder to privileges disallowed to Jagirdars, it is submitted that 'Hissadari' or even 'Munafadari,' when not granted for a special object, such as Khairat or the sanctity of the grantee, is to all intents and purposes the same. Half the revenue of a village has been given, for generations, to a certain individual, on certain conditions. It matters little whether it be called by one name or other. Government is equally a loser in either case. Under the present aspect of affairs, the 'Hissadari' may appear the more appropriate title.† It implies a share in the land revenue without conditions; while the 'Pattadari' invests the receiver with an indefinite 'lease,' for the improvement

* This would seem to confirm the theory that the proper term is *Pattidar* as in the Panjab and not *Pattadar*.

† *Pattidar* is exactly equivalent to *Hissadar*.

“ of the soil, as well as enjoyment of its produce. The impoverished circum-
 “ stances of the ‘ Pattadars ’ show how imperfectly the conditions have
 “ been fulfilled.

“ 15. I would deferentially suggest that, if practicable, all such grants
 “ be comprised under one head with a view to re-
 Suggestion to group Pat- “ placing the ‘ Patta ’ by the ordinary Sanad :
 tadars, Hissadars and Muna- “ otherwise, to bestowing new ‘ Pattas ’ making
 fadars under one head. “ exertion a necessity, and the benefit conditional
 “ upon exertion and its results.”

469. After a careful study of this report and the documents ac-
 Mr. Ellis’ memorandum. companying it, Mr. Ellis, Assistant Com-
 missioner, drew up on 2nd September the following memoran-
 dum on the subject of the Pattadari tenure, which as it formed
 the basis of the Pattadari Settlement, is given here in full.

“ 1. The Pattadari tenure which is confined to a small portion of the
 “ districts of the Shikarpur Collectorate, has long been the subject of discus-
 “ sion, and no very satisfactory or sure result has been attained in the enquiry.

“ 2. I do not think the tenor of such of the original title deeds as are
 Pattadars at first not “ forthcoming, bears out the assumption that the Pat-
 solely for the increase of cul- “ tadari holdings were at first solely for the increase
 tivation “ of cultivation.

“ 3. My view is that cultivated or half cultivated lands were bought
 Pattadars originally con- “ from their proprietors by Afghans, and in some
 tractors for cultivation of “ cases, perhaps waste lands were taken up by them,
 land on payment of a light “ for these lands so bought or taken up, the new pro-
 assessment. “ prietors wished to secure a light assessment, and
 “ with that object petitioned the sovereign with whom they found favor, and
 “ from whom they obtained a ‘ Patta,’ which (as Captain Goldsmid describes
 “ it, and as it is interpreted everywhere else in India, where the name prevails)
 “ is merely a contract for the cultivation of certain land on payment of a
 “ stipulated sum.

“ 4. In all the earlier grants this feature is as distinct as the vague
 Grant of certain assessed “ wording of the Sanads allows. The first step in the
 villages or lands—the first “ Pattadari tenure is the grant of certain villages or
 step in the tenure. “ lands, subject to a fixed payment to the Government
 “ Treasury.

“ 5. This was sometimes modified : a fixed payment from the revenues
 Modification of the above. “ was set apart for the grantee, and the balance divi-
 “ ded between the Government and the grantee.

“ 6. Under the Mirs a further step was often taken. The Pattadar re-
 Further modification un- “ ceived a share of the revenues without reference to
 der the Mirs. “ the possession of the land.

“ 7. This reduced the Pattadari to a mere Hissadari, except that the
 Pattadar reduced to Hissa- “ Pattadar was also in most cases Zamindar, and he
 dar but was sometimes Za- “ therefore had power to affect the proceeds both of
 mindar also. “ his own and the Government share.

" 8. I would remark as I have done before that Hissadari is merely the
 True meaning of Hissadar. " 'holding a share' of the revenue, and cannot be
 " deemed to imply any particular conditions or rights.
 " If a retainer receive as part of his remuneration, a fixed share in the reve-
 " nues of a village, he is as much a Hissadar as the charity-absorbing Pir Imam
 " Ali Shah, who held under Ali Murad 1/40th of the revenues of a Kingdom.

" 9. The Hissadar holds no land, he has nothing to do with the cultiva-
 " tion, and cannot interfere with the management; he has merely to receive
 " annually whatever is given him as the recognized share to which he is enti-
 " tled.

" 10. This is somewhat a digression from the main question, introduced
 Pattadars not to be classed with Hissadars. " solely to show that although some Pattadaris may
 " have become Hissadaris, they require no separate
 " treatment on that account, nor on the other hand,
 " can they be lumped with Hissadaris to form a separate class.

" 11. From the origin of Pattadaris, I draw the conclusion that there
 Injunction to increase cultivation no essential element of Pattadari. " is no proof of an injunction to increase cultivation
 " being an essential element. Some applicants for
 " Pattadaris rested on the strength of their piety,
 " or their services in times past, others had probably
 " no such claim, and these obtained Pattas on the ground of their exertions
 " in reclaiming waste land, or increasing cultivation.

" 12. From the fact that the lands then granted had for the most part
 Pattadaris not bought and sold but the landhold interest only. " been purchased, an erroneous impression has arisen
 " that the Pattadaris were bought and sold, and on this
 " the Pattadari claims have been presumed to be
 " stronger than other tenures. But I cannot see that
 " more than the Zamindari or the land-hold property was ever purchased, the
 " Patta being a matter between the grantee and the Government.

" 13. The fact of the lands being at the time under a lower assessment
 Amount of revenue alienated to Pattadars not of a permanent character. " may have influenced the purchaser, but the changes
 " which all these Pattadaris are proved to have under-
 " gone in the times of the Mirs, and even of the Afghans,
 " quite conclusively show that the arrangement with
 " the ruling power was not of so permanent a character as is generally sup-
 " posed, and that alterations in the amount of revenue payable, or in the mode
 " of payment, were made without scruple.

" 14. This being evidently the system under the former Government
 " (if that can be called system in which the arbitrary pleasure of the ruling
 " power was the sole law), I cannot concur with Mr. Inverarity's observation,
 " that these holdings appear to have been considered hereditary by the Mirs
 " themselves.

" 15. The claim of a Pattadar to the confirmation of his rights to an heir,
 Length of enjoyment the test of hereditary tenure as in other alienations. " appears to me to rest on nearly the same ground as
 " other alienations; the length of enjoyment.

" 16. Tested in this manner, the majority of the Pattadaris which are
 Therefore Pattadaris derived from Afghan Kings are hereditary even under the Amended Rules of 1842. " proved to have been derived from the Afghan Kings, " would be confirmed hereditarily, even under the " Rules of 1842,

" 17. Half a dozen cases would remain which are probably accounted
 The remaining Pattadaris would under the same rules enure for one or more generations. " Pattadaris, but which those Rules would authorize " only for one or more generations.

" 18. For so small a body it is hardly worth while to frame Rules, nor
 Special rules unnecessary. " are there in these cases any special features which " would call for such consideration.

" 19. The payment of a fourth, and the resumption of waste lands,
 Chowth and waste land resumption not applicable to Pattadaris or Khairats, " would neither be applicable to this class of cases, " nor are they applicable to charitable allowances.

" 20. The ordinary rules proposed which require 60 years to give per-
 60 years old Pattadaris to be permanent, " manency of tenure appear sufficient, if special cases " be treated as they arise with special indulgence, " which will doubtless be accorded if the parties be " worthy, and their claims to consideration strong."

470. On the 6th September 1854, Mr. Frere forwarded a copy of this memorandum to Captain Goldsmid, as well as to the
 Directions for a settlement issued by Mr. Frere, Collector of Shikarpur, with the following directions under which the Pattadari Settlement was finally made.

" 2. When the ordinary rules* will continue to claimants and their
 Application of the Amended Rules of 1842. " heirs all existing privileges undiminished, such " claims may be disposed of under those rules.

" 3. In judging of the evidence offered in support of such claims, it may
 Documents may not often be forthcoming. " often happen as a natural consequence from the " long disturbed state of the country, that documen- " tary evidence is not forthcoming,

" 4. In such cases you should receive and record whatever evidence, oral
 Oral evidence may be taken. " or otherwise, as may be tendered by the claimant, " in proof either of the existence of grant or of long " enjoyment, and state your own opinion, as to how " far such evidence satisfies (you), regarding the enjoyment of the privilege " claimed for a given number of years.

* By these were meant the Amended Rules of 1842, published in Nairne's Revenue Hand-book,

“ 5. There will, doubtless, remain some cases in which the ordinary rules
 Exceptional cases of exemption. “ however liberally applied, as regards the evidence
 “ required will not justify continuance of the existing
 “ privileges as now enjoyed.

Report required as to when the exemption arose. “ 6. In such cases you are requested to report—
 “ 1st. whether the exemption arose under
 “ the Afghans or under the Talpurs ?

And as to the residence &c. of the alienee.

“ 2nd. In the event of its having its origin
 “ under the Afghans, is the claimant
 “ resident or non-resident, and how far
 “ does he perform the functions of a
 “ landlord in a manner to entitle his
 “ tenure to respect as a purely fiscal
 “ arrangement.”

Roll of Pattadars prepared. 471. On the 2nd of November 1858, Major Goldsmid prepared his Roll of Pattadars, and Mr. Ellis in submitting it to Government with his No. 30, dated 10th November 1858, wrote as follows :—

Grants confined to the Shikarpur Collectorate. “ 26. In requesting sanction to the hereditary continuance of the hold-
 “ ings included in Statement No. II some explanation
 “ of the nature of a Pattadari is required. These
 “ grants are confined to the Shikarpur Collectorate,
 “ and are usually traceable to the time when the Afghans had possession of
 “ Upper Sind.

Nature of a Pattadari. “ 27. Afghan settlers, favoured by the rule of their own countrymen,
 “ purchased land from the indigenous proprietors, and
 “ sometimes brought new lands under cultivation.
 “ The new proprietors wishing to secure a light assessment petitioned their
 “ sovereign with whom they readily found favor, and obtained “ Pattas ” or
 “ leases for the cultivation of certain lands on payment of a stipulated sum,
 “ or on condition of the remission of a certain portion of the Government
 “ demand.

Forms of Pattadari. “ 28. The favor conceded took various forms, and was often modified
 “ subsequently to the original grant. Sometimes a
 “ fixed payment was set apart for the grantee before
 “ a division of the revenues between him and Government, at other times, the
 “ payment to Government was fixed, and the balance divided according to a
 “ specified proportion.

Obligation to increase cultivation not an essential condition of every grant. “ 29. An obligation to increase cultivation was occasionally but not
 “ necessarily part of the grant; in many cases, a simple
 “ representation that the land had been reclaimed
 “ from waste, or had been purchased by the petitioner,
 “ sufficed to secure the remission sought for. Pat-
 “ tadaris were sold and purchased under the former rule, but it seems to have

“ been the vested right in the land, the Zamindari in fact, and not the right
 “ to remission from assessment, which was thus transferred. It is true that the
 “ fact of the land being under a lower assessment may have influenced the
 “ purchaser, but the changes which nearly all Pattadaris are proved to have
 “ undergone in the time of the Mirs, (and in some cases even of the Afghans)
 “ show conclusively that the guarantee of the ruling power was not more per-
 “ manent than in other alienations under an arbitrary Sovereign, and that
 “ changes in the amount of revenue payable, or in the mode of payment, were
 “ made without scruple.

“ 30. But these holdings recommend themselves to favourable consider-
 Grants generally traceable to the time of the Afghan dynasty.
 “ ation by long enjoyment, for, with few exceptions,
 “ they are traceable to the time of the Afghan dyn-
 “ asty which preceded that of the Talpurs, and also
 “ from the character of the holders who were de-
 “ scendants for the most part of Pathan settlers, and a class whom it is desir-
 “ able to encourage in the agricultural pursuits which they have hitherto pro-
 “ secuted with considerable success.

“ 31. Many of the grants are supported by title deeds from the Afghan
 And supported by title deeds of Afghan and Talpur rulers.
 “ sovereigns, but it is difficult to gather from the older
 “ documents what were the precise rights assigned.
 “ Certain remissions were usually granted, but to
 “ what extent is not always apparent, and it was not
 “ until the time of the Mirs that the shares of the Pattadar and Government
 “ were defined. We may safely infer that the Pattadar's rights were not in-
 “ creased under the Mirs, and we may, therefore, take the Afghan ruler's sanad
 “ in evidence of the antiquity of the grant, and the Mir's confirmatory deed
 “ as proof of the amount to which the holder is entitled.

“ 32. In a few cases the claim is based on the authority not of the Sovereign,
 Some Sanads given by Governors.
 “ but of one of his Governors or Viceroys. I have
 “ not raised the question of the competency of these
 “ authorities. For as the grant involved, to a certain
 “ extent, obligations on the part of the grantee, and the title was subsequently
 “ recognized by the totally distinct dynasty of the Talpur Amirs, there are
 “ sufficient grounds for acquiescing in the validity of these old grants, even in
 “ the absence of specific authority from the sovereign himself.

“ 33. The hereditary continuance of some of these grants has already
 Hereditary continuance of some grants 60 years old already sanctioned.
 “ been sanctioned by Government* on the ground of
 “ their having been held for upwards of 60 years
 “ before British rule, others of those now included
 “ in the statement are of like antiquity, and all are
 “ traceable to the time of the Pathan rule. Those Pattadars whose antiquity
 “ was questionable, and who had no special claims to consideration, have been
 “ excluded from Major Goldsmid's list.

“ 34. In one or two cases, the subordinate shares of deceased Pattadars have
 Restitution of erroneously resumed subordinate shares.
 “ been erroneously resumed by the local authorities.

* Several cases as they arose were sent up to Government and orders passed. Vide Chapter III, Section 4.

“ The whole should be left intact so long as a lineal descendant of the original grantor survives, and the shares of the Pattadars among themselves should not be interfered with. If the general settlement now proposed be sanctioned, a share of the estimated value of Rs. (31) thirty-one per annum resumed by the late Commissioner, will be restored to the surviving shareholder.”

472. The Bombay Government in their No. 576, dated 15th February 1859, to the Government of India observed on this subject as follows :—

“ 23. The Pattadari grants are not of large amount. The whole sum proposed for hereditary alienation under this head is Rs. 8,400.* The Right Hon’ble the Governor in Council would, for the reasons stated, confirm the proposed settlements, and rectify the error alluded to in the 34th paragraph of the Special Commissioner’s letter.”

473. The Government of India in their reply No. 711, dated 5th April 1859, conveyed their sanction to the settlement in the following terms :—

“ (8). The second sub-division of the First Class of alienations comprises the Pattadari grants, the holders of which are not entitled to a total remission of revenue. These grants, as detailed in the statement which accompanies Mr. Ellis’s letter No. 30, dated 10th November, are fifteen in number involving Rs. 8,415 of revenue, distributed over 62,478 bigahs of land ; and there are one or two additional cases in which the subordinate shares of deceased Pattadars have been erroneously resumed by the local authorities (*vide* paragraph 34 of Mr. Ellis’s letter). The Pattadars are said to be generally the descendants of Pathan settlers, and of a class whom it is very desirable to encourage in agricultural pursuits. The Governor General in Council in accordance with the proposal of the Government of Bombay, is pleased to sanction the hereditary continuance of the whole of these grants, and the restoration of any of them that may have been erroneously resumed.....

“ 17. The general conditions upon which the alienations permanently sanctioned in this despatch are to be granted, will be laid down in detail finally by the Government of Bombay. But I am to say that the Governor General in Council approves of Mr. Ellis’ proposal to make all subject to a payment of 5 per cent. on the net produce of the grants as a road and educational cess. Transfer cannot be allowed, except in the case of the garden lands..... The succession to all these hereditary grants must be carefully confined to lineal heirs male, and it must be made clear that adopted sons will not inherit them. Their continuance will also, as a matter of course, be made dependent upon loyalty and good behaviour.”

* Correctly Rs. 8,415 inclusive of Hissadari.

474. In the 6th para. of their letter the Government of India had suggested that “the whole of the permanent alienations sanctioned in this despatch should be held subject to the payment of a moderate Nazarana upon every succession or transfer.” But eventually this condition was waived expressly in respect of Jagirs and impliedly* in respect of other alienations. (*Vide* page 259).

475. The Secretary of State in his despatch No. 10, dated 15th September 1859, thus reviewed the Pattadari Settlement:—

“6. The Second Class or Pattadari tenures are usually held by the descendants of Afghan settlers, and are traceable to the time when Upper Sind was governed by rulers of that race. These lands are not held exempt from the payment of revenue, the amount payable being defined either in the original Sanads, or in the confirmation granted by the Chiefs of the Talpur dynasty. These grants are to be continued on the existing terms to the present holders and their descendants in lineal succession. The amount of revenue involved is about Rs. 8,400.”

476. Besides the 14 Pattadaris thus hereditarily confirmed, there were 10 others, of which a few had been continued by the Commissioner's orders for life, and others continued to their incumbents, subject to revision on their death. A statement of these Pattadaris, called Second and Third Class Pattadaris, was submitted to Government by Mr. Inverarity with his No. 66, dated 13th March 1860. He stated that these grants “were so trivial in amount and their classification had been carried out in some cases upon such necessarily imperfect data,” that Sir Bartle Frere had been of opinion “it would be better to submit the balance of Pattadari claims to be disposed of, as had been

* The Commissioner's letter on the subject did not refer at all to Garden grants, Khairats or Pattadaris. But as the reasons given by the Bombay Government for the imposition of Nazarana applied more to Jagirdars than these alienees, it may be inferred that the waiver of the condition as regards Jagirs was a waiver regarding all. At any rate the Bombay Government has not exercised the authority given to it in para. 17 by making any such condition obligatory on Pattadars, while in the case of Khairatdars the Sanad sanctioned by the Government is silent on the subject, and this shows conclusively that the Khairatdars are not liable to Nazarana.

“those of the First Class under Mr. Ellis’ recommendation.”
 Their confirmation involved only an additional alienation of revenue to the extent of Rs. 3,281,* and Mr. Inverarity was of

Mr. Inverarity recommends that they be included in the First Class

opinion that it would only be an act of justice to include these grants with the others, as there were none of them which did not

bear indications of prior tenure to that of the last recorded Sanad.

477. Nos. 9 and 10 (Sayad Jan Muhammad Shah and Sayad Murad Ali Shah) however, had not been

With the exception of two individuals from whose revenue he proposes to deduct one-fourth.

able to furnish sufficient proof to entitle them to rank among the permanent Class.

A quarter share of the revenue enjoyed by No. 9 had already been cut off on this account, and Mr. Inverarity proposed to follow the same course in the case of No. 10 from the first succession.

478. The Government Resolution No. 547, dated 31st January Government Resolution, 1861, passed on this letter, after reciting the substance of it, ran as follows :—

“The course proposed by the Commissioner as regards these hold-

Bombay Government approves Commissioner’s proposal. The two exceptional cases not to be confirmed hereditarily unless authority sufficient.

ings is approved, but the last two items should not be confirmed as hereditary unless the Commissioner is satisfied that the original grant is sufficient authority for doing so.”

479. On the 22nd of October 1861, Mr. Inverarity (No. 284)

Mr. Inverarity’s report on these two cases—proposes hereditary continuance,

replied, that viewed as Khairats the two alienations (Nos. 9 and 10) would come into the second degree or tenures of 40 years’ duration, and so be regrantable for one

generation and no more, but considered as Pattadaris “or grants originally made under the Afghans for increased cultivation,” Pattadaris of far less antiquity had been registered in the First Class, and he would unhesitatingly admit the claim of these

*The total value of the 10 alienations was Rs. 3,527, but as it was proposed to deduct $\frac{1}{4}$ th of the 10th which was valued at Rs. 985, viz. Rs. 246, Mr. Inverarity represented the total as in the text,

Sayads to the same privilege “upon the conditions attached to
 “Pattadars, to aid in promoting cultivation, and thereby adding
 “by personal exertions and influence to the revenues of Govern-
 “ment.”

480. In the case of Murad Ali Shah moreover, Mr. Inverarity
 in his fourth para. recommended, “upon special grounds quite
 “distinct from Jagir rules,” that his tenure might be made per-
 petual. Murad Ali Shah was then Munsif of Sukkur, and had
 recently assisted in the capture of a rebel of the year 1857, for
 whose arrest a reward had been offered by Government.

481. The Government Resolution (No. 5210, dated 7th Dec-
 ember 1861), on this letter ran as follows ;—

“The proposal made in para. 4 of Mr. Inverarity’s letter
 “may await further consideration on receipt
 “of a reply to the Government letter No.
 “283, dated the 16th October 1861, Secret
 “Department.* In the meantime the names
 “of the holders may be entered in the Second Class.”

Government order these
 two cases to be included in
 Second Class according to
 Amended rules of 1842.

482. They were accordingly so entered, but eventually the Gov-
 ernment of India sanctioned the following settlement for Sayad
 Murad Ali Shah.

Separate settlement
 for one of these cases—
 that of Sayad Murad Ali
 Shah.

- “1. Murad Ali Shah (to hold) rent-free.
- “2. Second generation Do.
- “3. Third generation Do.
- “4. Fourth and all succeeding generations to
 pay full revenue.”†

483. The settlement was thus completed. It is only necessary
 now to state what course was sanctioned by
 Government regarding the Sub-division of
 Pattadaris, and to record the issue of the final Roll of these
 grants.

Orders regarding Sub-
 division of Pattadaris

* Regarding the capture of the rebel Gulzar.

† No. 713, dated 2nd November, 1863 from the Government of India to the Bombay Government. The Bombay Government and the Commissioner had recom-
 mended that the grant should be hereditary subject ~~from the first succession~~ to
 the payment of Rs. 246 annually.

484. In his No. 138, dated 2nd July 1860, Major Goldsmid had drawn attention to two cases in which he had admitted the right of certain petitioners to share in certain Pattadaris, entered in the name of the head of the family “for register in the Government accounts.” In his final report No. 249, dated 1st October 1861, he dwelt on this subject at greater length, and illustrated it by the following example.†

“By a settlement drawn up in 1854, and subsequently confirmed by the Commissioner, a Pattadari, yielding the yearly fixed sum of Rupees 200, was registered in the name of Hassan Khan Durani. On revisiting Sukkur in 1859, I had occasion to re-investigate this case, and found that the nominee in the Government books had taken advantage of the settlement in his favour to disown the shares of all those who had been former co-recipients; this, too, in the face of a decree of court passed prior to the commencement in Sind of the Jagir inquiry. Now in reviewing the matter, doubtful as I was on the propriety of sub-dividing, except with the consent of all parties, which I had failed in obtaining, it seemed to me that I could not choose but acknowledge the decree. It was a legal one when passed, and Jagir rules could hardly, by retrospect, invalidate its application. To have set it aside would have, in fact, lowered the authority of Government in its judicial branch, without the acquisition of any object beyond the assimilation of one settlement with the other. I accordingly directed the old arrangement to hold good, and the Pattadari to be sub-divided.”

This instance indicated the evil which was most perceptible among the Pattadars and for which a remedy was necessary. Major Goldsmid remembered another instance in which an anonymous writer had hinted that the sufferers were actually presenting their petitions for redress to the sovereign of their own people, who readily sympathized with them. This statement, however unworthy of notice in itself, was yet one of those straws which contribute to solve a problem. “My experience in Sind,” continued Major Goldsmid “has shown me the greatest misery resulting from the instalment of an elder son in a Jagir to the exclusion of his brethren, and the non-interference of Government, except in a passive, unofficial form to secure the presumed rights of others than the one registered grantee.” He then referred to the existing rules and specially to the following made by Mr. Frere on the 17th May 1853, to which he suggested an addition printed in italics below the rule.

“In a joint grant, the shares of the co-sharers shall be held to be equal, unless it be proved that an unequal division was made or recognized by competent authority under the former Government; with the proviso

† The example was one of the two cases brought to notice in the former report.

“that no decision under the above rule shall debar any sharer from claiming in a court of justice, against a co-sharer, the enforcement of an unequal division made by the sharers themselves, though unsanctioned by competent authority.

“In like manner, with respect to Pattadari grants, special cases of family sharers may be considered, where the division has been under acknowledged precedent, though unsupported by documentary evidence under the seal of a former Government.”

The treatment of Pattadaris being unlike that of Jagir grants, and the tenure itself being rather that of a body of hereditary settlers and cultivators than a feudal aristocracy, Major Goldsmid had “no hesitation in recommending exceptional provision for the disposal of their claims upon State interference in the matter of alienated revenues. The Jagir rule will,” he continued, “still hold good for the nominee in Government registers; but any petition to be admitted to a partition of his Pattadari should be held referable to the Law courts. The decision of the court, however, will be always subject to revision on the death of the registered Pattadar and accession of his authorised successor.”

485. Mr. Inverarity, in forwarding Major Goldsmid’s report, recorded his opinion* that although the heir might be duly registered and in possession, yet claims upon him arising out of that possession urged by members of his family, which he might repudiate or decline to meet, might justly, and with reason, be left to the adjudication of the courts of law.

Government allow civil suits to be brought for sub-division with permission of Commissioner.

The Government of Bombay† approved of this proposal “with the condition however, that no Jagir‡ case of the nature described should be admitted on the file of any Civil court, without the written permission of the Commissioner in Sind.”

486. The complete Roll of Pattadars was issued to the Collector on the 2nd of September 1863.

Issue of Roll of Pattadars

* No. 321, dated 23rd November 1861.

† Bombay Government Resolution No. 172, dated 15th June 1862.

‡ Pattadaris were often spoken of as a class of Jagira.

CHAPTER III.

SETTLEMENT OF KHAIRATS.

SECTION I.

KHAIRATS BEFORE THE CONQUEST.

487. The term Khairat literally means “Charitable grants,” but as such grants were generally made to religious characters, it has, by an easy transition, come to denote “religious grants” as well. In some of the Mogul Sanads, the object of the grant is generally described as *Madad Muash*, and the grantees are generally enjoined to pray for the grantor’s prosperity, while, in others, the terms Munafia and Hissadari occasionally occur. It is necessary, therefore, to investigate the true meaning of these words.

Meaning of Khairat.

488. In his memoir on the Sayads of Bukkur and Rohri, Captain Goldsmid translated ‘*Madad Muash*’ as importing “increase of subsistence”—but later research satisfied him as to “its distinct application to “assignments to holy men in India,” and he accepted the following definition of it given in Wilson’s Glossary of Indian technical terms :—

Meaning of Madad Muash.

“An article in the Rent Roll called Tuman Jama consisting of allotments of land as a subsistence to religious and learned men, also an item of the Mazkurat, and a branch of the ‘Ayma’ grants” (this word meaning lands held specially by devotees).*

Meaning of Munafia.

489. As regards Munafia and Hissadari, Captain Goldsmid, then Deputy Collector Shikarpur, in his letter to Captain Stack (No. 58, dated 6th September 1853), wrote as follows :—

“Under the head Khairat is included a description of grant known commonly in this part of the country as Munafa, and another equally recognized as ‘Hissadari.’ I have never been able to obtain a satisfactory meaning

* No. 170, dated 31st May 1854, to the Commissioner.

“ of the former term in its Jagir use. Literally rendered, it would seem to be
 “ no more than Munafia **منافع** the plural of **منفعة** ‘profit’ or ‘emolument,’
 “ and the common word ‘perquisite’ might be taken as not far from a correct
 “ translation. It is its application in a distinct form that creates the necessity
 “ for inquiry. Received as the index to a class of Jagirs, it becomes as signi-
 “ ficant a term as the clerical ‘benefice’ or ‘living’ in our own language. My
 “ impression is that it is a mere relic of some former system of verbiage cur-
 “ rent at Delhi or other seat of Sindian sovereignty, and that its classification
 “ should depend mainly upon the character of the individuals to whom the
 “ grants are made.

Meaning of Hissadari.

The three families of Rustom, Mubarik, and Ali Murad are the real Hissadars of Khairpur under Mir Sorab Khan's partition of the country.

“ As regards Hissadari, I should say that it
 “ implied a kind of minor partnership in the
 “ revenue of the country, authorized in some cases
 “ (as also Munafadari) by letters of the Delhi
 “ Kings.”

490. Whether, therefore, a Munafidar or Hissadar was a Jagirdar, or Pattadar, or a Khairatdar, depended mostly upon the ‘character’ of the grantee. If he was a man of (I) sanctity or (II) learning (reputed or real), or (III) in charge of a sacerdotal or quasi sacerdotal office, the grant might fairly be inferred to be religious or charitable. As a matter of fact, all the Khairatdars in Sind may be ranged under one or other of these heads with the following sub-heads :—

- | | | | |
|---|--------------|------|---|
| { | Muhammadans. | I. | (1) Sayads or the descendants of Ali and Fatima. |
| | | | (2) Makhdums. |
| | | | (3) Pirs and Pirzadahs. |
| | | | (4) Darweshes and Fakirs. |
| | | | (5) Sufis. |
| | | | (6) Hajis. |
| | | II. | Maulavis. |
| | | III. | (1) Mullahs, Hafizs, Muezzins and others attached to Mosques. |
| | | | (2) Kazis (Judges). |
| | | | (3) Muftis (Registrars of marriages). |
| | | | (4) Muzawars of Mausolea, shrines and tombs. |

† This classification is based upon a careful study of the various Khairats confirmed by the British Government.

- | | | | | |
|---|---------|----|-----|--------------------|
| { | Hindus. | I. | (1) | Brahmins. |
| | | | (2) | Udasis. |
| | | | (3) | Nanikshahi Bawas. |
| | | | (4) | Thakurs. |
| | | | (5) | Nangas and Fakirs. |
| | | | (6) | Jogis. |
| | | | (7) | Sufis. |

In the case of Mullas, Kazis, and Muftis, the grants were, as a rule, attached to their respective offices. The Muzawars (*e. g.*, of the Than of Satis, of Khwaja Khizr's shrine, of the tombs of the Daudpotras, of Yar Muhammad Kalhora &c.) had certain duties to discharge in connection with the monuments and shrines in their charge, while some of them, as in the case of the Muzawar of the Takia of Haji Shah—kept resting-houses for travellers. The Hindu grantees belonged mostly to the religious class, and were seldom favoured with Khairats, unless they had Dharmshalas or Tikanas for Hindu way-farers, or unless they had very influential patrons at Court.

Division of Khairats
according to the nature of
the alienation.

491. Khairats may be again broadly
divided into four kinds according to their
nature, *viz* :—

(1.) Alienations of the land revenue of lands managed by the grantees themselves, which may be called Khairat lands.

(2.) Assignments on the land revenue of lands not managed by the grantees themselves, which may be called Hissadari Khairats.

(3.) Money or grain allowances without any liens on land revenue.

(4.) Immunities from district and town taxes, and customs duties upon articles of food and raiment.*

The Sayads of Bukkur and Rohrit had in old times grants of the 1st and 2nd descriptions, while the Sayads of Tatta had those of the 3rd and 4th. But in the subsequent Sections we shall have only to deal with Khairats of the 1st, 2nd and 3rd kinds, as the 4th no longer exists. The oldest alienation in Sind is a Khairat of the land revenue of Aliwahan made by the Emperor Alaṭ-ud-din,

* This classification too is based upon a study of the individual cases.

† The value of the lands and allowances sanctioned by Government to these Sayads was estimated at Rs. 15,985 (English currency.)

and confirmed by the Emperor Shah Jahan and his successors. The oldest money grant (often commuted for land) is that to the Sayads of Tatta by Mirza Iso Turkhan in A. H. 968 (A. D. 1561) which was confirmed not only by the Turkhan rulers, but by the Emperor Akbar's viceregent at Tatta, by the Emperors Jahangir, Shah Jahan and Aurangzib, and by their successors up to Muhammad Shah. This last mentioned Emperor farmed out the revenues of the City of Tatta and of the surrounding country to Hashmat Dilerkhan and others, by whom the Sayads' grants were regularly paid from the contract money. Even Nadirshah, after his conquest of Sind, did not disturb these grants, and went so far as to direct their payment from the tribute of 12 lakhs imposed by him on Nur Muhammad Kalhora. Nadirshah's successor on the throne, Ahmadshah Durani, followed his example, as did also the Kalhoras. Mir Fateh Ali, however, reduced the Sayads' allowances by one-half, but notwithstanding this reduction they amounted in Mir Nur Muhammad's time to no less than Haidarabad Rupees 14,000 per annum, a sum increased by Mir Hussen Ali to Haidarabad Rs. 18,174-10-5 (=Rs. 12,722-4-0 English currency), or including the deductions usually made on account of various fees, to Rs. 11,647-4-0 of the English currency.*

* *Vide* Captain Preedy's No. 214, dated 14th April 1848, to the Commissioner.

SECTION II.

SETTLEMENT OF KHAIRATS OF LAND REVENUE OF LANDS
MANAGED BY THE GRANTEES.

492. Sir Charles Napier appears to have made no distinction between lands held as Jagir and lands held as Khairat, and both appear to have been subjected to the same rules.

Khairats of land at first treated as Jagirs.

493. It was not until 1850* that the previous practice was partially departed from by admitting the disciples of Hindu Khairatdars to succession on the recommendation of Captain Rathborne, who, however, was not sure as to “how far in matters so perfectly “depending on the pleasure of the ruler” the Hindu law should be taken as a guide, or “how far it might be the policy of Government to perpetuate grants which would, under this system, resolve “themselves into endowments to Hindus of a purely religious “character.”

Disciples of Hindu Khairatdars admitted to succession.

494. The question of the treatment of Khairats came prominently to the surface, on the annexation of the districts resumed from Mir Ali Murad, and Mr. Frere in his rules dated 13th March 1852, gave the following direction on the subject:—

Mr. Frere's directions as to the treatment of Khairats in the Resumed Districts.

“Charitable grants may be continued temporarily, and for life of “present holders only, provided the parties were in possession at the time of “the Resumption, in all cases where the grantee is a real object of charity “or of respect in the eyes of the grantor, and when there is nothing contrary “to decency or public morality in the grant.”

He also laid down in November 1852,† that whenever a claim was rejected the holder should not be deprived of the land

* *Vide* Captain Rathborne's No. 105, dated 30th January 1850, Commissioner's No. 236, dated 5th February 1850, and Captain Rathborne's reply thereto, and the Commissioner's decision in No. 301, dated 16th February 1850.

† No. 2962, dated 23rd November 1852, to the Collector of Haidarabad.

in his possession, and should be allowed to cultivate it on his agreeing to pay a fair assessment, fixed on a consideration of the assessment levied on neighbouring lands, and allowing for all improvements of a permanent character made by the incumbent during his rent-free tenure.

495. The Government of India having authorized the extension, to claims for money and grain allowances, of rules analogous to those numbered 3 and 4 in Schedule B. of Act XI of 1852, (*Vide* Circular of the Bombay Government No. 6124, dated 20th September 1852), Mr. Frere was of opinion that their spirit should be followed in disposing of Khairats of land,* and their settlement in the resumed districts of Kandiario and Naushahro was made on this principle.

496. On the 15th of September 1853, (No. 354), Mr. Frere submitted a Statement showing the particulars of each case, and his decision thereon, to Government for their sanction.

There were 68 claimants. The total annual value of charitable grants actually enjoyed at the time of the annexation of these districts was Rs. 7,088-14-6. but of this sum the largest items were alienations of shares of revenue in favour of a Sayad who was the chief priest of His Highness Mir Ali Murad, or in favour of this Sayad's immediate followers and dependents. As none of these parties was resident in the districts, and as the alienations were salaries for the supposed performance of private religious services rather than purely charitable grants, Mr. Frere considered that such claims were not recognizable. This reduced the claims to Rs. 1,547-10-11 per annum, which consisted almost wholly of small grants of land. Of these, claims amounting to Rs. 984-7-7 were admitted for life, and others amounting to Rs. 174-6-2 hereditarily. The rest being of older standing than those admitted for life were made subject to revision on the death of incumbents, as there were no sufficient materials for deciding them.†

497. On the 12th of November 1853, Mr. Frere simplified the inquiry into Khairats by laying down the following rule on the occasion of deciding the case of three petty Khairatdars, two of whom had died ‡:—

* *Vide* his No. 171, dated 19th May 1853, to the Government.

† Bombay Government Resolution No. 6321, dated 28th October 1853, and Bombay Government Resolution No. 7072, dated 7th December 1853, sanctioned the grants.

‡ No. 3340, to the Collector of Shikarpur.

“In small grants of land like this, little good is obtained by minute sub-divisions made solely to enable Government to seize shares as the incumbents die off, and it may, in my opinion, be laid down as a rule that the shares in charitable grants of less than 50 bigahs should not be interfered with so long as any one recognized incumbent survives.”

Shares less than 50 bigahs not to lapse if any survivor left.

498. Khairats mostly existed in the Shikarpur district, and therefore Mr. Frere in directing the assimilation of the Shikarpur Jagir rules with those of Haidarabad on the 15th of November 1854, (No. 3397), took care to say that these grants “should continue to be decided in the spirit of the Amended Rules of 1842, with special exceptions in favour of the claimants when from character or position they appear to deserve favourable consideration.”

Khairats to be disposed of in the spirit of the Amended Rules of 1842.

499. Under these orders the claims of the Sayads of Bukkur and Rohri* and of Khairatdars in the Shikarpur district† collectively, and a few cases individually, were settled with the sanction of the Bombay Government. Other claims were included in Captain Pelly's Rolls, and their settlement may be said to have been confirmed under the general sanction to the rules for classifying 3rd and 4th class Jagirs, the Second class of Khairats, those 40 years old, being nearly equivalent to the 3rd class of Jagirs. If a grant lower than the 2nd class was held in common by several individuals, it was generally confirmed “for life of all sharers.” If it fell in the 2nd class and was not held in common, it was confirmed to the incumbent, and after his death to his son, or in special cases “until death of all his sons.” Some of these Khairats through mistake or misapprehension were subjected to the payment of Chowth on the analogy of Jagirs. But the spirit of the Amended Rules of 1842, or rather Rules 3 and 4 of Act XI of 1852, appears

* Bombay Government Resolution No. 705, dated 15th February 1855.

† Bombay Government Resolution No. 534, dated 7th February 1855. Bombay Government Resolution No. 1755, dated 28th April 1855.

on the whole, to have been followed, though with considerable latitude.

500. As regards the Khairats older than the accession of the Talpurs and worthy of hereditary confirmation, Major Goldsmid submitted a complete list of them with his No. 209, dated 2nd November 1858, and valued them at Rs. 11,800. Mr. Ellis, in forwarding this statement to Government, wrote as follows :—

Mr. Ellis's report on Khairats older than the Talpurs' rule.

“37. The third statement submitted contains charitable allowances. It will be remarked how few of these there are in Sind, compared with other districts in this Presidency. The total amount proposed for hereditary continuance is land, sixty five thousand bigahs, valued at Rupees 11,800 annual revenue, and Rupees (351) three hundred and fifty-one per annum in money or grain. Besides these is the case of the Sayads of Tatta which has been reported separately.....

“38. The claim which requires remark beyond the notes appended by me to Major Goldsmid's Reports, is the one numbered 9* in the List. Sanads which were not produced at the time of a former enquiry, now show that this claim should be acknowledged as hereditary, though before decided to be for life, and though one of the three shares has been resumed on the death of the holder according to the former decision. There is no reason to doubt the authenticity of the Sanads, and as they were produced before the final enquiry has been concluded, I think that the hereditary title may be admitted, and the share restored without arrears, which have been forfeited owing to the omission of the claimants themselves.

“40. The general principle on which all these charitable allowances have been so (*i. e.*, hereditarily) recommended, is the enjoyment by the family of the claimant for 60 years (or 40 years if on behalf of a permanent Institution) anterior to the commencement of British Rule. The number of successions has not been taken into account.”

501. The Bombay Government in their No. 576, dated 15th February 1859, to the Government of India, after stating that the third statement related to charitable grants remarked as follows :—

Remarks of Bombay Government.

“18. The small amount of this last class as compared with the rest of the Bombay Presidency is a striking feature in the alienations of Sind. The charitable grants now proposed for permanent confirmation amount only to Rupees 12,151, and including the claims of the Sayads of Tatta would be Rupees 18,151 per annum.

* Sedik Ali Shah—Imam Ali Shah—and Hassan Ali Shah. Vide Section III.

“22. The claim referred to in paragraph 38 of the Special Commissioner’s report may, in the opinion of His Lordship in Council, be admitted, as there is no doubt of the authenticity of the title deeds produced by the claimant.”

502. The Government of India in their No. 711, dated 5th April 1859, conveyed their sanction to the Settlement of Khairats in the following terms :—

Sanction of the Government of India

“9. The third subdivision of the 1st class of alienations are the charitable grants 27 in number, involving a revenue of 12,154 Rs. on an area of 64,945 bigahs of land. These grants are recommended for continuance on the ground of length of enjoyment, and the Governor General is pleased to sanction their permanent recognition as proposed by the Government of Bombay, the cases alluded to in your 21st† and 22nd paragraphs being included in the sanction.”

“17. The general conditions upon which the alienations permanently sanctioned in this despatch are to be granted, will be laid down in detail finally by the Government of Bombay.”

503. The Secretary of State in his despatch No. 10, dated 15th September 1859, thus referred to the Settlement of Khairats :—

Review of the Settlement by the Secretary of State.

“7. The religious and charitable allowances embrace 64,945 bigahs of land, the annual rent of which would be Rs. 12,156. All these it is proposed to confirm, on the general principle of admitting as a valid title enjoyment for a term of 60 years, or in the case of a permanent institution, of 40 years.”

504. In forwarding this despatch on the 21st October 1859, the Bombay Government expedited the Commissioner’s report, *inter alia*, as to the general conditions to be imposed on Khairatdars, and Mr. Inverarity accordingly, with his No. 39, of the 10th of February 1860, forwarded the following form of Sanad for Khairatdars, for approval.

General conditions of grant proposed by the Commissioner.

No.

To

.....

Whereas it appears, upon due inquiry that (*quantity of land*) situated in the _____ were in the _____

† A money allowance.

hands of (*father or other predecessor*) and had been, for many years prior, in the possession of your ancestors ; Now, under the Rules in force for such alienations, and owing to the said land has been confirmed to you hereditarily, subject to former conditions of service and loyalty to Government ; but free of all cess and impost on account of Government, save and except the payment of yearly for Roads and Schools.

Commissioner in Sind.

505. The Bombay Government in their reply No. 1221, dated Alterations proposed by 30th March 1860, observed that the term Government.

“ hereditarily ” in this form should be defined “ as meaning lineal heirs male,” and the Government of India approved this direction. But Mr. Inverarity in his No. 109, dated 30th April 1860, suggested a re-consideration of this ques-

Mr. Inverarity's reply. tion. The word ‘ hereditary,’ he stated, applied to inheritance of office as well as to heirship of the body, and many of these charitable grants would be continued to the person succeeding to the office and designation of a deceased incumbent rather than necessarily to the “ lineal heirs male.” This point would be decided without difficulty on reference to the register of heirs, in which it would be the duty of every regrantee to enter the name of his heir, on being himself put in possession, he being equally bound to report any legitimate change or naturally occurring casualty. Mr. Inverarity concluded that it was not considered necessary to add a final caution* to this description of grant already declared generally subject to former conditions of service and loyalty.

506. The Bombay Government in their No. 550, dated 31st Government orders as January 1861, were, however, unable to to the nature of the hereditary tenure of Khairats. assent to the use of the word ‘ hereditarily,’ except in such cases as those described by the Commissioner

* i. e. the caution like the one in the Sirdars' Sanads :—

“ Failing loyalty and good behaviour on your part or that of any of your successors, this Sanad will be revoked and the grant resumed.”

where charitable and other grants were to be continued to successors in office. In such cases this condition was ordered to be clearly specified in the Sanad, and in all other cases where the succession was to be limited to "heirs male of the body," the right of succession of all male descendants of the person who was recognized at the Conquest was to be secured.

507. The Sanads to Khairatdars were not issued along with those Sanads not yet issued. to hereditary Jagirdars. Indeed they have not yet been issued.

508. On the 15th of November, 1861, Mr. Inverarity with his No. 3262, forwarded to the Collectors Rolls of free grants, the holders of which were known as ordinary Khairatdars and Mafidars which included non-permanent grantees of this class. Such of them as possessed permanent holdings, it was proposed to include in the printed record.

Instructions given to Collectors. 509. The instructions given to the Collectors were as follows:—

"In this description of grant the death of one out of two or more sharers will not cause a lapse of Revenue. The only liability occasioned by the casualty will be the payment of a 5 per cent. fee on account of Roads and Schools in all cases where the cess is not already in force, and when such per centage on the share of deceased would amount to or exceed 1 Rupee. For instance A, B and C are Mafidars. Their rent-free grant produces a revenue of Rs. 60 per annum. A dies. No deduction from the whole revenue alienated is made on account of casualty, but B and C are assessed 5 per cent. on Rs. 20 on the share of deceased, that is to the extent of 1 Rupee. So also another Rupee assessment would be levied on the death of B and C. But on the death of both the grant would be resumed."

510. The Roll of permanent Khairatdars was issued on the 22nd September 1863. As regards the subdivision of Khairats.—*Vide* page 330.

SECTION III.

HISSADARI KHAIRATS.

- *2. Mir Hussen Shah,
Sayad.
- *3. Ghulam Hussen Shah,
Sayad.
- *9. Sadik Ali Shah, Imam
Ali Shah and Hussen
Ali Shah.

511. There were only three such Khairatdars, viz., those noted in the margin. Their settlement was made under the orders quoted in Section II — and the incidents of their tenure will be found in the Chapter on Hissadaris.

* These numbers are the numbers in the list of Khairatdars sent to Government for sanction.

SECTION IV.

SETTLEMENT OF THE KHAIRATS OF MONEY OR GRAIN.

A. Allowances of the Sayads of Tatta.

512. The Tatta Sayads like other grantees from the Mirs claimed their allowances at the Conquest, but Captain Preedy was strongly opposed to their confirmation, on the ground that to support the Muhammadan religion was no part of the policy of Government, and that the continuance of the grants would only prevent the Sayads from turning their attention to useful occupations. Many of them had, during the ten months that had elapsed after the Conquest, already given up their "idle dissolute life," and the others, Captain Preedy stated, "if unsupported by Government would, doubtless, soon follow their example."

Reasons for not confirming the Sayads' allowances after the Conquest.

513. The Government of India who were informed of the Sayads' claim considered the amount of their pensions "excessive," and "their object "injurious," and the confiscation was therefore continued.

Continuance of the confiscation by the Government of India.

514. On the departure of Sir Charles Napier, the Sayads again brought their claim before the authorities, and Mr. Pringle reported it to Government on the 29th January 1848. The Bombay Government in their letter to the Commissioner No. 4205, dated 11th October 1848, which was based on Sir George Clerk's Minute, thus expressed themselves on the subject:—

Mr. Pringle's report on the Sayads' claim, and the remarks of the Bombay Government.

“23. An instance.....was not long since brought to the notice
 “of Government, in which the Sayads of Tatta, the priest, the Muhammadan
 “Law officers and religious mendicants of the same place (Tatta), had been
 “deprived by the British Government of allowances amounting to Rs. 14,000
 “per annum, some of which, according to the particulars furnished by Cap-
 “tain Preedy, had their origin in Imperial hereditary grants made upwards
 “of three hundred years since, which probably may be considered as a better
 “and older title than appertains to any other property in Sind.”

515. Mr. Pringle, on the 26th of June 1849, in reply to a call for information addressed to him in May 1848 on this subject, admitted the antiquity and genuineness of the grants, though he showed that they had been subject to variations in form and amount. He recommended that the allowances should be commuted for a

Mr. Pringle's recommendation rejected by Government of India. Jagir of the same value minus $\frac{1}{4}$ th, that is, according to his calculation, of the value of

Rs. 8,550. The Supreme Government however refused to sanction this proposal. Their Secretary Mr. F. S. Halliday wrote to the Bombay Government (No. 662, dated 22nd September 1849), as follows :—

“I am directed to state that strong objections are entertained by the
 “Supreme Government to reviving in any shape or to any extent the allow-
 “ances in question; they have been unpaid now for nearly seven years, and the
 “President in Council remarks that even at so early a date after their with-
 “drawal as November 1843, Captain Preedy reported to the Sind Govern-
 “ment that many of those who had previously been in the receipt of allow-
 “ances had already turned their attention to some useful occupation, and he
 “has now reported that most of the male claimants are engaged in agri-
 “culture ‘or in trade.’ But apart from all consideration of the position
 “and the necessities of the claimants, the President in Council is not dis-
 “posed to admit, that the grants were of that description which it could at
 “any time have been held binding on the British Government to continue,
 “far less to perpetuate, as has been proposed by Mr. Pringle.

“3. The allowances were not granted for the maintenance of any
 “mosque or religious establishment of any kind, but were given as a daily
 “allowance for the support of Sayads and other persons reputed holy on
 “account of their descent from the Prophet, or on account of the supposed
 “austerity of their lives, and whose wants, therefore, it was considered by
 “the Native Princes meritorious to provide for. Such grants as these, it
 “does not appear to the President in Council to be incumbent upon the
 “British Government to recognize, and he feels compelled, therefore, to
 “withhold his assent to the measure recommended in your letter under
 “acknowledgment.”

516. The Sayads, however, once more pressed their claims during the administration of Mr. Frere, and the Bombay Government in their No. 1850, dated the 4th May 1855, to the Government of India, proposed, in order to encourage the Sayads in agriculture, to grant a certain number of bigahs of land at a cash assessment of one-half the usual rate, the total amount of the grant not to exceed the remission of Rs. 6,000 of annual revenue, and to be reduced as lapses occurred by the failure of heirs.

Correspondence revived by Mr. Frere. His proposal to grant land at a cash assessment of one-half the usual rate.

517. The Government of India in their reply No. 827, dated 29th June 1855, consented to this proposal, being of opinion that this mode of relief was unobjectionable, and the amount moderate, considering the claims of the Sayads.

Government of India consent.

518. But in carrying out this arrangement, the Collector found some difficulty, for not above one-sixth of the whole body of Sayads were available for agricultural pursuits. Many, moreover, were so indigent as to be unable to lay out the capital required in Sind for cutting water-courses and for other preliminaries, while many were physically unfit. A tract of land, however, was assigned, the half revenues of which, on an average of previous years, amounted to Rs. 6,000. But the first season the produce was somewhat less than the average, while the next year it was considerably in excess; and then questions arose regarding the expense of canal clearances, which were settled by an order from the Commissioner in Sind to pay the Sayads Rs. 6,000 from the annual produce of the assigned tract, and credit the rest to Government.

Difficulties in carrying out the above proposal.

Mr. Frere's order to pay Rs. 6,000 annually to the Sayads from the produce.

519. This course was, however, open to the grave objection that it was not entirely in accordance with the terms on which the grant had been sanctioned. The main object of the grant was

to induce the Sayads to improve the cultivation, but it was clear that if the amount payable to the Sayads was fixed without reference to the proceeds of the estate, they would feel no interest in the condition of the land. The Sayads themselves preferred

Mr. Ellis refers the question of this grant to Government.

the settlement made by Mr. Frere, and under these circumstances, Mr. B. H. Ellis, Special Commissioner for Jagirs in Sind, in his No. 29, dated 10th November 1858, requested the instructions of Government.

The question for the Government to decide was, whether the Sayads' wishes should be acceded to, and the terms of the former grant so far modified as to allow them to receive Rs. 6,000 per annum without reference to the proceeds of any particular locality, or whether they should be allowed

Should there be a money allowance of Rs. 6,000 or an assignment of land revenue. the management of an assigned tract yielding an average revenue of Rs. 12,000, and receive half of the revenues, whether more or less than Rs. 6,000. There would be, in this latter case, Mr. Ellis remarked, some difficulty regarding extraordinary

canal improvements, but he thought, it could be removed by a provision that half of all extraordinary expenses should be defrayed from the Sayad's share of any profits realized over and above their average revenue of Rs. 6,000.

Mr. Ellis also took this opportunity to bring another point to the notice of Government. By the former orders, when the heirs of any individual recipient failed, a portion would lapse to the State ; but as the grant was a renewal of ancient holdings, under title-deeds, more ancient than any other in Sind, to resume on the failure of lineal heirs of the present incumbents would, he said, be illiberal, there being few without collateral heirs descended from a common ancestor who had enjoyed privileges under the Mirs ; and as it would involve constant enquiry among a large number of holders, which was hardly compensated for by the profits of the small lapses which would fall in, he suggested whether the grant might not be made

Should not the grant be made permanent to the whole body of Sayads and not to individuals. permanent to the whole body of recipients, leaving them to make their own arrangements for a distribution of the money ; otherwise to allow succession to the heirs of those whose names were traceable in

Sanads under the Mirs : but this latter plan, Mr. Ellis observed, would involve a tedious inquiry into the genealogy of many families.

520. A communication was accordingly addressed by the Government of Bombay to that of India (No.

Decision of Government of India.

4200, dated 17th December 1858), and their instructions on the subject were requested.

The Government of India replied to this communication in Mr. Secretary Grey's letter No. 966 of the 13th May 1859, in the following terms :—

“ 4. His Excellency in Council understands from the 6th and 8th paragraphs of the Special Commissioner’s letter, that instead of grants of land having been made to specific individuals, a tract of land has been assigned to the whole body of Sayads under such an arrangement that practically they have nothing to do with the cultivation, but simply enjoy an assignment on the revenue. The Special Commissioner represents that there are difficulties in carrying out in any more effectual way the original intention of the Government, partly arising from the indisposition of the Sayads themselves to agricultural pursuits, and partly from the circumstance that all the land available for assignment to them is already in possession of cultivators who cannot be dispossessed.

“ 5. In this state of the case, the Special Commissioner suggests that it will be better to make a money payment on the Sayads, and the Government of Bombay recommends the adoption of that course.

“ 6. It is also recommended, for the reasons stated in the two concluding paragraphs of the Special Commissioner’s letter, that the grant shall not be liable to resumption on the death of individual holders without heirs, but that the entire sum shall be granted to the whole body of Sayads in perpetuity, leaving them to make their own arrangements for its disposal.

“ 7. Under the circumstances represented, and seeing that the arrangement which has already been made is in effect not distinguishable from a money payment, His Excellency the Governor General in Council is pleased to sanction the adoption of the plan recommended by the Government of Bombay, and he assents also to the recommendation that the lapse of the holdings of individual recipients on failure of heirs shall not be insisted on.

“ 8. I am desired to add, however, that as the existence of a numerous body of persons enjoying petty grants of money from the State can only serve to encourage idleness, and is in other respects objectionable, the Governor General in Council would wish the Government of Bombay to endeavour to buy up the interests of the recipients and their successors by a ready-money payment. This, next to a grant of lands, which the Government of Bombay appear to think impracticable, would be the best way of closing the direct connection of Government with these Sayads.”

521. Copy of this letter was forwarded to the Commissioner in Sind for information, and with a request that he would report on the subject of the 8th paragraph of the letter from the Government of India.

522. Mr. Inverarity reported that after a consultation which Major Goldsmid, Assistant Commissioner for Jagirs, had with the Collector and the head of the Sayads, that officer had come to the conclusion that the only plan was to leave matters as they were, until the question of purchase was mooted by the body of Sayads themselves.

523. In the meantime, the Commissioner solicited instructions as to the amount of purchase-money to be offered for the annuity, and added :—

“Major Goldsmid writes that present appearances do not warrant him to suppose an inclination on the part of the Sayads to take even a lakh of rupees in ready-money payment, for the extinction of the annuity now enjoyed by them.”

524. The Bombay Government were of opinion that to press on the Sayads the purchase of their annual allowances by a ready-money payment would excite much dissatisfaction, but that if it were understood that an offer from them would be accepted, it was possible that some day they might themselves make the proposal.

525. It was, therefore, suggested to the Government of India that it would not be advisable to press the question, but that the local authorities might be authorised to disburse, in satisfaction of all claims, the full present value of an annuity of six thousand rupees, calculating interest at $5\frac{1}{2}$ per cent. The amount to be disbursed would exceed a lakh of rupees, and therefore it was not to be expected that the Sayads would accept less than that sum. This proposal was sanctioned by the Government of India, and communicated to the Commissioner in Sind.

SECTION IV.

*B. Khairate of money or grain other their those to the
Sayads of Tatta.*

526. Most of these Khairats were discontinued at the Conquest, and on this account not more than nine worth only Rs. 351 per annum, were confirmed hereditarily at the final settlement. The details of each of these cases will be found in the Chapter in Part II. devoted to Khairats. It is here only necessary to note that of these nine grantees, one was a Kazi, one a Mufti, four Muzawars, one the Mulla of a Mosque and one the care-taker of a Dharmasala. The non-permanent grants obtained mostly in the Shikarpur District, and were settled under Bombay Government Resolution No. 534, dated 7th February 1855.

Settlement made under Amended Rules of 1842. 527. The settlement of all these money and grain allowances was carried out mainly under the Amended Rules of 1842.

528. These Rules were forwarded to the Commissioner by the Bombay Government, with their Circular No. 6124, on the 20th September 1852. The Circular ran as follows:—

“As the Government of India have authorized the extension to claims for money and grain allowances of Rules analogous to those numbered 3 and 4* in Schedule B of Act XI of 1852, in supersession of Rules 1 and

*“3. All land uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

“4. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of 40 years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.”

(Then follow 3 provisos.)

“2 of the 2nd Division of the Government Rules of the 23rd June 1842, and as it appears to the Right Hon'ble the Governor in Council that so many of the Rules of that Schedule as are applicable to claims for Cash and Grain Allowances should be acted upon in their adjudication, the accompanying printed Rules are forwarded for your guidance in inquiries and reports connected with the continuance of such allowances; and are to be referred to by you as 'The Amended Rules of 1842.'”

529. In para. 58 of his No. 171, dated 19th May 1853, Mr. Frere accordingly while suggesting a classification of Jagirs not exactly on the lines of Act XI of 1852, proposed the adoption of the above rules for the settlement of Khairats. But he added :—

“Considering the paucity of these grants in Sind, and the resumption of the majority of this class of cases which had already taken place, the rules should be so far modified that no note should be taken of the number of successions under the former dynasty. Those held for 60 years before the accession of the British would thus be hereditary, for 40 years would be held for one generation beyond the first incumbent, and those under that would lapse on the death of the present holders.”

530. It has been stated in the 1st Chapter, Section IV, that a copy of Mr. Frere's letter No. 171, was sent to Mr. Frere's proposed modification acted upon. Captain Stack for his guidance in anticipation of Government sanction, and although the formal sanction was not received, it was acted upon in dealing with charitable grants up to the date of final settlement.*

531. Under these rules, then, six out of the nine cases had been separately submitted to Government for List of claims made by Major Goldsmid. orders and settled, and two more had been likewise referred for their instructions, though not settled before the 22nd of November 1858, when Major Goldsmid forwarded his report on Khairats to the Commissioner. He remarked that he had not necessarily included in his list “all who might be held to claim under clause VII of the Amended Rules of 1842,” if the claims were otherwise open to objection. For instance, he had seen no reason for admitting hereditarily the claims of two Muezzins (criers attached to Mosques) in Shikarpur

* The Amended Rules of 1842 were sent to Captain Stack on October 17th, 1853.

and Larkana, who had been respectively in the receipt of Rs. 1½ and 8 annas monthly. These, he said, “might reasonably be paid by the congregation of those mosques.” So also he could not see

his way to admitting the claim of the caretaker of “the Hair of the Prophet” at Rohri, as this was not an ‘institution,’ or of the Muzawars of obscure tombs.

Mr. Ellis's report.

532. Mr. Ellis in submitting Major Goldsmid's statement to Government, after remarking that their total value amounted only to Rs. 351 per annum, wrote as follows :—

“39. Among the grain grants is one to which I cannot at present request sanction, as owing to my being suddenly appointed to another office, I have not had time to institute the requisite inquiry. The amount is small, and it is not necessary to delay a decision on the more important claims, pending further inquiry regarding this one. The case is No. 22,* involving Rupees 48 per annum, and I would recommend that this be sanctioned, if the enjoyment date from sixty years before the commencement of British rule; if otherwise, that the Commissioner in Sind be requested to submit a report of any special reasons there may be for recommending hereditary continuance.

“40. The general principle on which all these charitable allowances have been so recommended, is the enjoyment by the family of the claimant for sixty years (or forty years if on behalf of a permanent institution) anterior to the commencement of British rule: the number of successions has not been taken into account.”

Remarks of Bombay Government.

533. The Bombay Government in their No. 576, dated 15th February 1859, to the Government of India, remarked on this subject as follows :—

“19. In the opinion of His Lordship in Council, it is desirable to commute, if possible, for land bearing an equal amount of assessment, the small sum of Rupees 351 paid in cash for money and grain allowances. If the Government of India concur, the Commissioner in Sind will be requested to commute these allowances for assignments of land, provided that course be acceptable to the holders.

“20. The ground on which hereditary continuance is advocated in the Special Commissioner's second letter is the same for all classes—length of enjoyment,—and on this ground the Right Honorable the Governor in Council would recommend the adoption generally of the proposed settlement.

* Mirza Ata Mahmud.

“ 21. The Special Commissioner has reserved his opinion on the claim
 “ No. 22 in the roll of charitable grants. With regard to this, I am direct-
 “ ed to observe that correspondence on the records of Government satisfac-
 “ torily proves that the hereditary claim should be recognised, and the Right
 “ Honorable the Governor in Council therefore recommends it for sanction
 “ with the rest.”

Government of India
 desires commutations of
 these allowances into land.

534. The Government of India in their
 reply No. 711, dated 5th April 1859, while
 sanctioning the permanent recognition of
 case No. 22, wrote as follows :—

“ Para. 9.....In regard to the small sum of Rs. 351 paid in cash for
 “ money and grain allowances, His Excellency in Council desires that it may
 “ be, as soon as possible, commuted for assignments of land, and that the
 “ holders may not be allowed the option of declining this commutation.”

535. The Government of Bombay accordingly in their No. 1766,
 dated 10th May 1859, (Para. 4) requested
 Mr. Inverarity's views. Mr. Frere to report in what mode he pro-
 posed to carry out the above instructions, and expedited the report
 in their No. 4175, dated 21st October 1859. Mr. Inverarity replied
 on the 10th February 1860, (No. 39) as follows :—

“ 6. (Para. 4). The Assistant Commissioner for Jagirs thus reports :—
 “ ‘ The charitable money-grants it is proposed, as a rule, to commute at once
 “ ‘ into land allotments in communication with the Collector of Shikarpur ;
 “ ‘ but in cases where the commutation would be a manifest hardship, or even
 “ ‘ greatly against the wishes of the recipient, upon grounds of reasonable ob-
 “ ‘ jection, such other arrangements will be made as will, it is hoped, be found
 “ ‘ satisfactory. The amount of the whole is not large, nor does the settle-
 “ ‘ ment appear a matter of difficulty.’ ”

“ 7. To particularize further, I will explain that in July last my pre-
 “ decessor directed the Collector of Shikarpur to forward any proposal which
 “ he might consider the best calculated to carry out the wishes of Govern-
 “ ment in commuting the money and grain allowances, amounting to rupees
 “ three hundred and fifty-one yearly, to assignments of land. Suggestions
 “ were offered on particular cases, and practical illustrations of settlement
 “ supplied. Positive instructions were withheld for the simple reason that
 “ the Collector's opinion appeared essential on the local effects of the pro-
 “ posed commutations upon individuals, before the Commissioner passed a
 “ decision on the matter. The Collector replied in detail, showing that, with
 “ the exception of three cases, he considered the arrangement not in fairness
 “ feasible, and that the objections raised to the change by the recipients of
 “ allowances were just ; these persons were not of a class either used, or like-
 “ ly to become used, to agricultural pursuits. Sir Bartle Frere then directed
 “ the commutation to take effect in the three cases alluded to, thus disposing

“of rupees sixty-three. The balance, amounting to rupees two hundred
 “and eighty-eight per annum, he considered ‘might be transferred from the
 “‘account of direct money payments made out of the treasury to revenue
 “‘assignments on the revenue of particular Dehs or Tapas. These would be
 “‘debited in the general account, and any default in meeting the demand
 “‘would come under the cognisance of the Government authorities.’ The
 “Collector’s reply to these latest instructions has not been received; but,
 “in my own opinion, it would be better to leave the small balance exhibited
 “a money payment from the treasury as at present, on the understanding
 “that the earliest opportunity of commutation should be held available to
 “carry out the views of Government in any or all of the cases.”

536. The Bombay Government in their No. 1221, dated 30th
 March 1860, to the Commissioner, approved

Final orders.

of the mode in which the latter proposed to
 deal with the charitable allowances, and suggested to the Gov-
 ernment of India that they be left for commutation as favourable
 opportunities offered, and the Government of India approved of
 the instructions issued to the Commissioner in Sind.

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CHAPTER IV.

HISSADARI SETTLEMENT.

537. The term 'Hissadar' literally signifies a share-holder or sharer, and was eventually restricted to those sharers with Government in the land revenue of lands or villages; who were mere assignees of such revenue, without any right to manage the property from which it was derived.

Meaning of the term
"Hissadar."

Captain Stack's recommendation to classify Hissadaris as Jagirs.

538. Captain Stack* was of opinion that Hissadaris "would probably be classed as "Jagirs." He continued:—

"Indeed the copy of Sanad by Mehr Dil Khan forwarded with Captain Goldsmid's letter|| as an explanation of the class, expressly mentions that the grant was made (برصيفر جاگیر) in the form of a Jagir, and I do not imagine that the grantees themselves were even Zamindars in the locality of the grant. Probably too, they were subject to the call for service when required. If I am right in this supposition, they would, I imagine, come under the Jagir Rules in all respects, except as regards waste lands in revenue grant, which, of course, could not be carried out—they holding only a lien on the revenue but no actual possession of land."

539. But there was another important distinction which Captain Stack ignored—viz., that from their very character Hissadaris were

liable to a Collection fee. As early as the 27th of January 1848, Captain Goldney in his No. 190, had inquired whether the shares of the revenues of villages enjoyed by certain grantees were to be calculated "after deducting all expenses of Kardars, measurers, canals, &c. or not." And Mr. Pringle had replied§ that if the revenue was managed by Government and a share paid to the grantees, "the expense of collection should be charged to the produce before the share was calculated."

* No. 147, dated 24th September 1853. (para. 5).

|| This letter was a report upon the Jagir Rules obtaining in the Shikarpur District.

§ No. 269, dated 4th February 1848.

540. Still there was no doubt that Hissadars whether Jagirdars, Pattadars, or Khairatdars, required no special classification, and accordingly Mr. Frere in his No. 3397, dated 15th November

No separate classification required for Hissadars. 1854, in which he directed the assimilation of the Shikarpur Jagir Rules with those of Haidarabad, ruled that Hissadari and Munafat claims should be decided, without reference to their special nomenclature, by the terms of the title-deeds, in each individual case, and that a separate classification was not required for grants in which these words occurred.

Rules regarding Collection charges. 541. To regulate the Collection charges, Mr. Frere issued the following Circular† to the Collectors :—

“The deduction of 6 per cent. for expenses entailed on Government in the collection and realization of revenue, being held a fair demand upon 6 per cent. to be charged. “all Hissadars, or sharers with Government in the produce of certain lands, it is requested that this rule be made generally applicable on the understanding that when in force no other levies (except 5 per cent. for roads and schools) be exacted.”

“2. The Hissadar must be considered in this respect differently from the Jagirdar, for whereas the latter uses his efforts to procure a good crop, the former leaves all such arrangements to Government to whom he looks for the payment of his authorized share out of the produce realized.”

542. The Collector of Haidarabad, in connection with this Circular inquired on the 22nd June 1858, whether Hissadars of lands irrigated from Government canals were not liable to pay Hakabo, but was informed on the 23rd July (No. 1840) that they were not, and this reply was circulated to the other Collectors for their guidance.

Hissadars not liable to Hakabo. 543. To his Roll of Pattadars prepared on the 2nd of November 1858, Major Goldsmid added the name of Jam Abul Khair who had been confirmed in certain shares of the Government revenue of the Pargana of Ubauro and Deh Ravanti by Bombay

Mr. Ellis on the settlement of the claim of Jam Abul Khair.

† Vide the Chapter on Khairatdars, Section I.

‡ No. 1373, dated 7th June 1858.

Government Resolution No. 575, dated 9th February 1855, and Mr. Ellis, in submitting this statement remarked as follows :—

“ 35. The last holding in Statement No. II¶ might have been inserted “ in Statement No. I§ ; for it is not a Pattadari ; but the holder has no con-
“ trol over the management of the land, and his holding can hardly be
“ termed a Jagir, for he receives a share of the revenues collected by Gov-
“ ernment on a certain tract. He is the descendant of the former Chief
“ who ruled this part of the country, and has, with the sanction of Govern-
“ ment, been confirmed hereditarily in those possessions of which we found
“ him in actual enjoyment.”

544. The Bombay Government in their No. 476, dated 15th February 1859, made no special remark on this case, but the Government of India conveyed their sanction to the settlement in the following words, (No. 711, dated 5th April 1859) :—

Sanction of the Gov-
ernment of India.

“ 8.....The last holding entered in the Pattadari Statement would, “ perhaps, have found a more fit place in Statement No. I. The holder is “ not a Pattadar : he receives a share of the revenue collected by the Gov-
“ ernment in a certain tract of country ; he is the descendant of the former
“ Chief who ruled the country ; and has with the sanction of the Bombay
“ Government been confirmed hereditarily in the possession of the grant of
“ which we found him in the actual enjoyment. The grant is confirmed.....

... ..

“ 17. The general conditions upon which the alienations permanently “ sanctioned in this despatch are to be granted will be laid down in detail
“ finally by the Government of Bombay.”

No review by Secretary
of State.

545. The Secretary of State in his Despatch No. 10, dated 15th September 1859, did not notice this case.

Pattadars and Khairat-
dars enjoying shares of
land revenue are Hiss-
adars.

546. As a matter of fact all Pattadars and Khairatdars confirmed in the enjoyment of shares of land revenue of lands or villages are Hissadars, subject to the payment of the Collection fee. No other special conditions were laid down.

¶ Of Pattadara.

§ Of First Class Jagirdara.

CHAPTER V.

*HISTORY OF THE SETTLEMENT OF
GARDEN GRANTS.*

547. It has been stated in Chapter I that Sir Charles Napier by his No. 142, dated 14th January 1846 to Captain Rathborne, allowed regrant of Gardens rent-free to their holders although they had made no Salam, and that by his No. 2077, dated 10th August 1846, to the same officer, he confirmed all who were in possession on the 17th February 1843, although they could produce no title deeds.

No Salam—and no title deeds exacted from Garden grantees

548. A proclamation seems to have been issued in 1846 or thereabouts, inviting claimants to rent-free gardens to appear and file their claims, for Captain Rathborne in reporting in his No. 847, dated 14th September 1847 upon the petition of certain persons who alleged themselves to have been granted a rent-free garden verbally by Mir Fateh Ali, wrote as follows:—

Proclamation in 1846 to garden grantees to prove their claims.

“I have the honor to inform you that these people, after the battle, left the country, and went to Khairpur, virtually abandoning any land they might of right have possessed under the British Government—that when in conformity with the orders of Government, a notice was long afterwards sent round the country calling on all who had claims to gardens to appear and substantiate them, irrespective of their having made Salam, the petitioners neglected to do so, and that subsequently a considerable time after the period fixed for receiving claims had elapsed, when they did come in, they rested their claim on no Sanad or written document whatever.” He had, therefore, rejected their claim and they had appealed to His Excellency the Governor.

549. This fact is important for it shows that Captain Rathborne in preparing his list of rent-free gardens submitted with his No. 1107, dated 8th September 1849, exclusive of those which formed part of Jagirs, had not admitted the claims of their holders without investigation or on arbitrary principles.

Captain Rathborne's list of garden grantees not framed without investigation.

550. The list was framed by him on a requisition by the Commissioner who when asked* whether heirs to garden grants not situated in Jagirs, should, according to former practice be continued in possession “without molestation or demand for rent,” or should be obliged to obtain a regrant, was desirous† of knowing the extent of such grants, the tenure on which they were held, and “the full amount of revenue to which they would be liable “if not regranted on favourable terms.”

551. With his list of rent-free gardens exhibiting these particulars, Captain Rathborne forwarded another of claims which had yet remained unsettled, with recommendations in favour of some of them. It appears from his letter that the duty of requiring

Kardars examined titles. the production of title deeds from claimants had been imposed upon the Kardars, and that, as in the case of Jagirs, all title deeds deemed authentic had been sent for confirmation to the Governor, and sealed by him. It also appears that “under the Amirs’ Government gardens planted by the possessor were not
Practice in the Mirs’ time of not resuming gardens and issuing no confirmatory orders. “usually resumed on his decease, nor were “new Sanads or any confirming orders “required, unless formal opposition were made “to the continued possession of his heir, in which case such Sanad “was almost invariably given.”

552. Captain Rathborne, therefore, had never subjected re-grants of gardens to the 2 anna tax “unless where the land “on which the garden had been made was a portion of a Jagir. “grant.” And in this case too, he proposed that on the lapse of a Jagir to Government, the next heir of the Jagirdar should “retain the garden, “subject only to the rent fixed for
Duanagi not levied on garden grants pure and simple.

* Captain Rathborne’s No. 965, dated 22nd October 1847, to the Commissioner.

† Commissioner’s No. 2200, dated 16th October 1847.

Captain Rathborne's proposal to regrant gardens in lapsed Jagirs to heirs on moderate assessment.

His views approved by the Commissioner and acted on up to 1853.

Classification of garden grants proposed by Mr. Frere in 1853.

Estimate of the revenues likely to be alienated under this classification.

Rule regarding holders without title deeds.

"Government land—Rs. 1-6-0 per bigah."
"In this way," he wrote, "capital expended
"in planting gardens would be saved to the
"family, and Jagirdars would be encouraged."

553. The Commissioner in his No. 1887, dated 2nd October 1849, approved these views which appear to have been acted upon until 1853.

554. In that year Mr. Frere† while proposing to confirm Sir Charles Napier's rules for all existing incumbents, made the following suggestions regarding regrants :—

"All gardens held under Sanad of more ancient date than 10 years anterior to the battle of Meani, should be confirmed to the lineal male heir of the original grantee without deduction; all held without Sanad, or on Sanad issued during the ten years preceding Meani, to be confirmed to lineal male heirs of original grantees paying, subsequent to regrant on first succession, a sum equivalent to $\frac{1}{4}$ th of what would be the Government assessment on ordinary garden land of the same kind, provided that it be established on each succession that the garden is kept up as a garden, otherwise it is to be taxed as ordinary land after the first succession."

555. At the request of Government, Major Goldsmid was directed to estimate the revenues likely to be alienated if the above proposals should be adopted, and on the 25th of March 1854 that officer informed the Commissioner that he assessed the revenues of garden lands in the proposed First Class at Rs. 1,230, and of the proposed Second Class at Rs. 1,190. His Statement was submitted to Government on the 30th March 1854.

556. It has been shown in the first Chapter why Mr. Frere's proposals regarding alienations in Sind, of which garden grants formed a part, were modified and re-submitted to Government in 1856. That part of his letter in 1853 which related to garden

† Vide his No. 171, dated 19th May 1853, to Government (para 43).

grants underwent, however, no alteration in 1856. But it should be noted that on the 22nd of December 1855, the following rule of procedure being No. 6, of the rules suggested by Captain Pelly on the 14th June 1855, "for simplifying the disposal of Jagir "claims," received his approval.

"That persons found in undisturbed possession of garden land, but holding no title deed of a date anterior to that of the Conquest, shall be considered as First or Second Class grantees, according as it may or may not appear from available evidence that their tenures are traceable to a period longer than 10 years before the date of the Conquest."

557. Taking the classification proposed by Mr. Frere in 1853 as his guide, and acting on the above rule, the Assistant Commissioner for Jagirs commenced the preparation of a statement of Garden grants from returns furnished by the Mukhtyarkars in the vernacular,* and from the data collected by him at occasional personal inquiries. During this investigation an important question. viz., the alienability of Garden Grants by the grantees, came to the surface. The Collectors were asked to state whether these grants were transferable in the time of the Mirs, and their opinions are summarised in the following abstract.

Were garden grants alienable under the Amira.

558. The Acting Collector of Haidarabad had not heard "of an in-stance of the sale of a rent-free garden in the "Mirs' time," but Nawab Muhammad Khan Thora† had informed him that they were saleable. The Collector of Shikarpur stated—"the land tenure in the time of the Mirs was "of too uncertain a character to admit of the ready sale or transfer

Collectors' opinions and Mr. Frere's decision.

* In his Circular addressed to the Mukhtyarkars on the 12th December 1855, Captain Pelly had called for the following information respecting Gardens, Huris, and trees held rent-free. "Number of gardens or Huris, Name of Mafdar, name of Grantor of Garden or Huri, 'Date of Sanad or other order—Locality of garden—area according to Sanad or order, area in 'Napierian bigahs according to measurement, average produce or if it cannot be found the produce for the year (1855)."

This information, it appears from the Persian records, was carefully considered and there are several letters to the Mukhtyarkars asking them to reconcile discrepancies and to explain omissions—and to supply further information. The documentary evidence produced by the grantees was also filed in the Persian Department.

† It appears from the Haidarabad Roll (No. 180) that the Nawab himself had transferred his garden to Imambakhsh, and Jaffar Khan Thora.

“ of rent-free gardens.” But the Collector of Karachi reported that the holder could sell them, “ and receive the Government dues “ on the land for his own benefit. These, however, at his demise “ reverted to Government, unless specially provided for in the deed “ of grant.” Captain Goldsmid was himself of opinion that the less the Government interfered with the owners in the free disposal of their property the better, provided that “ every transfer “ of a garden whether by sale, gift, or other legal means, was registered and sanctioned by seal in the Jagir office.” Mr. Frere’s decision was as follows :—

“ I am of opinion that rent free gardens granted as such without reservation and conditions, and free of service tenure, are clearly saleable “ and also devisable by will.”

559. The Taluka Rolls of Jagirs prepared by Captain Pelly, and the abstracts for the Collectorate compiled from them and submitted to Government, had not drawn a sharp boundary-line between Jagirs and Gardens situated in Jagirs. In several instances, for example, a note had been entered in the Rolls to this effect:—“ In “ the Jagir is included a garden which will be treated of in the list of Garden Grants.” Mr. Ellis to whom the abstracts had been sent for examination was of opinion that, “ the gardens “ should have been excluded from the Jagir Rolls to avoid their “ appearance twice over,” and the Government of Bombay in their No. 5091, dated 27th November 1857, to the Commissioner, endorsed this view.

Defects of Captain Pelly’s Taluka Rolls.

Government order gardens in Jagirs to be excluded from Taluka Rolls of Jagirs

560. But before this letter arrived, the Garden Rolls, left nearly finished by Captain Pelly, had been completed by Major Goldsmid in 1857, and the proposals for the final settlement of these alienations had been submitted by Mr. Frere to Government.

Garden Rolls completed by Major Goldsmid and submitted for sanction.

561. The abstracts of the three Rolls were as follows :—

Abstracts of Rolls.

District.	Garden land (in N. bigahs) as classified by Captain Pelly.				Garden lands (in N. bigahs) according to Major Goldamid's revised classification.				
	First Class.	Second Class.	For life.	Unsettled or not recognized in the Jagir Department.	First Class.	Second Class.	For life.	Unsettled or not recognized in the Jagir Department.	Total.
Karachi	591	118 11		58 1	599 7	118 11		49 14	767 12
Haidarabad (exclusive of Naushahro and Kandiaro) ...					2,289 18	633 8	23 6	17 16	2,964 8
Shikarpur ...	695	402 16	103 2	67 12	761 4	363 9	103 2	40 15	1,268 10
					3,652 9	1,115 8	126 8	108 5	5,000 10

562. The exemptions under the column

Distinction between old Gar-
den grants and new grants.“ unsettled &c.” were those made under the
British Government for one or other of the

following objects :—

- (1) For keeping a garden or trees for the shelter of travellers,
- (2) For planting road-side trees.
- (3) For keeping up or digging a well for general use.
- (4) For the encouragement of cultivation, as when a man who had himself planted some fruit trees was allowed to hold them rent-free.

A few of these exemptions had been granted by Deputy Collectors, and the rest by the Collectors and the Commissioner.

563. The life grants were those enjoyed under Sir Charles Napier's parwanas, or made under the authority of Government Resolutions* in favour of the widows of certain deceased Jagirdars whose estates had lapsed to Government, or those already held not regrantable under the Commissioner's orders in individual cases, or under his general sanction to Captain Pelly's Taluka Settlements.

564. The Second Class grants included besides those classified as such under the Rules, several others which had been granted by authorities not competent to create a rent-free tenure, *e-g.*, the widow of Mir Karm Ali or Mir Fazal Muhammad of Khairpur or Mir Ahmad Khan Shahdadani†. In one or two instances also where the Sanad, being for a Jagir, did not mention the garden claimed as rent-free and led to the inference that the latter was a new plantation, the garden was placed in the Second Class.

565. The First Class grants were grouped under two heads, *viz.*, First Class by Rule and Special First Class. In applying the rule—grants made 20 years before the conquest by Mir Nasir Khan in the life-time of his father were not rejected as falling in the Second Class; and all old plantations or ancient gardens were also confirmed as wholly rent-free. In the Special First Class were included several holdings which fell under the rules in the Second Class, but which were held by Talpurs‡ and Sirdars§ of position—or by esteemed members of the sacerdotal class Hindu

e-g., No. 3,917 dated 18th September 1853 and 397 dated 8th September 1856 in favour one of the widows of Mirs Ghulam Shah and Fazul Ali.

† As regards this last, it is to be observed that his grants were situated in his Jagir and he ought to have been held at least as competent to make them as a Jagirdar (though not as a Prince) as the Sirdar of the Numrias—as Mir Ali Bakhsh Shahwani and several other Jagirdars whose gifts were recognized and placed in the First Class.

‡ *e-g.*, Mir Bijar Shahdadani and Mir Sobdar's daughter.

§ *e-g.*, Nawab Muhammad Khan Thora and Nawab Muhammad Khan Loghari and Dato Jamali.

as well as Muhammadan,* or by persons who or whose ancestors had planted the gardens themselves in tracts like the Hills in Kohistan where the encouragement of garden cultivation was desirable—or for religious or charitable purposes.† In a few cases the Sanads produced referring to former possession and being not very recent—the position of the holders turned the scale in their favour, and they were placed in the First Class. So also in one case, a grantee whose grant fell short of 20 years in antiquity before the Conquest by 20 days only, was, owing to his position, admitted in the First Class. In another case, a garden in the Second Class was raised to the First Class, on account of the services rendered by the holder to Government. So also when a portion of the garden had been taken for public convenience—the owner was confirmed in the remainder rent-free. Nay more, there is even an instance of a garden in the Second Class found on measurement to possess an area much less than that shown in the Sanad, which was, on this ground and on the ground of administrative facility, admitted into the First Class.

566. It appears from the Rolls that Jagirdars had been in the

Transfer of gardens by Jagirdars.	Karachi District Roll.	No. 9 by Jam Mehr Ali.	habit of giving away gardens in their Jagirs with or without consideration. The gardens expressly mentioned as having been given away are noted in the margin. But it is nearly certain that almost all
		No. 19 by Malik Bula Khan to a Sayad.	
		No. 31 by Mir Ghulam Shah father of Mir Ali Bakhsh to a person who gave it to Nawab Muhammad Khan Thora.	
		No. 32 by Mir Ghulam Shah to Usif khizmatgar-by Usif to Viso, by Viso to His Highness Agha Khan.	
		No. 64 by Mir Ahmad Khan Shahdadani to Ghulam Muhammad, Rahupota.	

* e.g., Agha Khan the High Priest of the Khojas.
The Mujawar of Pir Patho or Shah Sadar.

† As for a Sarai, a Tikana, or a shrine. So also a garden in a Masan (Hindu burning ground) and even Mir Khan Muhammad's family burial place which was not strictly kept as a garden were admitted into the First Class (Special).

Hyderabad District Roll.	{	No. 74 by Mir Ahmad Khan Shahdadani to Nihalchand, Hindu.	those which were noted as situated in Jagirs and in the possession of some other than the Jagirdar,* had been transferred by the Jagirdar.
		No. 190 by Mir Ahmad Khan in his Jagir of Rahwal to Bhaleno gardener.	
		The Roll says "The present holder pays tax to the Mir who must, therefore, be considered the real grantor."	

567. Under the Rules, a Fourth Class Jagirdar possessing a garden could have his garden registered in the Second Class, and his heir could retain it even after the lapse of the Jagir, subject to the payment of quarter assessment. Several such Jagirdars, as well as Jagirdars of the higher classes, holding gardens in their Jagirs, were entered in the Rolls as garden grantees.†

* Karachi Roll	...	{ Nos. 36 and 73, the latter held by a Hindu in Malik Sirdar Khan's Jagir.
Hyderabad Roll	...	{ Nos. 29-34, No. 37, Nos. 38-45, Nos. 47-49. Nos. 50-53, No. 55, Nos. 56-61, No. 63, No. 77-78. No. 80, Nos. 81-90, Nos. 91-95, No. 97, No. 146. Nos. 183-184, No. 188, No. 191, Nos. 192-193, No. 197. No. 198. The Jagirs in which these are situate are principally Narayi, Nareja, Berham, Nahiki, Khebrani, Rahwal, Dera Farid, Deh Parcha.
Shikarpur Roll	...	{ No. 17 (a Hindu holder in Mir Karm Khans' Jagir). ‡ No. 101, in Jagir of Ghazi Khan and Bakar Khan Nizamanis. Nos. 105-113, in Mir Khan Muhammad's Jagir. No. 95, a Fakir in the Bhurgris' Jagir.
† Karachi Roll	...	{ Nos. 55 and 71 (The holder of this last however was "believed to have granted the garden to a Zamindar.")
Hyderabad Roll	...	{ Nos. 35, 46, 54, 62, 76, 79, 96, 104, 105, 106, 108 (?) 109, 110, 111, 112, 113, 114, 124, 141-145, 152, 154, 157, 182, 189, 196, mostly in the Jagirs of Miana, Berham, Nahiki, Vidh, Wasandi, Fatehpur, Summawati, Sandaki, Khebrani, Rahwal, Dera Farid. No. 106, alone was held upon a Sanad separate from that of the Jagir. No. 154 was only "a few trees in the Jagir." No. 54 was "an old plantation transferred to present incumbent at death of the planter."
Shikarpur Roll	...	{ Nos. 13, 16 and 98 in Kot Habib, Madeji, and Gul Muhammad Mugsai's Jagir.

‡ Major Goldsmid attached the following note to the grant—"Karm Khan Bagrani was a mere Jagirdar, but had no power to give away land. This garden should be held dependent on the Jagir."

568. Besides these holdings in Jagirs—some Jagirdars possessed gardens independently of their Jagirs, and were thus able to secure better terms for them than for their Jagirs, since the latter, if granted by Mirs Fateh Ali and Ghulam Ali ranked in the Second Class, and if granted by Mirs Karm Ali and Murad Ali, in the 3rd Class, while the former, if granted by any one of these 4 Mirs ranked at once in the First Class, and became hereditary rent-free tenures.

569. As shown in the table given above, the total rent-free garden land was 3,652.9 bigahs in the First Class, and 1,115.8 bigahs in the Second Class. This amount, Major Goldsmid said, might be accepted as a maximum, for it was not improbable that several bigahs would have to be struck out of the account after personal inspection, owing to their ineligibility to be classed as garden land at all.

570. There were a few cases in which one-fourth share of the produce was levied from the garden as it had been customary to do in re-grants of Jagir. Major Goldsmid had included these as a matter of course in the Second Class. But he called attention to the fact that the holders of such re-granted gardens were in a far worse position than re-grantees under the proposed Second Class rule, the $\frac{1}{4}$ th produce in value being frequently more than the full rate of ordinary assessment. “Should it not be thought “conferring too great a boon,” he continued, “upon those whose “claims have been already decided on, to assimilate their respective rents with the proportions now established, I would submit, that an order to this effect might give a new impetus to “garden cultivation.”

571. As regards the treatment proposed for gardens in Jagirs, Major Goldsmid, after referring to Captain Rathborne’s statement* that the descendants of planters of gardens in Jagirs who had

* *Vide* para. 73, page 47, Chapter I.

† Major Goldsmid’s letter to the Commissioner, dated 25th September 1857.

lost the Jagirs but not the gardens, had often no separate Sanad for the latter, considered it desirable “to establish a rule that “where Gardens are held in Jagir on no separate Sanad, the date “of grant of Jagir shall regulate the classification of the garden.”†

572. Mr. Frere in forwarding the Draft Rules (which Major Goldsmid had submitted with his report) to
 Mr. Frere's report to Government.
 Government, wrote as follows :—

“2. These settlements, although part of the general question regarding “rent-free tenures in Sind, involve a description of tenure sufficiently distinct “from Jagir to remove it from the ordinary alienation rules. It is a tenure, “moreover, so far peculiar to Sind as to make it incumbent on me to explain “somewhat in detail the circumstances under which so many separate allot- “ments require separate provisions.

“3. In the beginning of 1846, it was brought to the notice of His Ex- “cellency Sir C. Napier, then Governor of this province, that a number of “persons held rent-free gardens under the Mirs' government, who, not having “made their salam to His Excellency as Jagirdars, had become subject to “assessment, unless some special exemption were made on their behalf.

“4. These gardens were to be found throughout the whole province, and “consisted chiefly of allotments in the neighbourhood of towns. Planted by “their owners or their fathers, they were in the hands of all classes, from the “influential Baluch Jagirdars, or Afghan Pattadar, down to the poorest Fakir “or Gosian. Some assumed the forms of topes and groves, others contained some “two or three trees and a well; all were, however, more or less public benefits “created by private cost and labour. It was owing to their existence that “the wayside traveller did not lack shelter, shade, refreshment, or repose. “They were, moreover, undeniable improvements in a barren country, each “being an oasis in its own immediate locality.

“5. Those in Haidarabad were described at the time as ‘mostly fruit
 Collector to Secretary to
 Sind Government, No. 35,
 dated 12th January 1846.
 “groves, of an area from five to twenty bigahs,’ whose
 “owners had nothing to do with state affairs, and had
 “only to obey His Excellency's proclamation to stay
 “at home peaceably, which they did; in fact, the
 “owners had rarely aspired to be called Jagirdars, and therefore never sup-
 “posed that the proclamation requiring Jagirdars to appear and make their
 “salam applied to them. They were, indeed, essentially distinct from Jagir-
 “dars, inasmuch as no service was required of them.

“6. I cannot find that it was customary under the Amir's Government “to resume these gardens on the decease of the possessor, nor were new sanads “granted on succession to his heir, except under peculiar circumstances. In “most instances no sanads at all were forthcoming for garden lands. The “Mirs, indeed, appear generally to have followed an Afghan practice, wise and “liberal in itself, which encouraged all persons to lay out money in forming “gardens, by allowing them to hold lands so improved as hereditary freeholds “exempt from the ordinary taxes and obligations of military service.

† Major Goldsmid's letter to the Commissioner dated 25th September 1857.

“ 7. On the representation made in their favour by the local authorities, the late Governor was pleased to excuse the holders of fruit gardens from the forfeiture entailed by failure in making salam, and gardens were re-granted to them in certain cases even where Sanads were not forthcoming.

“ 8. It is unfortunate that these liberal orders were frequently neglected, except in the Haidarabad Collectorate ; in fact, my attention was first called to the subject by the number of instances in which I found ruined and neglected gardens, and learnt on inquiry that the garden had been attached by the Collector, because the gardener had not made salam as a Jagirdar, and that after attachment it had been let out by auction to the highest bidder, till it was, of course, speedily racked and ruined ; and that the Governor's orders for its restoration had never been carried out.

“ 9. In submitting, as I now do, a set of distinct rules for grants of this nature, it is with the intention to rectify, where practicable, former errors, and to guard against their recurrence by the introduction of a uniform and equitable system.

“ 10. In a country where the traveller must necessarily traverse so many miles of salt and barren tract, every encouragement to plant trees and dig wells should be given to individuals, and where it is found that the preceding Government has bestowed rent-free allotments for gardens upon these terms, I would not be too particular as to the date of Sanad, or indeed the possession of a Sanad at all.

“ 11. I would, therefore, propose for sanction the rules now submitted by the Assistant Commissioner for Jagirs, and which have been drawn up with reference to my previous recommendations to Government on the subject, modified by a four years' experience on their practical working.

No. 171, of 19th May 1853,
paragraphs 44, 45.

“ 12. These rules may be briefly described as follows:—

There are two classes of garden grants—

“ I. Held without assessment.

“ II. Held on an assessment on garden land.

“ Holders of Sanads of more ancient date than 10 years anterior to the battle of Meani will compose the First Class.

“ Holders of garden lands without Sanad, or on Sanad issued during the 10 years preceding Meani, will compose the Second Class.

“ 13. As a general rule, these grants will not be resumable, but continued to lineal male heirs of incumbents now confirmed, except in cases of transfer or sale, for which separate provision is made.

“ 14. The separate provision comprises the terms upon which gardens may be sold, transferred, or mortgaged, as private property. I have thought this measure both expedient and equitable ;—expedient as an encouragement to cultivation, for the purchaser of a garden is not likely to purchase with a view to let the property deteriorate ; and equitable, because, as already shown, the property becomes saleable, owing to original outlay on the part of the seller.

" 15. I propose to add the following rule to meet cases. Where
 " the Collector is authorised under general rules, for the encouragement of
 " cultivation and plantation of trees, &c., to grant portions of land rent-free,
 " either wholly or in part, for garden purposes, or to remit the usual assess-
 " ment upon fruit trees planted by the holders, such grants shall be consider-
 " ed independently of the Jagir Department until the death of the original
 " grantee; then the case shall be brought to notice for enrolment, or other-
 " wise, among the registered garden grants.

" 16. And further, where orchards and gardens have been formed in
 " Jagirs the plantation shall not be subject to resumption, although the
 " Jagir be resumed under general alienation rules.

" 17. Provision would thus be made for all grants of the character re-
 " ferred to, and the settlement of the question might be considered complete.

" 18. Life-grants I have not discussed as a distinct class; for, being
 " exceptional and special, they cannot be said to affect the rules proposed.

" 19. Major Goldsmid has drawn up with his usual care and extreme
 " accuracy of detail a roll for each Collectorate, comprising a list of garden
 " grants, showing the exact situation, name of the holder, extent in bigahs,
 " the class to which referable—and the history of grants as far as it can now
 " be ascertained. These rolls are very voluminous, and I will not, therefore
 " forward copies to Government unless required. The following is an ab-
 " stract of the results. In Haidarabad there are 233 grants, ranging in size
 " from one viswa (*i. e.* the 20th part of a bigah) to 69 bigahs, the average
 " being 14 bigahs, 14 viswas. In Karachi 85 grants, ranging from 6 viswas
 " to 35 bigahs, 13 viswas, the average being 10 bigahs, 7 viswas. In Shikar-
 " pur Collectorate there are 128 grants, ranging from one viswa to 50 bigahs,
 " the average being 9 bigahs, 1 viswa. It will thus be seen that no one
 " of these grants exceeds 70 bigahs and that the average is under 15.

	Bigahs.	Viswas.	
161 1st class	2,289	18	" darabad Collectorate
65 2nd class	633	8	" for 196 grantees 233
2 For life	23	6	" garden grants of the
5 Grants by Collector, under general			" description given in
rules for a special purpose.....	17	16	" the margin. The va-
233	Total...2,964	8	" lue could not be cor-
			" rectly estimated, but

" the average rarely exceeds rupees two per bigah.

	Bigahs.	Viswas.	
56 1st class	599	7	" In Karachi there
17 2nd class.....	118	11	" will be 85 grants to
For life .....	...	...	" 75 grantees, for
12 As above	49	14	" which a marginal
85	Total..... 767	12	" classification is given
			" similar to the last.

	Bigahs.	Viswas.	
59 1st class	763	4	" 21. So also in
43 2nd class.....	363	9	" Shikarpoor, in which
13 For life	103	2	" Collectorate the gar-
13 As above	23	5	" den grants are more
128	Total... 1,253	...	" considerable than in
			" Karachi, there are
			" 128 grants to 138

“ 22. Altogether 3,652 bigahs of garden land will be alienated in *perpetuum* so long, as kept up by the owners for the required objects.

“ 23. 1,115 bigahs will be similarly alienated in *perpetuum* subject to an assessment equal to one-fourth ordinary garden assessment on and from the first transfer or re-grant, exclusive of any rent-free grants which may be hereafter made under general rules for encouraging the plantation of trees, and other special purposes.”

573. The Government Resolution on this letter was as follows :—

Rolls for Settlement of
garden grants sanctioned.

“ The proposed rules appear to his Lordship in Council, judicious ; their adoption is sanctioned.” The rules thus sanctioned were the following :—

“ *Classification.*—There are two classes of garden grants—

“ I. Held without assessment.

“ II. Held on an assessment equal to the quarter ordinary assessment on garden land.

“ As a general rule, these grants will not be resumable, but continued to lineal male heirs of incumbents now confirmed, except in cases of transfer or sale hereafter provided for.

“ *Title.*—Holders of sanads of more ancient date than 10 years anterior to the battle of Meani will compose the 1st class.

“ Holders of garden land without sanad, or on sanad issued during the 10 years preceding Meani, will compose the 2nd class.

“ NOTE.—A sanad of the latter description, distinctly continuing an uninterrupted possession, originally at a period, or under an authority, which would admit the holder to the superior grade, will be considered equivalent to the sanad of Class I.

“ *Liabilities.*—Gardens neglected and left uncultivated will be liable to be treated and assessed like other waste lands the property of Government.

“ *Jagir Gardens.*—Gardens in Jagirs date, as a general rule, with the grants of those lands in which they are situated, and become classified accordingly. They will be registered in the Jagir office, and treated as distinct garden grants on all occasions of ordinary land resumption : but where a tax is levied on a Jagir generally, of which a garden forms a part, the garden will be subject to the payment of a proportion only of the Government assessment on ordinary garden land, and not upon the whole produce of the garden.

“ Where orchards and gardens have been formed in Jagirs, the plantation shall not be subject to resumption, although the Jagir be resumed under general alienation rules. (*Vide* page 367, para. 16.)

“ *Measurement.*—As a general rule, the measurement of gardens should be in strict accordance with the terms of the sanad ; but where an enclosed or regularly defined garden shows a possession somewhat more than that entered in the deed of grant, and no grounds for suspicion of fraud are apparent, allowance may be made for difference of gundas, and other legitimate causes. Provided always, that the number of Napierian bigahs given

“ never exceed the number of Mirs’ bigahs specified in the sanad. Where
 “ the present measurement is less than that recorded in the sanad, the loss
 “ must be on the holder of the garden ; the amount of bigahs in possession
 “ forming the basis of settlement.

“ *Transfers, &c.*—A garden being to a certain extent private property,
 “ the owner is at liberty to sell, transfer, give, or bequeathe the same to any
 “ individual, whether a relative or otherwise, on the following conditions :—

“ 1st.—That such sale, transfer, gift, or bequest, be carried out under the
 “ sanction of authority, and under deed sealed and registered in the Jagir
 “ office.

“ 2nd.—That any such act so ratified under authority be held to convey
 “ the garden wholly out of the possession of the original grantee and his heirs,
 “ the purchaser or receiver becoming the newly registered holder in the Gov-
 “ ernment rolls.

“ 3rd.—That any such act in gardens of class II. render the grant a re-
 “ grant, and liable to assessment.

“ 4th.—As regards an unregistered sale, transfer, gift, or bequest, no
 “ claim will be entertained in the Jagir Department, except supported by a
 “ decree of the civil court.

“ *Mortgage.*—The mortgage of a garden will be a question out of the
 “ cognisance of the Jagir Department, but the claims of a mortgagee to pos-
 “ session, if established in the civil courts (under the usual proviso of appeal),
 “ can always be held valid for transfer of ownership in the Government
 “ register.

“ *Enrolment of Collector’s Grants.*—Where the Collector is authorised
 “ under general rules, for the encouragement of cultivation and plantation
 “ of trees, &c., to grant portions of land rent-free, either wholly or in part,
 “ for garden purposes, or to remit the usual assessment upon fruit-trees
 “ planted by the holders, such grants shall be considered independently of
 “ the Jagir Department until the death of the original grantee ; then the
 “ case shall be brought to notice for enrolment, or otherwise among the
 “ registered garden grants.” (*Vide* page 369, para. 15.)

574. On the 13th of March 1858, Major Goldsmid requested
 the favour of instructions respecting succession to gardens where
 there was no will bequeathing the same, and
 Intestate Succession
 to garden grants. where the possessor died without a son,
 Mr. Frere in his No. 579, dated 16th of March laid down the
 following rule on this subject :—

“ In the event of a holder of regrantable garden
 “ land dying intestate or without a son, his heir to property by
 “ the law of his religion shall be offered the regrant at the rate
 “ of 4 annas per bigah, which shall not be liable to be ever
 “ afterwards raised except by special order of Government.”

Major Goldsmid had proposed the levy of $\frac{1}{4}$ th rent in the case of the First Class of garden grants, and $\frac{1}{2}$ in the case of the Second Class. But the Commissioner thought it would be better to fix a uniform rate, and was prepared to reduce it if Major Goldsmid thought 4 annas a bigah too high.

575. In their letter* to the Government of India No. 576, dated 15th February 1859, the Government of Bombay after

Bombay Government submit correspondence regarding settlement of garden grants. expressing their opinion regarding the settlement of the Jagirs of the First Class and of the Sirdar class and the hereditary grants

to Pattadars and Khairatdars took the opportunity of "submitting" "...copy of the correspondence relating to the settlement of "rent-free garden lands already sanctioned" by them with the following remarks :—.

"29. The principle of decision will be best understood from the accompanying copy of the letter from the Commissioner in Sind submitting the rules for approval. In a country like Sind it is most desirable to encourage gardens, and it would tend much to repress the desire of the inhabitants to extend their garden cultivation if the exemption permitted under the former Government were now disallowed.

"30. The rules which were approved by the Right Honorable the Governor in Council are therefore as favourable as possible to the holders of garden lands, while the continuance of the exemption is made to depend on the continuance of the garden cultivation. The principal rules are as follows :—

"'I. *First class*.—Garden lands held free of assessment under sanads of older date than ten years anterior to the battle of Meani to be continued free.

"'II. *Second class*.—Those held under sanads issued during the ten years preceding Meani, or held without sanads, to be assessed at one-quarter the ordinary assessment on garden lands.' "

"31. The subsidiary rules are detailed in the accompaniment to Mr. Frere's letter on the subject. The concluding paragraphs of the same letter show the alienations to be bigahs 3,652 free of assessment, bigahs 1,115 subject to one-fourth of the ordinary assessment, which does not on an average exceed Rupees two per bigah.

* Para. 28 of the letter quoted in the text.

“32. His Lordship in Council would add one rule to the above. The
 “proposed rules sanction the transfer of these gar-
 Suggestion as to levy of Nazarana. “den holdings as private property, and admit a title
 “to permanent alienation, without reference to the
 “lineal heirship of successors. He would, at the same time, exact on each
 “succession a Nazarana, which will fall lightly on the new incumbent, and
 “will at the same time secure a sufficient recognition of the rights of the
 “State.

“33. I am, therefore, directed to suggest that the holders of these
 “garden grants be required by the title deeds which
 Transferability of gardens. “will be given them to register all changes of own-
 “ership, and that they pay on each succession by a
 “lineal heir a Nazarana of one year’s assessment, and on each succession
 “by other heirs two years’ assessment, and on every transfer by sale, deed
 “of gift, or otherwise than by heirship, three years’ assessment in ratifica-
 “tion of the transfer on the part of Government, With this reservation
 “the gardens will become transferable private property, continuable exempt
 “from assessment so long as they are kept up as garden, and otherwise
 “subject to the usual assessment according to quality of land.

576. The Secretary to the Government of
 Remarks of the Govern- India replied in his No. 711, of the 5th
 ment of India. April 1859, as follows :—

“15. I am now to refer to the subject of garden grants treated of in
 “paragraphs 28 to 33 of your letter under reply. The reasons for encourag-
 ing garden cultivation in a country like Sind are
 Government of India “fully set forth in Mr. Frere’s letter to the Govern-
 agree that gardens should “ment of Bombay, No. 308, dated 28th November
 be encouraged. “1857, and the Governor General in Council agrees
 “with the Government of Bombay that it is highly undesirable to do any-
 “thing likely to discourage the extension of this kind of cultivation.

“16. His Excellency in Council, therefore, willingly sanctions the
 “rules in regard to these lands submitted by the Government of Bombay,
 “under which 3,652 bigahs of garden land held under title deeds dating
 “more than ten years before the battle of Meani
 Alienations and rules “will continue to be held as hereditary grants free
 sanctioned. “of all assessment, and 1,115 bigahs held without
 “title deeds, or under title deeds granted within
 “ten years of the battle of Meani, will be held hereditarily, subject to the
 “payment of one-fourth assessment, or about eight annas a bigah. His
 “Excellency in Council also sanctions the rules for the transfer of these
 “garden holdings as private property described in your 32nd paragraph,
 “and the several subsidiary rules annexed to Mr. Frere’s letter of the 28th
 “November 1857, above referred to, it being understood as a condition of
 “the continuance of the grant that the gardens are kept up by the owners
 “for the purposes for which they were established.

“17. The general conditions upon which the alienations permanently sanctioned in this Despatch are to be granted will be laid down by the Government of Bombay. But I am to say that the Governor General in Council approves of Mr. Ellis’ proposal to make all subject to a payment of 5 per cent. cess on the net produce of the grants as a road and educational cess. The Government of Bombay themselves propose that the garden grants should be subjected to a succession and transfer tax.”.....

The transfer of gardens was also expressly sanctioned.

577. Copies of the letter of the Bombay Government, and of the reply of the Government of India were forwarded to the Commissioner in Sind with letter No. 1766 of 10th May 1859. This letter after authorizing the Commissioner to carry out the instructions of the Supreme Government for the early settlement of undisposed of Jagirs, proceeded as follows :—

“You will observe that it is suggested that all the permanent holdings referred to in this correspondence should be subjected to Nazarana. It appears to his Lordship in Council that in regard to the class of Jagirdars whose future estates are to consist of a selected portion only of their former holdings, more than a nominal Nazarana could not, in any case, be equitably imposed. But I am directed to request your opinion whether Nazarana should be imposed at all, and if so, whether on all permanent holdings indiscriminately, or only upon certain classes of them.”

578. On the 21st of October 1859, the Bombay Government with their Resolution No. 4175 communicated the Despatch of Sir Charles Wood, Her Majesty’s Secretary of State for India, No. 10, dated 15th September 1859, from which the following extract relating to the settlement of garden grants is here given.

“13. The rules which you have laid down for dealing with the numerous plots of garden ground now held rent-free in various parts of the province appear to be equitable; all gardens held under Sanads dated ten years prior to the battle of Meani are to continue to be held rent-free, while all those held without Sanads or under Sanads of later date are to pay one-quarter assessment. As these gardens are considered as private property, and may consequently be sold at the option of the holder, I am of opinion that a moderate Nazarana should be imposed on every succession or transfer.”

579. It will be noticed that the Secretary of State while holding that the rules laid down by the Bombay Government were

equitable, did not directly commit himself to the approval of the additional rule *suggested* by them in paras. 32 and 33 of their letter No. 576 of 1859 to the Government of India, though he thought a moderate Nazarana should be imposed. It is important to bear this fact in mind, for it explains the omission of the additional rule from the Rules communicated to the three Collectors by the Commissioner with his No. 3170, dated 16th December 1859, in the Revenue Department. That letter ran as follows:—

Instructions issued by
Commissioner.

“ I have the honour to forward for your information and guidance a
“ list* of garden grants in the Collectorate,
* With sanctioned Rules. “ with the decision passed in each case. This inform-
“ ation will be further communicated in the vernacular from the Jagir
“ Department.†

† Vide Nos. 758, 759 and 760, dated 16th December 1859, to the Collectors of Karachi, Shikarpur and Haidarabad respectively. The instructions given in these letters may be summarised as follows:—

- (1). Follow the Garden Rules uniformly.
- (2). Ask the Kardars and Mukhtiarkars to go carefully over the Persian rolls of their Talukas and to report if any *Mafi* gardens have not been included in them. The reports to contain the following particulars;—
 - (a) Extent and character of land in Napierian bigaha.
 - (b) Name of original grantee and later possessors.
 - (c) Date of Sanad and name of grantor—or if there be no Sanad, the number of years before the Conquest that the garden has been enjoyed rent-free.
 - (d) Contents of confirmatory orders (if any) of the British Government.
- (3). The Taluka officers to see if the parties entered in the rolls are all living, if not, in whose hands their lands are.
- (4). The said officers to report every death in the same way as the death of a Jagirdar, and to submit a statement of the average of 5 years' produce.
- (5). The assesment on gardens being as follows:—

Haidarabad	{	In the Naushahro and Duabo Talukas	Rs. 2-0-0 per N. B.
		In other Talukas of the Haidarabad Collectorate...	... .. „ 1-8-0 „
Karachi		In all Talukas	... .. „ 1-8-0 „
Shikarpur	{	On some gardens with old wells...	... .. „ 3-0-0 „
		On new gardens ...	... .. „ 1-8-0 „

½th of it to be levied on the death of garden grantees of the 2nd Class.

The last para. ran as follows: “ It appears that in some of the gardens “ included in these Rolls wheat or some other cereal is cultivated. You will “ therefore be pleased to order the Mukhtiarkars and Kardars in your “ District to take careful note of this matter, and to submit a list to this “ office of the several numbers in which such cultivation is carried on.”

“ 2. Among these gardens are included enclosures known as ‘ Huris, also small patches of Mafi cultivation usually not exceeding 20 bigahs, and plots of land containing trees, either scattered or in clumps. It has not been thought advisable to call upon the holders to render too strict an account in this respect. When gardens are held, however, really meriting the name, every endeavour should be made to prevent them from deteriorating; and where there is manifest falling off, or failure in the conditions of grant owing to the neglect of the Mafidar, I beg that you will report the circumstance with your own opinion on the best method of dealing with the case.

“ 3. You will not be required to interfere with present incumbents, in order to carry out all at once the sanctioned settlements. Where assessments are to be fixed on the grants, they may be commenced on the first coming casualty. But should instances occur where the position of a Mafidar under these Rules would be bettered by the change, he may be allowed immediate possession. Under the present system you will be good enough to report to the Jagir Department all orders issued under the operation of this para.

“ 4. Any difference from the recorded measurements coming to your notice should also be reported.”

To this was added the following Postscript. “ It is not intended that these instructions should interfere with the Commissioner’s Circular* No. 481, dated 6th March 1858. A report should be made in all cases where it appears probable that the provisions for garden grants are applicable to Huris or similar holdings not included in these Rules.”

580. In Major Goldsmid’s letter No. 58, dated 2nd July 1859, however, though arguments were urged against the imposition of Nazarana on First Class Jagirs, nothing was said expressly about its imposition on gardens. The text of what Major Goldsmid wrote is as follows :—

Reasons against the levy of Nazarana.

“ 5. As regards the First Class of Jagirdars, (Sirdars,)+ I would deferentially suggest that a Nazarana‡ be in no case exacted beyond the 5 per cent. cess for roads and schools, except on very special grounds not now apparent in any individual instance. My reasons are that we really want an upper native class, that unfortunately no individual can be an acknowledged member of such a class without wealth, that the wealth derivable from Jagir land, however extensive be the alienation, is uncertain, precarious, and never considerable; and that fixed assessments such as water rates and the road and school cess are sufficient to show that Government is the donor and may

Secretary to Government of Bombay No. 1766, dated 10th May 1859, to the Commissioner—para. 2.

* On the subject of Huri grants.

+ Against the para. in the original letter Major Goldsmid had noted in pencil as follows :—
“ I would exact no Nazarana in any case beyond the 5 per cent. cess except on special grounds.”
Vide file No. 46 of 1859-60.

‡ In the Sanad issued to Ghaibi Khan, provision was made for the levy of a Nazarana.

“ resume at any time, the benefits conferred on the Jagirdar should there
 “ be sufficient cause.”

581. It appears from the tenor of Mr. Inverarity's reply* to the Government letters of the 10th May and 21st October 1859, that he was opposed to the levy of Nazarana on Jagirs, for reasons which would apply with equal force to its levy from garden grantees. He, however, like Major Goldsmid, made no express mention of these grantees in this connection, nor did the Bombay Government in their letter No. 1221, dated 30th March 1860, lay down that the case of gardens should be treated on a separate

No Nazarana levied footing from that of Jagirs. The Government of India also who approved of the instructions issued by the Bombay Government in the above letter made no allusion to the subject. It was therefore natural to hold that no Nazarana should be exacted from garden grantees, and as a matter of fact, none has been exacted.

* No. 30, dated 10th February 1860.

CHAPTER VI.

HAKABA.

582. The practice regarding Hakaba levied on Jagirs in the Hyderabad Collectorate, in the time of Sir Charles Napier and Mr. Pringle, will appear from the following extracts made from Captain Rathborne's answers to Revenue Question No. 7 of the sets of questions put by Mr. Pringle, and referred to at page 90, para. 157.

Practice in the Hyderabad District regarding Hakaba in Sir Charles Napier's time.

" There are no rules regarding the appropriation of water, farther than established custom in relation to the supply of water to Ryoti land, the chief points of which are that water shall not be given for new water-courses, unless the old ones are fully supplied, that water shall not be given to the cultivators of another Pargana unless the lands for which the canal was specially dug have a sufficiency to spare, and that the alienated lands shall not receive more water than they received at the time of taking the country, and for which they had the authority of the Amirs,

" Alienated lands pay generally water tax for the water they receive at the rate of Rs. 3-8-0 a large wheel, Rs. 2 a small wheel, and Re. 1-4-0 a Kharwar on rice, and Rs. 2-8-0 a Kharwar on Bajri and Juari grown on flooded lands, except gardens which pay 12 annas a bigah per annum. On alienated land, however, in which Government takes a share, the water tax is fixed as on Ryoti lands at 3 kasas a Kharwar, and on the others at the above rates. Also in some cases where the Jagirdars paid half or quarter produce for water, in the Mirs' time, they pay the same now, as that point was held in view by the Amirs' Government in fixing the amount of the grant made to them."

583. In the Karachi District the Jagirdars, according to Captain Preedy, paid water tax to Government on all lands watered from the Government canals at the following rates :—

Practice in the Karachi District.

" On each *charkha* or wheel worked by two bullocks or a camel.....
" 3½ Rupees per wheel.

" On each *Hurla* or wheel worked by one bullock2 Rupees
" per wheel,

“ On Sailabi or flood land.....3 kasas per Kharwar on the gross produce, or if they prefer paying in cash, at the rate of one Rupee per Kharwar on shali or rice in the husk, and two Rupees per Kharwar on all other grains.” (*Major Preedy's answer to Revenue Question No. 4*).

Hakaba was “ to be levied on those lands only which were watered from canals, takis, or tanks on the clearing or improvement of which Government had expended money, also on lands protected by bunds constructed at Government expense.” Lands watered by rain, if unprotected by Government bunds, together with those watered direct from the river, or from wells or tanks constructed by the ryots themselves, were free from Hakaba. The rate of Hakaba for the use of Government canals was the same for Ryots as well as Jagirdars. (*Major Preedy's letter to Lieutenant Phillips, Deputy Collector of Sehwan, No. 739, dated 29th July 1847*).

584. As regards the Shikarpur District, Captain Goldney Practice in the Shikarpur District. wrote as follows :—

“ Our grand canals in Upper Sind are uniformly cleared by statute labour.....Jagirdars who do not contribute statute labour pay a part of the expenses of water works, or water rates in proportion to their lands.” He did not detail these rates. (*Captain Goldney's answer to Question No. 7*).

585. On the 26th of March 1853, Mr. Frere directed that whenever Chowth should be levied, $\frac{1}{4}$ th of the Hakaba should be remitted; and on the 11th of June, (in his No. 1620 to the Assistant Commissioner) that all canal expenses incurred by a Jagirdar on his own canals should be deducted before calculating the value of a Jagir, for the purpose of assessing the Chowth.

586. It had been the practice in the Haidarabad Collectorate to excuse the Hakaba, when the two anna tax was levied, but Captain Stack in reporting upon a case considered this “ unequal and unfair.” He did not see why, while those who paid the quarter share were mulcted for it, those who accepted the lighter charge of two annas a bigah, should be altogether exempt from it. Mr. Frere on the 9th September 1853, (No. 2585) agreed

Hakaba imposed on persons paying *Duanagi*. with Captain Stack in thinking that the principle was “ objectionable and unequal in operation,” and directed that while no settlement already made should be disturbed, “ for the future if a Jagirdar choose to accept the two anna tax in preference to the $\frac{1}{4}$ th produce settlement,

“ it must be on the distinct understanding that he will be liable to
 “ water tax in addition to the payment of the two annas.”

587. On the 19th of April 1854, Mr. Frere in a letter to the Collector of Haidarabad, (No. 1055), laid down a principle on How to assess the water rate. which water rate was to be levied, in connection with a dispute that had arisen between the Kardars and the Jagirdars enjoying the water of the newly improved Mulchand canal in Tanda Bago.

“ First of all,” wrote Mr. Frere, “ what is the proportion of Jagir lands
 “ affected by the increased outlay on the canal? This ascertained, put
 “ down a proportionate amount of the expenditure to the Jagirdar’s account,
 “ take half produce annually, giving the Jagirdar credit for all realizations
 “ in excess of his ordinary water-rate. When these realizations amount to
 “ the sum fixed as the Jagirdar’s proportion of the Government expenditure
 “ leviable from the Jagirdar with interest, then cease to take half produce
 “ and only levy water-rate as usual.”

588. In June 1855, Mr. Bellasis proposed that the amount of Hakaba should be settled upon the basis of the average of the last five years, and entered in Faisalnamas by the Jagir Department. The Commissioner, however, did not agree to this proposal.

Proposal to settle Hakaba
 negatived.

589. On the 2nd of January 1855, Mr. Frere in his No. 15 to the Collector of Haidarabad, laid down the following rules :—

Rules regulating Hakaba
 issued by Mr. Frere.

“ When the canal (whence the Jagirdar draws the water he wishes
 “ to use for any irrigation in excess of the season of 1253* is one which yields
 “ an ample supply of water, no more should be charged to the Jagirdar
 “ than the ordinary water rates (Rs. 3½ per wheel, Rs. 2½ per Kharwar, &c.)
 “ however much he may extend his irrigation beyond that of 1253.

“ When the canal is one yielding a limited supply of water which is not
 “ capable of increase, the Jagirdar, like every other person drawing water
 “ from it, must be restricted to what he has been in the custom of having
 “ which may conveniently be fixed at the standard of 1253.

“ In such case the ancient custom of having masonry *moris* or sluices
 “ at the mouth of each Karia, to regulate the quantity of water allowed
 “ should be enforced.

* No Jagirdar in the Haidarabad Collectorate was allowed to take without official permission from any Government canal more water than he had at the last Kharif under the *Mirs* (i. e. Kharif 1253, A. D. 1842), the quantity being measured by the number of wheels he was allowed to set up.

“ When the canal is one which yields a supply limited now, but capable
 “ of being increased by a larger outlay in clearing, such increased supply
 “ should be given, as soon as possible, and charged for, at rates which will
 “ remunerate Government for the additional outlay.”

He then referred to the rates proposed by the Collector for this purpose—Rs. 5½ (instead of Rs. 3½) per wheel, Rs. 3 (instead of Rs. 2) per Hurla, Rs. 2 (instead of 1½) per Kharwar for rice (Sailabi), Rs. 3 (instead of 2½) for other grains, and continued—“ It may be necessary to fix some such
 “ minimum rates to be paid in all cases when extra expense is incurred, but
 “ the rates should not be uniform in all localities. They should be fixed
 “ so as to do no more than fully cover the actual extra expenditure required
 “ to afford the extra supply of water.” He considered that the demand in question should be made not upon the calculation of the average amount levied annually during the past five years, but upon an estimate of the expenses incurred during the year for which the levy may be instituted. (*Captain Pelly to Collector of Haidarabad, No. 318, dated 12th December 1855*).

590. Statute labour having been abolished in Sind under the orders of Government, Colonel John Jacob, Acting Commissioner in Sind, issued on the 23rd September 1856 a set of rules

“ Jacob’s Rules” regarding
 Canal clearances.
 —Settlement of rates for ten
 years.

called “Jacob’s Rules,” regarding Canal clearances, the tenth and eleventh of which related to Jagirs. They were as follows :—

“ *Rule 10.* The clearance of all canals, whether large or small, upon
 “ which no land other than that in alienation (Jagir &c.) may be cultivated, should be left to the Jagirdars without any interference whatever
 “ on the part of the Government Officers.

“ *Rule 11.* When a canal cleared by Government supplies lands in
 “ alienation (Jagirs &c.), a water rate of 3 annas per bigah will be levied
 “ upon the entire extent of the cultivated alienated land so supplied. The
 “ extent to be taxed under this Rule may be determined by a reference to
 “ the records of former years, or by other evidence to be now collected.
 “ When determined, a statement showing the total amount which it is proposed to levy upon each holding should be transmitted through the
 “ Jagir Department to the Commissioner, and upon the demands so
 “ determined being confirmed by the Commissioner, these specified and recorded demands will be levied without variation of amount for a term
 “ of ten years, thus freeing the Jagirdar from the perpetual interference of our Native Revenue Officers, and relieving the latter, at the
 “ same time, of the very troublesome and unsatisfactory duty of levying
 “ the water rate according to the system heretofore obtaining.”

591. On the 27th September 1856, Colonel Jacob issued another Circular No. 2295, to the Collectors, in which he explained

Explanation of Rule 11 as
 to the levy of 3 aa. per bigah.

that the rate of 3 annas per bigah in Rule 11 was calculated upon the assumption that, the

soil was cropped once in three years, and that both the area actually under crop and its two fallows were liable to a water rate of one anna per bigah.

“ For example,” he continued, “ suppose a Jagir so watered to contain 2,000 bigahs, and that upon a reference to your records you should ascertain that of this extent an average of 500 bigahs had been annually cropped during the past 5 years, you would in such case multiply the 500 by 3 and so demand 1,500 annas as water rate upon the entire estate. Again, suppose that an estate of similar extent and similarly cropped were irrigated in part by a canal cleared at the Jagirdar’s own cost, you would in such case demand a water rate upon that portion of the estate only which received the benefit of a water-supply from the Government canal. Should your records not afford data for the foregoing calculations upon an average of 5 years, it will remain in your discretion to take the average of a shorter period or to base your estimate upon the best evidence available, in any case however forwarding your calculations to me through the Jagir Department.”

592. Colonel Jacob’s rules which were approved of by Government as a temporary measure, superseded all previous arrangements, and it may be said that their practical effect was that, from 1856 three annas a bigah on average cultivation was what Jagirdars throughout Sind were to pay upon Jagir lands, irrigated from canals cleared by Government.

Practical effect of Jacob’s rules.

593. This rate pressed hardly on several Jagirdars paying chowth. It was levied upon all lands except those under wheel irrigation, for which there were already fixed rates. The hardship was specially complained of by Mir Ali Baksh Shahwani, whose case was brought to the notice of the Commissioner by Major Goldsmid in his No. 202, dated 27th November 1857. The Commissioner in reply desired Major Goldsmid to make a reference to the Collector, and after considering his opinion, Mr. Frere laid down the following general rules in his letter to Major Goldsmid No. 1074, dated 6th May 1858 :—

Hardship of these rules on Chowth-paying Jagirdars.

The hardship remedied.

“ In cases where $\frac{1}{4}$ th share of produce is levied on a Jagir, or its value recovered in cash, the Hakaba payable under the lithographed Rules of 23rd September 1856, para. 11, upon the whole productive land should be reduced by $\frac{1}{4}$ th, i. e., from 3 annas to 2 annas and 3 pies,

“ 2. In cases where $\frac{1}{4}$ th share of produce is levied, and the Jagirdar has been put to any personal expense by canal clearances on his own account, he is clearly entitled to compensation for such expenditure, inasmuch as it has enhanced the value of the $\frac{1}{4}$ th share claimed by Government.

“ 3. The amount to be allowed for such compensation can only be correctly ascertained by the local officers who are acquainted with the estates, and have some means of ascertaining what the Jagirdar has laid out.

“ 4. Where $\frac{1}{4}$ th share of produce is assessed at a certain fixed sum, such assessment should only be made after allowing for private canal expenses, agreeably to the terms of my letter No. 1620, dated 11th June 1853, to Captain Stack.”

594. This principle of assessment being simple in every respect, Major Goldsmid was authorised to entertain all proposals from Jagirdars to apply the provisions, above enumerated. No assessments other than permanent ones, however, were to be fixed or recorded by the Jagir Department.

595. On the 23rd July 1858, Mr. Frere in his No. 1840 to the Collector of Haidarabad, laid down that Hissadars over land irrigated from Government canals were not liable to pay Hakaba, and the Commissioner's reply was circulated to the other Collectors for their guidance.

Hissadars not liable to pay
Hakaba.

596. In September 1858, another important question came up for decision. Mir Ahmed Khan Khanani having cleared the Gidu canal at his own expense, asked to be allowed to levy Hakaba on all Government lands cultivated by Zamindars on Karias proceeding out of the Gidu canal. The Collector of Haidarabad considered this claim “ reasonable but without a precedent.” “ The Jagirdar,” he wrote, “ pays Hakaba for his lands watered by the Gidu, because that canal is fed from the Government canal the Gullu ; the Gidu, however, is cleared solely at the expense of the Jagirdar and he claims Hakaba on such Government land as is watered by that canal.” The Assistant Commissioner for Jagirs (No. 198, dated 21st September 1858,) replied by order as follows :—

Jagirdars when entitled to
Hakaba.

“ I have understood that Jagirdars levy Hakaba from other Jagirdars under similar circumstances, and I do not see why they should not have a like claim upon Government.”

597. The Rolls of proposed water-rates on Jagirs, framed in accordance with Rule 11 of the Rules of 1856, were approved by the Commissioner, but were subjected to a revision owing to the complaints of Jagirdars. Colonel Dunsterville, Collector of Karachi, in his No. 337, dated 22nd February 1860, ascribed the dissatisfaction caused by the rates to two causes :—

Settlement of water-rate produces dissatisfaction.

“ First. The Jagirdars used to pay formerly a water tax in proportion to their produce, *viz.*, 2 Rs. per Kharwar on all (regularly called) paka grains, and one rupee on kacha grains. The amount of produce was accordingly carefully determined and entered in the Kardar’s books, because the Hakaba was charged on it, but the area was not ascertained by actual measurement, and was inserted in the books merely as a matter of form. It was obtained from the Jagirdar’s “ Kamdars,” who were not, as a class, the most reliable persons, and in order to puff off their own services or their master’s greatness, would not be free from exaggerated ideas. Consequently when the order was issued for fixing the Hakaba on the average of areas, the data in some instances were defective.

“ Second. The levy of 3 annas per bigah as water tax ordered by Section 11 of the Rules is, I submit, too high a rate for some kind of lands such as those on which mustard, muttar, jamba, sirsi, are usually grown. The Government assessment on lands of this kind is about 4 to 8 annas, and by comparison a water tax of 3 annas presses too severely.”

There was also a third reason given by him in the following words :—
“ We have to deal with a cultivation liable to constant fluctuations and vicissitudes, and with Jagirdars who live generally at a distance from their lands, the proceeds from which are forestalled ; if their estates meet with any temporary vicissitude, they have not the substance to withstand it, and a petition for remission is and always will be, the consequence.”

Colonel Dunsterville therefore was of opinion that the rates should be fixed from year to year, and that he should be authorized to grant relief in cases of serious contingencies.

598. Mr. Inverarity in his reply No. 600, dated 6th March 1860, while sanctioning Colonel Dunsterville’s proposal “ for want of a better,” held that “ the only true tax was payment for quantity of water used,” and that the assessment of water rates was no part of the duty of the Jagir surveying and land registering officer, but of the Settlement Officer. The Collector was, therefore, requested to furnish the Settlement Officer of his Collectorate with a copy of the correspondence, in order that he might make himself acquainted with

Hakaba to be fixed by Settlement officers.

the subject in detail, and eventually submit such further propositions as he might think necessary, “to secure the Jagirdar from “unwarrantable loss or annoyance, and at the same time, sufficiently protect the interests of Government.”

599. In 1861 the Jagir enquiry being completed, the following Provision regarding clause, sanctioned by Government, was inserted in the Sanads issued in that year to the Jagirdars.

“With respect to the payment of water-rates, you will be subject to the “local rules in force to meet the Government expenditure on canals, due “regard being had to the particular circumstances of your Jagir.”

This clause has ever since regulated the Hakaba on Jagirs.

600. The local rules already detailed remained undisturbed until 1867, when a change was introduced. Changes in rules in 1867. Hakaba in settled lands, whether Government, Water-rate part of assessment on settled lands. or alienated, was calculated at 2 annas in the rupee of assessment, and this sum was adjusted in the accounts after calculation, while Hakaba on the first and second class Jagirs which had not been settled was, under the Commissioner’s No. 2601 of 16th November 1867, to be fixed “according to the average payment “for the past ten years, subject to enhancement, when the percentage of the ten years’ cost of clearances of the canals, “calculated on the total revenue, shows an increase,” or more simply, increased cost of clearance in proportion to the total revenue derived from land under a canal, would render the Hakaba liable to enhancement.

601. On the 28th February 1868, the Commissioner issued a set of rules for ascertaining and fixing Hakaba in districts under the operation of the Revenue Survey Settlement, from which the following extracts are made:—

“VII. All Patelli Seri grants, whether cultivated or not, and all Huris “(unless these last happen to be cultivated with crops, in which case the full “combined survey assessment is to be levied from them, and the Hakaba “separated therefrom as usual) are to have nothing levied from them on account

" of Hakaba, nor are small rent-free lands, not exceeding 20 acres in extent,
 " whether known as Jagir, Mafi, or Mamuli, liable for Hakaba payments...

... ..
 " Rent-free lands not being Patelli or Seri lands, nor Huris which are exempt
 " from Hakaba payment as above described, may exceed 20 acres in extent,
 " in which case, if under Government canals, they are liable to Hakaba pay-
 " ment,

" XII. The Hakaba to be fixed for First and Second Class Jagirs is to be
 " settled by the Collector in conjunction with the Settlement Officer, in
 " accordance with the instructions contained in the Commissioner in Sind's
 " letter No. 2601, dated 16th November 1867... ..

" XIII. Pattadars, Munafidars, or co-sharers with Government in the
 " land revenue of a village, are to be paid as at present from the balance of
 " the land revenue after the Hakaba has been deducted from it, with the
 " exception of Mir Hayat Khan Talpur in Talukas Sakrand and Shahdadpur,
 " who at present receives his share both of the land revenue and of the water-
 " rate. Muafi grants that have been commuted into a fixed annual sum at the
 " Settlement, are to be paid the sum from the land revenue of the village
 " without any further deduction on account of Hakaba.

" XIV. The water rate when fixed will be co-terminous with the exist-
 " ing Settlement of the District."

602. The 3rd and 4th Class Jagirs having been all surveyed,
 it was proposed to fix an assessment upon them in anticipation
 of their eventual lapse to the State, and to fix the water rate per
 rupee of such assessment in the same way as upon Ryoti lands.

3rd and 4th Class Jagirs
 assessed to Hakaba as
 Ryoti lands in anticipa-
 tion of lapse, &c,

All Survey Numbers watered from a Govern-
 ment canal, or Dhund or Kolab issuing from a
 Government canal, and all Survey Numbers
 under wells, lying within the reach of a Gov-
 ernment canal, were considered liable to Hakaba. Lands flooded
 direct from the river were, however, not so liable, nor also lands
 watered by canals cut and cleared by the Zamindars and issuing
 directly from the river. Lands under Zamindari canals or karias
 issuing from a Government canal, were, on the other hand, liable
 for Hakaba, but on account of the labour entailed in digging such
 canals or karias an allowance was made in the water classification.

603. This system remained in force until 1871, when Sir
 William Merewether seeing the unsatisfactory state of most of

New system in 1871.

the canals, and noticing that the whole of the money credited as Hakaba was not spent on the canals, re-opened the whole matter, and referred it to Government, who in their Resolution No. 163 A—654 of 3rd April 1872, abolished the whole system of Hakaba “except as regards “Jagirdars,” and accepted the responsibility of maintaining the canals in proper order. They also asked for suggestions so as to ensure the levy of a more equitable water-rate from the various Jagirdars, in fair proportion to the water used by them. This led to a long correspondence which ended only in July 1875.

604. Up to this month numerous commutations of the water-rate of 6 annas per acre* had taken place—
 Commutations and leases. the basis being an average of the previous years' collections. Leases embodying such commutations had been issued, specifying the area of the Jagir according to the Jagir Roll, the amount fixed as Hakaba, and the proportion of it debitable to the Government share, if any, in the Jagir, and to the Jagirdar. The lease also contained provisions for its expiration after the introduction of a Settlement or after lapse of Jagir, for the payment of the amount fixed by instalments, and for the levy of the local fund cess on account of one anna per rupee. It moreover, prohibited the Jagirdar from digging any new Karias from Government canals without permission, and expressly stipulated that no remissions would be allowed in any contingency.

605. The local fund cess usually levied was not justified by
 Discontinuance of the levy of local fund cess on Hakaba. Bombay Act VIII of 1865, Section 2, and the Commissioner therefore in his No. 1851, of 19th April 1875 to the Collectors, ordered its discontinuance with effect from 1st April 1875.

606. The rate of 6 annas per acre was found to be too low

* The rate was reduced to 3 annas 6 pies per acre on land irrigated direct from the Fuleli or its continuation the Guni, or from private channels issuing therefrom.

Rate of 6 annas per acre
too low in the Fuleli Division.

for the Fuleli Irrigational Division owing to the cost of the new Fuleli, and too high for the Ghar Irrigational Division. According to the canal returns, the average discharge of the Fuleli during the three years ending 1872-73, was 5,277 cubic feet per second during the four irrigation months or during the Kharif season. The average area of land irrigated was 1,66,817 acres, of which the area of Jagir land was 51,720 acres. The average expenditure for the years 1872-73 and 1873-74 was Rs. 1,22,520. The Hakaba upon 51,720 acres was calculated at Rs. 13,941 from previous averages. It followed, therefore, that the average duty per cubic foot of water was 31·61 acres, and that the average cost of water per cubic foot was Rs. 23·22. The Jagir land required $\frac{51,720}{31\cdot61} = 1,636$ cubic feet of water per second, and as the cost was Rs. 23·22, the sum due to Government was Rs. 37,988 upon the Fuleli.

607. In the Ghar Division on the contrary the cost of maintaining the water-supply was very moderate owing to the very favourable circumstances under which irrigation was carried on, and a reduction of the rate was only fair.

Too high in the Ghar Division.

608. The Superintending Engineer, therefore, proposed that as rice was generally cultivated on the Fuleli, and as it required about $2\frac{1}{2}$ times as much water as other crops, it should be charged a

New rates sanctioned.

water rate of Re. 1-1-0 per acre, and other crops 0-7-0 per acre, and that in the Ghar Division the rate should be only 5 annas per acre. These rates were eventually sanctioned by the Government Resolution No. 154 A.-I. 367 dated 3rd July 1875, Public Works Department, (Irrigation Branch) which ran as follows:—

“The water rates for Jagirdars recommended by the Commissioner in “Sind, are sanctioned as follows:—

“In the Fuleli Division of the Haidarabad Collectorate—

“Rice,.....Re. 1-1-0 per acre.

“Other crops... „ 0-7-0 „ „

“In the Ghar Division of the Shikarpur Collectorate—

“All crops.....Re. 0-5-0 per acre.

“In every other Irrigational Division in the province—

“All crops.....Re. 0-6-0 per acre.

“2. Government approve of the proposal of the Commissioner to fix the above rates for the periods of existing Settlements on Government lands in the Talukas within which the Jagir lies. They will be subject to revision when the Talukas are re-settled.

“3. The practice of commuting water payments based on the average area of cultivation during the previous 5 years, may be continued till the Survey is introduced or revised, the new rates now sanctioned being applied from the commencement of the current year.”

Inequality of the new
rate in the Fuleli Division.

609. The new rate of 1-1-0 on rice lands in the Fuleli Division, pressed heavily upon those Jagirdars who held no leases terminable with the introduction of a settlement. The Jagir lands were watered by either—

- (1). A main canal *ex* Fuleli or Guni, or
- (2). A branch of a Government main canal *ex* Fuleli &c., or
- (3). A main canal (No. 1) which also fed a Government canal, or
- (4). A branch of a Government branch canal &c., or
- (5). A main canal (as No. 1) which also fed a Zamindari canal in Government land, or
- (6). A branch canal from a Zamindari canal (as No. 5), the main being the Jagirdar's own canal, or
- (7). A branch canal from a Zamindari main canal.

and the incidence of the tax, being uniform, was therefore described by Colonel Dunsterville as very unequal and oppressive.

610. The subject was discussed at the Conference of 1878, held on the 24th July, when it was agreed that there were good and sufficient grounds for moving the Government, “to re-consider the

Opinion of the Conference
of 1878.

“Hakaba rates fixed for Jagirs in the Fuleli Division,” and that it was “more equitable to ascertain what the cost to Government is for providing water for the lands on each canal separately, and thence to determine what contribution should be levied from jagirs irrigated” from canals *ex* Fuleli or Guni, cleared by the

“jagirdars themselves.” The Conference also agreed “that the Jagirdars being in respect to the revenues of their jagir lands precisely in the position of Government in respect to the revenues of Khalsa lands, it should be understood that whatever may be levied from them by Government on account of water-rate, may be by them levied from their cultivators, just as in Government assessed lands Hakaba is indirectly levied from the occupants, it being merged in their assessments.”

611. The resolutions of the Conference led to certain correspondence which ended in the Commissioner's letter to Government No. 5970, dated 26th October 1882.

In this letter, after briefly narrating the history of jagir Hakaba, the Commissioner gave prominence to the following two points:—

“1st that, by a clause in their Sanads, jagirdars are bound by the local rules in force, to meet the Government expenditure on canals.

“2nd that on the first grant of the Jagirs, the rights to water were not nearly so liberal as they subsequently became.”

He thought the rate for rice should be higher than for other crops, and in the Fuleli Division higher than in other Divisions, as the canals there cost more than 40 per cent. of the revenue to maintain. He concurred however with the Revenue officers in their opinion that, the rate for rice should not have been fixed at more than double the rate for other crops, and he agreed with the Irrigation Department that, it was “a needless refinement and impracticable to have rates for every jagir.” Colonel Le Mesurier considered that when the true area of cultivation was ascertained, the actual rate required for the Fuleli Division would be found not to exceed 8 annas an acre. The Commissioner was inclined to think that maximum and minimum rates should be laid down for the whole province, and that they might be as follows:—

	“ Maximum, Per acre.	Minimum. Per acre.
“ Rice lands.....	10 as.	7 as.
“ Other land.....*	8 as.	5 as.

* The maximum is higher than the present rate, and is only inserted to meet special cases; for ordinary cases the maximum should be 7 annas.”

The Commissioner also suggested that a distinction might well be made between Jagirdars clearing their own canals branching off from the Government main, and those not so clearing, “by fixing rates for those who receive water direct from canals cleared by Government and then by allowing a reduction

“ in such rates in the case of Jagirdars who clear their own branch canals
 “ according to the expense such Jagirdars are put to.” “ The actual rates,”
 he said, “ could be settled by the Collector and Executive Engineer for
 “ Irrigation, Government merely fixing the minimum below which none
 “ were to be fixed.” As the maximum and minimum rates proposed were
 rates per acre, it was necessary to provide for ascertaining the true area of
 cultivation in the various Jagirs. As the districts along the Fuleli were
 then being surveyed, the Commissioner proposed that the jagirs in that
 Division should be surveyed. “ It will not be necessary,” he said, “ to do more
 “ in jagirs of the first and second class than measure and divide the areas
 “ under each kind of crop (rice and other) into numbers of convenient size.”

“ In cases in which the Jagirdar is not the Zamindar, the
 “ expense of putting up boundary marks would be borne by the Zamindars
 “ as in unalienated lands, and it is only in cases in which the Jagirdar is
 “ also the Zamindar that the expense would fall on the Jagirdar or on
 “ Government, and in my opinion it would be a wise as well as a liberal
 “ arrangement were Government to bear the cost of the survey of these
 “ jagirs, as the Jagirdars would deem it a great hardship to have to pay for a
 “ survey which they do not wish to have,

“ After such a survey had been carried out, the Hakaba rates could be
 “ easily lowered where they are excessive, and raised where they are admit-
 “ tedly low. I would not recommend that the jagirs referred to be
 “ classed, but merely surveyed, leaving the Jagirdars to manage their estates
 “ on the batai principle as they have hitherto done. If any Jagirdar
 “ should wish to have his estate classed and regularly assessed, he might
 “ be permitted to do so on the condition that he bore the entire cost of the
 “ survey operations.

“ If the jagirs are surveyed as proposed, then each Jagirdar should in
 “ my opinion, be required to submit annually to the Collector a statement
 “ showing the area under rice and other crops respectively, and the
 “ amount of Hakaba to be paid could be calculated without any needless
 “ interference with the Jagirdar's estates. The returns submitted might be
 “ tested when necessary by supervising Tapadars to prevent fraud, but
 “ there should, I think, be as little interference as possible.

“ If it is feared that such a system would lead to too much interfer-
 “ ence with Jagirdars, any Jagirdar might be allowed to compound for the
 “ term of the Settement in force in the Taluka in which his lands are
 “ situate, and pay a lump sum annually, in lieu of an average rate, this
 “ sum being fixed by the Collector and the Executive Engineer for Irriga-
 “ tion in concert, after considering the circumstances of the jagir, the
 “ amount of clearance done by the Jagirdar himself, and the facilities for
 “ extension of cultivation, while a further check might, if necessary, be
 “ imposed by fixing a maximum number of acres above which cultiva-
 “ tion was not to be extended, without permission and a fresh payment of
 “ Hakaba. Such a lump sum would, of course, be to a great extent deter-
 “ mined by the rates in force, so as to make it a fair rate both to the Jagir-
 “ dar and Government.”

612. The Government Resolution No. 142 A. I.—624 dated 22nd November 1882, passed upon the Commissioner's letter, ran as follows :—

“ The revised water-rates recommended by the Commissioner in Sind, *i. e.*

	“ Maximum.	Minimum.
	“ Per acre.	Per acre.
“ Rice lands.....	10 Annas.	7 Annas.
“ Other lands.....	8 Annas.	5 Annas.

“ in lieu of those sanctioned in Government Resolution No. 154 A. I. 367, dated 3rd July 1875, are approved and sanctioned.

“ 2. The actual rates to be levied within the above limits may be settled by the Collector and Executive Engineer for Irrigation, according to the particular circumstances of water-supply to each Jagirdar, under the orders of the Commissioner in Sind. The cost of surveying the jagirs should be ascertained and reported as soon as possible. It will be quite sufficient to measure off and divide the areas under rice and other crops into numbers of convenient size without attempting any classification of the estates, the main object being to arrive at the true area of cultivation in view to the imposition of fair water rates.”

613. The question of surveying the jagirs has not yet been finally settled.

614. The only remaining order to be noticed is that contained in the Commissioner's No. 3834, dated 30th September 1884, to the Collector of Shikarpur, in which he directed that Hakaba should be calculated for Pattadars in the same way as for Jagirdars, and at the same rates, *i. e.*, those sanctioned in Government Resolution No. 142 of 1882.

CHAPTER VII.

ALLUVION AND DILUVION.

615. The old custom of the Amirs' Government regarding Alluvion was, "that the main stream of the river for the time being shall be the boundary between estates and districts on each side."* When whole villages were swept away by the river, and new lands thrown up after an interval of one or more years on the site of the said village lands, the practice adopted was to give such new formation provided it was not an island, to the owner of the land on which it impinged.† The islands which formed in the Indus, were generally "lands submerged in the wet season and visible in the dry season,‡" and in the Shikarpur Collectorate they appear to have been considered as private property—disputes between adjacent owners being decided by throwing a vessel into the Indus at some point higher up the stream than the supposed island, and watching the course of the vessel at the divergence of the river: If it took the westward course the island became

* Colonel Lambert, Collector of Karachi's No. 1273, dated 10th April 1878, to the Commissioner.—This was also one of the three customs which prevailed in the Panjab and was there called by various names, *Hud Sekandari*, *Kishtibanna* or *Kachmuch*. Where it "prevailed in its extreme form, lands which from a change in the course of the deep stream, became transferred from one side of the stream to the other changed owners—even though the land so transferred was intact or identifiable—and islands or alluvial lands belonged to the owner of the nearest bank on the same side of the deep stream, without reference to former ownership of site." "The second custom was a modification of the first, and was perhaps, the most common. Under its provisions the deep stream was *ordinarily* regarded as the boundary of the village, but an exception was made to the general rule of transfer of ownership when the land transferred was identifiable—that is, recognizable by physical features or visible land marks. The third custom was known as *warpar*. Under its operation the boundaries of the opposite riverain estates were assumed to be permanently fixed in the river bed—so that whatever changes might take place in the course of the deep stream, the ownership of the soil remained the same." The first custom had grown up during that period of anarchy which intervened between the decay of the Moghul Empire and the advent of British rule. The third alone was in force in the villages on the banks of the Indus—the first and the second prevailing on the banks of the other Panjab rivers. *Vide* Supplement to the Gazette of India, dated 12th October 1878, page 1595.

† Collector of Shikarpur's No. 2378, dated 11th July 1878, to the Commissioner.

‡ No. 268, dated 12th April 1878 from Deputy Collector, Sehwan to Collector, Karachi, and Commissioner's No. 2012, dated 22nd May 1878, to Government.

an increment to the nearest estate on the east side, and *vice versa*.^{*} A similar custom appears to have prevailed in the Ghorabari District, where claims were decided for or against the claimant according as the *matka* “floated inside or outside the “new formation.”[†]

616. The practice regarding Jagir alluvion, was thus described by the Collector of Haidarabad on the 25th June 1851 (No. 437), in answer to a call from the Commissioner.

Practice regarding Jagir alluvion in the Haidarabad District.

“Baluch Sirdars[‡] of rank holding lands on the river banks, termed “*Kacha Zamin*, generally received from the Amirs an *Ahdnamah* or “written promise that, should such lands or portions of them be submerged, “on their again being thrown up, a similar quantity should be at once given “to the Jagirdar, without reference to the Amirs, and without any dispute “on the matter. Baluch Sirdars of inferior rank who might not hold “*Ahdnamahs* generally received back their land on the above principle, “but not without much trouble and reference to the Amirs. The quan- “tity originally submerged to be ascertained by the statements of the “Zamindars taken on solemn affirmation.

“2. The above applies to a case where the river might in one season “by changing its course submerge a quantity of land—keep to its new “course for a few seasons, and then return to its original bed abandoning “the land.

“3. Should the river have, by taking separate courses, formed an “island in the centre of its original bed, to no portion of that land would the “Jagirdar have any claim. Neither would he have any right to land “abandoned by the river on the opposite bank to that on which his Jagir “might be situated.

* No. 192, dated 16th May 1854 from Captain Stewart, Collector Shikarpur, to the Commissioner.

† Lieutenant Dunsterville, Deputy Collector Gorabari, to the Collector of Karachi, No. 232, dated 1st November 1851.

‡ Ahmed Khan Numria (not a Baluch Sirdar) in 1849 alleged that he had been allowed by the Amirs to appropriate whatever land was thrown up by the river beside his Jerruck Jagir, and that the boundary of the Jagir was the river. The Deputy Collector Jerruck, Lieutenant Dunsterville, in reporting to the Collector (No. 403, dated 1st December 1849) wrote as follows :—

“A considerable portion of the Jagir lies on the banks of the river, but it possesses “bounds there precisely the same as its inland face. The stream of the river is continually “changing, and leaves thereby strips of low *Kacha* lands below the natural bank. The “custom has always been that if such land be within the boundary to let it alone, but if “it be beyond the limits of what the Jagirdar owned at the time of the Conquest, to put “it under cultivation on account of Government.”

"4. Since the Conquest only one case of the kind in point has occurred. In the Pargana of Chinijah, a portion of Mir Khan Muhammad's Jagir which had been submerged was again thrown up by the river. In settling the case Captain Rathborne directed that all land on the side of the bank should be restored to the Jagirdar, and all lands on the other side of it should lapse to Government."

617. The Collector of Shikarpur stated that land thrown up by the river opposite a village, was generally considered as forming a part of that village,* and that in Jagir villages it was customary to allow claims to a fresh deposit of land, on condition that the land so thrown up was deposited at any time since the Conquest and confirmation of the Jagir to the Jagirdar under cultivation.†

618. The Collector of Karachi remarked that as a rule the 'Ret Kam or land left by the river taking a new direction, was seldom granted in Jagir by the Mirs, except to very powerful chiefs.‡

619. The practice regarding alluvion appearing to Mr. Frere to be not uniform throughout the province, he proposed on the 20th November 1851, to frame rules on the subject and lay them before Government. But before doing so, he thought it expedient to take advantage of the experience acquired by the Government of the Lower Provinces of Bengal in the decision of similar claims arising from the changes in the course of the Ganges, and therefore requested the Bombay Government to obtain from the Government of Bengal copies of any local legislative enactments, circular orders, or other documents "bearing on the question of the rights of villages, rent-free holders and the Government to the lands and alluvial deposits formed by the river in the changes of its course." Accordingly

* No. 399, dated 13th June 1851, from the Acting Collector Shikarpur to the Commissioner and its accompaniment, being the reports of his Deputies.

† The following example was given. The Deh of Kulori which once formed a part of Mir Muhammad Khan's Jagir of Thurri Channi at Rohri after having been many years under water was thrown up in 1850. But as it had not been cultivated since the Conquest Mr. Pringle refused to admit the Jagirdar's claim to it.

‡ No. 2635, dated 11th November 1851, from Collector of Karachi to Commissioner.

these papers* were procured for Mr. Frere, and forwarded to him on the 10th March 1852.

620. In framing the following Rules for Sind, Mr. Frere was guided not only by the old practice and these papers, but also by the regulations in force in the North-West Provinces. His rules were issued on the 22nd of May 1852, and were at first merely tentative, the Collectors having been directed to report on their operation at the end of the season of 1852-53, and to suggest any changes required. The Collectors and their Deputies in their reports were on the whole of opinion, that the rules were suited to the Province and were workable. Their remarks and suggestions, as well as subsequent rulings are, for the sake of facility of reference as well as brevity, given in the foot-notes attached to the Rules.

Rules framed by Mr. Frere.

**RULES REGARDING ALLUVION AND DILUVION,
OWING TO CHANGES IN THE COURSE OF THE RIVER
INDUS, OR OTHER WATERS, IN THE PROVINCE OF SIND.**

1. Any land, separated from the main banks of the river or sea-shore, by a channel which contains water† throughout its length during the whole year, is to be considered an island.
Definition of 'Island.'
2. Islands newly thrown up by the river or sea are the property of Government.‡
What islands are the property of Government.
3. All new land not separated from the main land by a channel containing water throughout its length during the whole year, is to be considered as the property of the owner§ of the old land to which it is annexed, subject to Government assessment in the cases provided for in the rules below.
Rule regarding Alluvion that is not an island.

* Copies of Bengal Regulation II of 1819.
XI of 1825.
III of 1828.

with two Circulars issued by the Bengal Sadar Board of Revenue in April 1833 and July 1841. Reference was also made to Act IX of 1847.

† Whether fordable or not. (See Commissioner's No. 2012, dated 22nd May 1878, to Government.)

‡ Under Bengal Act IV of 1868, Section 4, the island becomes the property of Government if the channel is not fordable at any point. As to the local usage in Sind see note to Rule 20.

§ "The repugnancy between Section 64 of the Land Revenue Code, 1879, (Bombay) and No. 3 of the Rules framed in 1852, regarding Alluvion and Diluvion in force in the Province of Sind is, I think, only an apparent one. The Section and the rule do not, in fact, refer to one and the same thing. The former relates to the case of the occupant of Government land; the latter relates to the case of the owner of land—" Legal Remembrancer's opinion approved in Bombay Government Resolution No. 1649 of 1882, Revenue Department.

4. These rules hold good only in cases of lands newly thrown up by the river in such a manner as to make it impossible to identify them with any lands which may have previously existed on the same spot, and been since swept away. If the river, by a sudden change in its course, *cut off a portion* of an estate without gradual encroachment, so as merely to separate such portion of land from the rest of the estate to which it previously belonged, without destroying the identity or preventing the recognition of the land so cut off, then, the land on being clearly and unmistakeably identified, will continue to be held on the same tenure as before its separation.*

* This rule according to Colonel Lambert, Collector of Karachi (*vide* his No. 1273, dated 10th April 1878 to the Commissioner), was a departure from "the old custom of the 'Amirs' Government that the main stream of the river for the time being shall be the boundary between estates and districts on each side." (*Vide* also the same officer's No. 423, dated 30th September 1869, to the Commissioner.) The same custom prevailed in Upper India where it was called Dhar Dhura. Relying upon this custom His Highness Mir Ali Murad claimed, in 1864, a piece of land which had been cut off by the river from the 'Bagirji Bela' in Taluka Sukkur. But Mr. M. Melvill, Judicial Assistant Commissioner in Sind, reminded him (in his letter dated 5th April 1864,) that in Europe as well as in India the law respecting Alluvion and Diluvion was, "that all land which is gradually thrown up by a river belongs to the owner of that bank to which the land accrues, but if the river suddenly and violently altering its course, cuts off a piece of land from one bank and joins it to the other, without destroying the identity or preventing the recognition of the land so cut off, then the right of the original owner is not altered, and the land continues to belong to him." In a subsequent letter, dated 23rd May 1864, Mr. Melvill urged that this rule of civilized nations was in accordance with justice and good sense. "The river will sometimes completely change its course and cut off from one bank or the other whole miles of country containing whole villages and fields. The inhabitants of these villages, if they belonged originally to the Sirkar, might be very unwilling to be brought under your Highness' rule, and similarly your Highness' subjects might strongly object to come under our dominion. Thus, what your Highness states to be the custom, would after all involve very great hardship, while nothing of the kind can result from the application of the principle which in my opinion governs these cases. British subjects will always remain British subjects, and will have no reason to fear that owing to the caprice of the river, they may be deprived of the advantages which they now enjoy." Acting upon this decision, His Highness Mir Ali Murad was able to acquire land on the British side of the stream, it having been detached from his dominions. Mr. Frere's rule thus led to many complications. A dispute having arisen with His Highness Mir Ali Murad in 1869, regarding certain forest land, the Commissioner in his Circular No. 2746, dated 6th November 1869, issued the following instructions :—"With respect to any new land put up by the river opposite forest limits : islands newly put up *having water all round* and attached directly to no bank, will belong to the bank, they are nearest to, in accordance with rule 2 of the 'Alluvion and Diluvion' rules in force in the Province.

"New soil appearing, and attached to *old* ground, no matter how small that *old* portion may be or how large the new may become, belongs entirely to that old strip in accordance with rule 3. In the event of the water, Ghara, or Wahur between the new land and other old grounds drying up, as it will in time, boundary-marks should be laid down along the centre of the Ghara as it dries

"With regard to the fisheries of intervening 'dhands' between lands belonging to different proprietors, and the centre of the bed of which 'dhands,' as they dry up, will be made the future boundary line, the most, equitable and simple rule will be that the Government officers should sell the right of fishing annually, and divide the realizations equally between the proprietors on either side."

5. But no weight should be allowed to the pretended recognition of lands which have been so entirely swept away at some previous period, that they disappeared during the whole of a season, and which, on the river again changing its course, are supposed to re-appear, merely because in situation or composition they somewhat resemble those previously swept away. These would come under Rules 2 and 3.*

(Rules 6—10 relate to leases).

11. Holders of lands in Jagir, or on other rent-free tenure, are to be left in possession of all lands attached to their estates† under rule 3, provided the increment do not exceed, by more than 10 per cent., the land which they held at the date of the latest confirmatory grant issued by competent authority.

12. If the increment exceed 10 per cent., all lands, beyond|| those previously held under sanction of competent authority, will be liable to assessment, but remain the property of the holder of the original rent-free estate.

13. In cases, however, where a certain fixed quantity of land has been granted rent-free, and not a village, Makan or estate, then the holder can have no claim on any increment to his original lands.

* "I believe there are no lands thrown up by the river Indus whether islands or attached to the main land which cannot be identified as belonging, by ancient usage, to some village and which would not therefore be exempted by Rule 4 from the operation of Rules 1, 2 and 5." Mr. H. Young, Deputy Collector, Sehwan, to the Collector of Karachi, No. 33, dated 10th February 1854.

† "I conceive that Rule 11 has reference to estates unmeasured or whose extent is not specified in the grant as contrasted with estates which will come under the provisions of Rule 13." Collector of Shikarpur, No. 3, dated 3rd January 1854, to the Commissioner.

|| The following illustration was given in Circular No. 1521, [dated 21st June 1858, by Mr. Frere :—

"In 1845-46 the lands of this Jagir (of Bambha Dera belonging to Mir Bijar Khan) were measured and found to be 1,300 bigahs (all Kacha land).

"In Rabi 1266, the river had entirely swept away 145 bigahs, and in the following Rabi 1267 the same extent of land was again thrown up.

"According to Rule XII or (in this case Rule XIII) the land thrown up 'not being in excess of the lands previously held under sanction of competent authority,' will be restored to the Jagirdar free from assessment.

"*Note.* The 10 per cent., it will be observed applies to lands *beyond* those previously held as above. *Vide* example given in the Rules."

The example referred to is evidently that in the margin of Rule 18 (clause e)—since no other example is given in the Rules. Applying it *e converso* it is clear that, although the wording of Rule 12 is faulty, the intention of its author was that after allowing the Jagirdar to make up the land lost by him, he should be allowed 10 per cent., and the balance alone should be assessed. This is also the ruling of the present Commissioner on the construction of this Rule (*vide* his No. 3763, dated 18th September 1885, to the Collector of Karachi).

14. If, on any claim being preferred by Government to assess lands newly attached to rent-free estates, it be proved that more, or an equal amount of land has, since the date of the last confirmatory grant to the rent-free holder, been lost by Diluvion from the same estate, then the claim to assess shall be disallowed.

Limitation of the above rule.

15. This plea is in no case to hold good, with reference to lands which had been swept away before the conquest of Sind.¶

16. If a rent-free estate be entirely carried away, the holder will have no claim to a new grant, nor, in the event of new lands being subsequently formed by the river again receding, will the rent-free estate be revived. The new lands will be an increment to the estates to which they are attached under Rule 3.§

¶ *Note to Rules 12, 14 and 15* :—"All alluvial lands, newly formed islands, or abandoned river-beds which vest, under any law for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land revenue, to the same privileges, conditions or restrictions as are applicable to the original holding in virtue of which such lands, islands, or river-beds so vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands, or river-beds until or unless the area of the same exceeds half an acre, and also exceeds one tenth of the area of the said original holding." (Section 46 of Bombay Act V of 1879). This Section lays down a minimum which must be exempted. If the minimum is exceeded then revenue is *leviable* unless the land is privileged "in respect of liability to the payment of land revenue" under any law for the time being in force vesting such land in a holder of alienated land. Now, under Rule 3, alluvial land *vests* in the Jagirdar, and under Rule 11 if it exceeds the land which he held "at the date of the *latest* confirmatory grant issued by competent authority," he is not to be deprived of its *possession* so long as the excess is not more than 10 per cent. of such holding. But if the excess is greater, it will, nevertheless, be the *property* of the Jagirdar but subject to assessment on the portions "*beyond* those *previously* held under sanction of competent authority"—in other words, if before the latest confirmatory grant, but after the conquest a portion of the alienated village had been cut off by the river and after the date of the grant a larger portion was attached to the village, the village up to its old boundaries would remain unassessable and the excess alone would be assessable. Rule 14 provides for diluvion, and alluvion after the date of the latest confirmatory grant, and Rule 12 for diluvion between the date of the conquest and of the latest confirmatory grant and alluvion after the date of such grant.

These rules confer a privilege on holders of alienated lands "in respect of liability to the payment of land revenue," and are saved to this extent by Section 46 of the Land Revenue Code. The second clause of this section would further exempt those petty rent-free holders from assessment, the increment to whose land though exceeding the bounds of the holding held before the latest confirmatory grant or exceeding 10 per cent. of the holding sanctioned by the latest confirmatory grant does not exceed half an acre. This is the only point in which a modification is introduced by the Code.

§ Captain Lambert, Collector of Karachi, after admitting the general suitability of the rules, wrote regarding this rule as follows (No. 638, dated 26th April 1854, to the Commissioner):—"Perhaps an exception might be made as to Rule 16, but the case is one that is very unlikely to occur. Still I think it is worthy of consideration whether one more favorable to the rent-free holders might not be substituted. It seems hard that after losing all his lands by an accident entirely beyond his control, he should not have some claim to any other land that may be thrown up in exactly the same spot as that which had disappeared, and he had before occupied."

17. Where villages or estates have been granted, subject to payment of a quit-rent, Government will not claim to assess any increment, until it reaches 10 per cent ; when it exceeds 10 per cent., the whole of the increment will be liable to the ordinary assessment.

Assessment of alluvion to Jagirs granted subject to quit-rent.

18. The same rules which would apply to alienations, or leases of the whole Government share, shall be applicable where only a fractional portion of such share has been alienated—the addition or deduction, as the case may be, being propor-

Rules applicable to alienations of fractional shares.

Example.

A. holds in Jagir $\frac{1}{4}$ of the Government Revenue of the village of Sayadpur, producing 10,000 Rs. per annum.

(a). Case—Land producing Rs. 500 per annum is swept away. A. will receive only $\frac{1}{4}$ of the remaining 9,500 Rs.

(b). Case—A similar amount of land is added. A. will then receive $\frac{1}{4}$ of Rs. 10,500.

(c). Case—Land yielding a revenue of Rs. 2,000 is swept away. A. will receive only $\frac{1}{4}$ of Rs. 8,000.

(d). Case—Land yielding Rs. 2,000 is added. A. has still a right to only $\frac{1}{4}$ of Rs. 10,000.

(e). Case—The village in 1848, when the grant was confirmed to A, yielded Rs. 15,000 Government Revenue ; though, latterly, the value has been only Rs. 10,000. In this case, if land yielding Rs. 2,000 be added, A. will receive a fourth of the additional 2,000 Rs. as well as of the 10,000 Rs.

tioned to the extent to which the rights of Government may in each instance have been alienated.

19. Claims founded on grants by competent authority, specifying particularly the alienation of alluvial land formed by increment, must be decided especially on consideration of the terms of the grant.

Grants of alluvial land.

Principles for guidance of Civil Courts.

20. If cases should arise in the Civil Courts involving questions of Alluvion and Diluvion, the litigants should be called upon to prove, if possible, the local usage ; and by that, if the practice be clear and free from doubt, the Court should decide all cases relating to alluvial land between the parties whose estates may be liable to such usage. Where this proof fails, the Court should decide in the spirit of the above rules.*

* Captain Stewart, the Collector of Shikarpur, in his No. 9, dated 7th January 1854, wrote :—

“ I have the honor to request you will be good enough to inform me whether Rule 20 is to have a general application and to decide in cases where islands have been formed as described in Rules 1 and 2, as well as in cases where newly deposited land is annexed to a village as described in Rule 3.

“ 2. The disputes under the former rule, whether between the governor and the governed, were decided by one and the same rule.

“ 3. The only exception to it along the course of the Indus that I have met with is in the Rohri and Sukkur Districts, in which the Zamindar losing the land by decrement on one side of the river can claim that thrown up on the opposite side. But the head of the stream in all or most other parts of the country constituted the boundary, and this formed the principle of settlement.

“ 4. The rules now circulated produce a claim by Government upon the Zamindari rights, and this forms a new element in the practice, for which there is no provision in the Rule 20 above quoted.”

621. These rules were declared to have the force of law under Section 45 of the Indian Councils Act (24 and 25 *Victoria*, Chapter 67) by Government in Notification No. 1254, dated 30th November 1880, (*vide* Sind Official Gazette dated 11th December 1880, page 518).

622. Recently the following case arose. The area of Malik Jiand Khan's First Class Jagir of Deh Unarpur according to his "latest confirmatory grant," viz., the Sanad granted to him in 1861, was 9,233 bigahs or 4,769-3 acres. This contained 1,783 bigahs of Kacha land, which received an accretion of 166 bigahs more at one time, but which was wholly swept away along with it, at another time. The Kacha however reformed, and its area was no less than 1,590 acres. The question was how much of this alluvion should be allowed to the Jagirdar.

Jagirdars to be first allowed the quantity of land lost by alluvion and then a fifth of the total grant.

The Commissioner's reply No. 703, dated 17th March 1854, was :—

"It was not intended that the new Rules should confer on Government any Zamindari right as supposed in your para. 4 ; and I shall be obliged to you if you will point out the clause in the Rules which seems to you to bear that interpretation." In a subsequent communication the Collector was asked to send a draft of any amendments he proposed.

The Collector replied in his No. 192, dated 16th May 1854 :—

"The clause in the Rules which seems to me to confer Zamindari rights upon the Government is the second. For this lays down that islands newly thrown up by the river or sea are the property of Government, whereas, under the local usages of old obtaining along that portion of the Indus flowing through this Collectorate, such an accretion would be considered an increment to the estate separated from it by the less powerful of the two surrounding currents of water. That is to say, if a chattie pot be thrown into the Indus at some point higher up the stream than the supposed island, and if the vessel at the divergence of the river take the westward course, the accretion would become an increment to the nearest estate on the east side and *vice versa*."

"2. It is only with reference to Rules 2 and 20 that I would presume to say anything. The ancient rule of deciding is that above described, and if it were substituted for Rule 2 it would, in my opinion, be all that is required."

The Commissioner's decision was as follows (No. 2302, dated 12th August 1854) :—

"I have the honor to inform you that when Government has to decide to what Zamindar the island should be given for cultivation, the plan you propose may be followed. But this does not seem to me to render necessary any alteration in Rule 2, which simply states the right of Government as recognized in every country."

The procedure adopted in the Civil Courts was thus described by Mr. H. Young, Deputy Collector, Sehwan, in his No. 33, dated 10th February 1854, to the Collector of Karachi.

"In the Civil Court cases are decided as directed in Rule 20, with the help of a Panchayat. Generally there are defined marks on the *pakka* land of a village showing the frontage of *kacha* land belonging to it. Sometimes the *kacha* land belongs in shares without defined boundaries to two villages, and in all cases this includes both main land and islands between the *pakka* land and the principal channel of the Indus for the season."

623. The Commissioner ruled that the Jagirdar was entitled under Rule 14 to make up first the area he had lost, and that the right of Government to assess the balance should be decided under Rules 11 and 12. He interpreted the term "previously" in Rule 12 as meaning "at a previous time, that is, at the date at which the Jagirdar was confirmed in the grant," and then continued :—

"The wording of the Rules is not so clear as it might have been, but it is capable of a reasonable interpretation, and the rules must be interpreted to make them consistent with one another. Rule 13 it may be remarked applies to small grants other than grants of villages, makans, or estates, and declares that nothing beyond the original grant is to be admitted as belonging to the holder free of assessment. On the other hand in other cases the holder of Jagir grants &c. is, under Rule 11, to be allowed an increment up to 1/10th of the area granted, and Rule 12 directs that anything over this is to be assessed, but the assessed land will remain, if he wishes it, in the possession of the holder of the estate. The meaning is clear that up to 1/10th the Jagirdar is to be allowed the benefit, but is to pay assessment on any excess over 1/10th, though a like privilege is not allowed in the case of small rent-free grants to which Rule 13 applies.

"It may be suggested that this ruling is contrary to Rule 12 as that rule says that 'all lands beyond those previously held under sanction of competent authority' may be assessed, but the Commissioner considers that all lands up to the extent of the original grant plus 1/10th may be considered as held under competent authority, and therefore need not be assessed."

CHAPTER VIII.

THE 5 PER CENT. CESS FOR ROADS AND SCHOOLS ON JAGIRS.

624. On the 23rd of March 1852, Mr H. E. Goldsmid, Secretary to Government, with his No. 1902 (Revenue Department), forwarded to the Commissioner for his opinion, a letter from Mr. G. Wingate, the Survey Commissioner, reporting on two proposals to provide for certain local objects by means of a fund, obtained by a slight enhancement of the revised assessment fixed by the Revenue Survey".

Origin of the Cess.

Proposal in 1852 for imposing a cess for roads and schools.

The first of these proposals was, "to raise the Survey Assessment 5 per cent. in order to provide a fund for the establishment and support of schools in the larger villages ; the entertainment of an Establishment of artificers at the principal town of the District, to make carts for the use of the cultivators at a moderate price, and improve the mechanical resources of the District, and lastly to award occasionally prizes to the more enterprising husbandmen." The second was to impose 3 per cent. of the money assessment "for the construction and maintenance of a net work of roads throughout the length and breadth of the land."

625. The Survey Commissioner after stating that roads and schools were admittedly "the most pressing wants" of the Presidency, that without them there was no chance of changing the stationary condition of the mass of the people into a progressive one—of opening up new Markets to the cultivator—of improving and increasing production—of disseminating new ideas and creating new wants, proposed that 3 per cent. of the land revenue collection be levied for roads and 2 per cent. for schools, not separately but as a part of land revenue, that the fund be administered by the Collector in consultation, if necessary, with

Details of Mr. Wingate's proposal.

3 per cent. for roads.

2 per cent. for schools,

local committees, that the education in the village school of the sons of Government occupants be made compulsory, and that the expenditure on roads and bridges be strictly limited to lines leading to great trunk roads.

626. On the 2nd of August, Mr. Frere wrote to Government in his No. 247, that he saw no objection to the scheme of the Survey Commissioner and had therefore issued a Circular (No. 1402), to the Collectors, which he trusted would be approved by Government.

Mr. Frere issues on August 2nd, 1862, a circular carrying out Mr. Wingate's proposals.

"The system proposed," he added, "is peculiarly consonant to the ideas of the people of this province and will, I think, be very popular. It may also in time lead to a diminution, if not to the total removal, of the evils of Statute labour which are universally acknowledged, especially in Upper Sind, but which it has been hitherto easier to see than to remedy."

627. The Circular referred to, requested the Collectors to adopt the plan at once in every district, not smaller than a Tapadari, in which fixed cash settlement (either wheel assessment or Bigoti) may be effected. Each Deputy in charge of a district was to administer the fund, "subject of course to the Collectors' general supervision and control." He was to submit to the Collector, after the inundation had subsided, a rough sketch estimate of the proceeds of the fund for the coming season in his own district, and of the mode in which he proposed to apply it. "This was to be submitted to the Commissioner for countersignature in token of approval." At the end of the official year, the Deputy was to submit a similar statement, showing the actual receipts and disbursements of the fund, which was also to be forwarded to the Commissioner with a general report for the whole Collectorate.

Directions for the management and control of the fund.

628. The subject of education being under consideration—the Educational share of the fund was not to be drawn upon until the question should be finally settled. The only modification of

Compulsory attendance of Ryots' children at schools not to be enforced.

Mr. Wingate's scheme which the Commissioner sanctioned, was that the compulsory attendance of Ryots' children was not to be enforced "for the present."

629. Mr Frere followed up this Circular on the 28th September by a letter No. 2422, in which he requested the Collectors that, "in all future regrants" of Jagirs to "heirs" they would be careful to deduct 5 per cent. for the purpose of making roads and promoting education in the District within which the Jagir is situated.

Direction to the Collectors to deduct 5 per cent. in all future regrants of Jagira.

"It is not desirable," he continued, "that the Jagirdar should be subject to annoyance by annual estimates of the produce of his estates. At the time of reporting on the Jagir with a view to the regrant, the annual value in round figures (without annas or pies), should be estimated, and a percentage fixed on this sum, which would be invariable during the lifetime of the incumbent."

No annual estimates of produce necessary. Settlement of cess to be for life.

"The funds of each Taluka should be kept separate; if a Jagirdar has Jagirs in more than one Taluka, the value of the Jagirs in each Taluka should be estimated separately, for the purposes of this assessment."

Funds of each Taluka to be kept separate.

Two sections of the fund—one for education the other for schools.

Accounts to be kept separate.

"Two accounts should be opened in every Khardate, one deposit on account of Local fund for education, the other deposit on account of Local fund for roads, and the 5 per cent. should be divided in the proportion of 2 and 3 per cent., respectively."

Payments when to be made.

"Payments should be half-yearly in May and November, the accounts for the year being made up at the close of April, and the balance then transferred to the account for the new year."

No cess to be levied in the resumed Districts if the original cess of $\frac{1}{3}$ rd, $\frac{1}{5}$ th, or $\frac{1}{15}$ th exceed the 5 per cent. cess.

"In the Districts lately resumed from His Highness Mir Ali Murad, some Jagirs are burdened with payment of $\frac{1}{3}$ rd, $\frac{1}{5}$ th or $\frac{1}{15}$ th. If the payments which you have continued to levy exceed 5 per cent. the Jagirdar will not be called on for further contribution, but the amount should be defrayed by Government from the sum levied from the Jagirdar."

"If, on the other hand, the incumbent has been excused payment of the above mentioned cesses, whether pending inquiry or upon a final decision, or if the amount of cess which he pays is less than 5 per cent. the 5 per cent. must be levied from his Jagirs for the local funds."

“ Care should be taken to explain distinctly that this cess is entirely
 Cess to be used only for local purposes. “ for local purposes ; and, as it is only to be levied
 “ upon regrant, the Jagirdars are not likely to
 “ make objections, or raise difficulties about pay-
 “ ment.”

630. On the 4th January 1853, however, the Bombay Govern-
 ment directed Mr. Frere to cancel his Circular of the 2nd August, as opinions had been
 Circular of August 2nd cancelled but cess on regrant not disturbed. decidedly expressed against the adoption
 of Captain Wingate's proposition. Mr. Frere in his No. 199, dated
 9th June 1853, while reporting the cancellation, stated that he had
 left undisturbed that portion of his arrangements which related
 to Jagirdars, in the confident hope of the sanction of Government.

“ I found,” he said, “ that (in the resumed Districts) nearly all Jagir-
 dars or it might be said all, for the few exceptions,
 Relations for not disturbing the cess on regrant. “ relations of the Mir himself, did not always escape)
 “ were subjected to a number of cesses which very
 “ much reduced the value of their Jagirs, and which were the more burden-
 “ some inasmuch as the irregularity of the levies put the Jagirdars to
 “ constant annoyance, while, on the other hand,
 These were cesses of 1/3rd, of 1/2th or of 1/4th. “ occasional exemptions either wholly or in part,
 “ were capriciously granted by the Mir.

“ The absence of trustworthy official records rendered a positive
 “ decision on claims to have such exemptions continued, very difficult, and
 “ the opportunity for levying from Jagirdars a share of the burdens of local
 “ taxation was one that might not be again obtained.

“ I therefore directed that whenever the preponderating evidence
 “ (certain, it could not be) was against the levy of the cesses, the Jagirdar
 “ should be excused from those occasional exactions, but should contribute 5
 “ per cent. to a fund for local roads and schools, while in cases where the
 “ preponderating evidence was in favour of Government the old cesses should
 “ be exacted regularly, the 5 per cent. on the Jagir being applied therefrom
 “ to the Local Fund, and the rest being credited to the General Treasury.

“ The circumstance of the territory being newly added was also favour-
 “ able, and therefore the order for this levy was extended to all who were
 “ confirmed in the Jagirs they held at the date of the deposition of Mir Ali
 “ Murad.

“ Considering too, that all successors to Jagirs are well satisfied, on
 “ being confirmed in their father's estates, to contribute a small portion of
 “ their newly acquired revenues, while an imposition on Jagirs already in
 “ possession, would be considered (and with some justice) a hardship, I direct-
 “ ed the extension of the rule to all to whom regrant on succession might
 “ be authorized.

“ Few of this latter class have, as yet, been affected by the order, but the whole of the Jagirs in Naushahro and Kandiario have been settled on these principles, and I have much satisfaction in being able to report that in not one case has any remonstrance been made to me, nor have I received a single petition against the enforcement of the rule.

“ Orders have been issued to prevent any of the funds thus collected being expended before the sanction of your Lordship in Council is accorded. It is intended, on such sanction being received, that the parties contributing shall be consulted as to the manner of appropriating these funds, and as it is desirable that the Jagirdars should at once understand that these levies are for purposes of local interest and not for the use of Government, I should feel obliged if I were favoured with an early reply on this portion of the subject, should the discussion of the general question be likely to lead to some necessary delay.”

631. The Government Resolution No. 5854, was passed on this letter on the 1st October 1853, and ran as follows :—

Government orders deferred.

“ There have been no precedents for such taxation in the Political Department, and whether the particular usages of Sind may warrant any commutation for the labour exacted for the repair of roads &c., can be ascertained when the investigation into the tenure of the several Jagirdars is entered on.”

632. Before this Resolution was passed several questions had come up for decision in connection with the levy of the cess from re-grantees. In the first place it was not clear from the orders of the 28th of September 1852, whether the cess was to be

imposed on the Jagirs of those dying subsequent to the issue of the order or also on the Jagirs of those who might have died previous to

Cess to be imposed on all regrants subsequent to September 28th, 1852.

its issue. A reference had, therefore, been made on this point by Captain Stack, Assistant Commissioner for Jagirs, on the 11th of May 1853, (No. 64), and Mr. Frere had ruled, in his reply No. 1458, dated May 27th, 1853, that the rule was applicable to all regrants subsequent to the issue of the order without reference to the date of death of the last incumbent. “ The deduction,” he had however gone on to say, “ should not be entered in the Sanad, at all events for the present, until Government has finally sanctioned the adoption of the rule.”

633. In the next place there was some doubt as to the levy of the cess from Jagirdars in the resumed Districts to whom the regrants had been already made. The Collector of Shikarpur also inquired whether a levy made by His Highness Mir Ali Murad of 3 Toyas per Kharwar from the gross produce of certain Jagirs and from the Zamindars, as a general rate for the support of his Shikargah-keepers, a levy amounting to a little more than $2\frac{1}{4}$ annas, or one rupee upon every 12 Kharwars, should be continued. Mr. Frere in his No. 1619, dated 11th June 1853, replied that the cesses on Jagirs in the newly resumed Districts were to

Rules as to imposition of the cess in the resumed Districts.

be levied whenever a claim to exemption could not be made out, that whenever the cesses were less than 5 per cent. the sum required to make up the 5 per cent. should be levied from the Jagirdar in addition, that whenever they were more, the excess should be credited to Government as its own cess—that the Shikar cess should continue to be levied from all Zamindars pending the receipt of instructions from Government—the amount being kept in deposit, and that all Jagirdars who had hitherto paid this cess should be excused from future payment on being subjected to the 5 per cent. cess.

634. In the third place, as regrants in the old districts were generally conditioned on the payment of quarter produce, it was

Cess not leviable on Chowth. doubtful whether the cess should be levied on such quarter produce or not. The Commissioner decided on the 16th of June (No. 1664), “that the 5 per cent. cess should only be levied on the portion regranted to the Jagirdar”, that is, upon the $\frac{3}{4}$ ths produce enjoyed by him.

635. On receipt of the Government Resolution No. 5854 of 1853, Mr. Frere asked for information from Captain Stack, as to the practice under the Amir's Government regarding labor required from Jagirdars for the repairs of roads, &c. Captain Stack in reply forwarded translations of certain Sanads from which

Practice under the Amir's Government of requiring labor from Jagirdars for roads.

he inferred that "Jagirdars were, as a rule, considered liable to a call for the supply of labor for different Government purposes."

"The deeds of grant," he continued, "do not indeed invariably mention the obligation of this demand* but they often do so, and when they do so, it is always spoken of.....as being a usual demand from all Jagirdars. We are therefore to infer that it was so.....In practice, however, this obligation bore more heavily on the Jagirdars of some localities than others, as the call was more frequent from holders of Jagirs on the line of road leading towards, or lying in the neighbourhood of the hunting preserves, the Amirs were more generally in the habit of frequenting: for save for their convenience roads were seldom repaired in this way, but on special occasions all were considered subject to the demand, and I believe the labor when required, was willingly provided.

"When any extensive work was carried on, the workmen so supplied by the Jagirdar were allowed from the Mirs' store-houses a small ration of grain, sufficient for one meal daily, but the Jagirdar was expected to satisfy all other demands made by them.

"I have not seen any grants in which this right of requiring labor from Jagirdars has been specially excepted, and I believe in Lower Sind special exceptions were unknown. Should such, however, be met with, I conclude they should be exempted from the proposed charge for the school and road funds.

"It is difficult to make any estimate of what proportion this call for labor bore to the income from a Jagir. No doubt too, it was very unequal and irregular. In those localities where the demand was habitual, it could not have averaged less than the 5 per cent. now proposed to be levied. (*Captain Stack's No. 179, dated 2nd November 1853*).

636. On the 28th November 1853, Mr. Frere issued a Circular No. 3521, to the Collectors calling upon them to submit a statement of the sums realized from the cess, and to invite suggestions from the Jagirdars regarding the disposal of the accumulated receipts.

637. As great delay took place in transmitting these statements, the Collectors were requested to make up the accounts of

* This clause in the translation of the Sanads forwarded to the Commissioner ran as follows :—"They shall also be required to provide labor for the mending of the fences of the hunting-preserves, and the repair of the resting-houses and of the roads, as is usual with other Jagirdars."

the actual receipts up to 30th April 1854. And as the statements came in, they were scrutinised and tested by Major Goldsmid and sent with his remarks to Mr. Frere. In replying to one of his letters forwarding such remarks, Mr. Frere ruled that the cess and the fourth share of produce should be assessed in the Resumed Districts in cash upon a three years' average. (No. 1344, dated 12th May 1854).

Cess to be assessed in the Resumed Districts upon a 3 years' average.

638. And in replying to another, he stated that it was "very desirable that the amount of cess should be a fixed sum determined on the average value of the Jagir," that "all holdings so determined to be of less annual value than Rs. twenty will be free from the tax," and that the cess "should be levied in all cases where at the request of the Jagirdar the terms on which the jagir is held are altered for his benefit." (No. 2068, dated 22nd July 1854, to the Assistant Commissioner for Jagirs.)

Holdings of less annual value than Rs. 20 exempt from the cess.

639. On the 21st September 1854, Major Goldsmid recommended the extension of the system sanctioned for the 5 per cent. cess and Chowth in the Resumed Districts, to all cesses fixed by His Highness Mir Ali Murad and not abolished. He said that His Highness had been in the habit of deducting the 40th share first—then the 12th, and lastly the 3rd, from the total amount of revenue, but that his practice had not been uniform. Major Goldsmid proposed in the case of heavy deductions, to fix the 5 per cent. upon the whole sum of revenue, and make it obtainable from the whole amount of cess without reference to the Jagirdar, but merely for office record and the guidance of the respective Kardars. His proposal was approved by Mr. Frere in his No. 3163, dated 21st October 1854.

Other cesses in the Resumed Districts to be also fixed on 3 years' average.

640. The proceeds of the 5 per cent. cess were generally disposed of by the Collectors in consultation with Jagirdars, and Major Goldsmid, who

Fund disposed of in consultation with Jagirdars.

was also in charge of the Educational Department, succeeded in establishing several schools for the benefit of Jagirdars, their tenants and neighbours.

641. In 1856 Mr. Frere submitted the following rule upon which the Jagir Department had acted, for the sanction of Government:—

“ All regrants, be their class what it may, shall be subjected, provided they be of more than Rs. 20 annual value, to a 5 per cent. cess on account of construction and maintenance of roads and schools.”

Decision of Government still deferred.

The decision of Government on this rule and others was deferred.

642. On the 14th of October 1858, Mr. Ellis in his No. 27 to Government, wrote as follows:—

“ The Jagirdars have, moreover, to contribute.....5 per cent. as a cess for the support of local roads and education.”

643. The Government of India at last in para. 17 of their No. 711, dated 5th April 1859, approved “ of Mr. Ellis’ proposal to make all (alienations) subject to a payment of 5 per cent. on the net produce of the grants, as a road and educational cess.”

Levy of 5 per cent. cess sanctioned by the Government of India.

644. The Secretary to the Bombay Government in communicating the instructions of the Government of India to the Commissioner, drew attention to this subject, and wrote:—

Bombay Government recommend its settlement for a period of years.

“ You will observe that the 5 per cent. cess for roads and Educational purposes is finally sanctioned. It would save the Jagirdars from much future annoyance if on settling the amount of their permanent estates, the amount of this cess were determined and guaranteed for a period of years.”

645. In replying to this letter Mr. Inverarity, when discussing whether the Jagirdars should be called upon to pay Nazarana on succession in token of their subjection, referred to the cess in the following terms:—

The Commissioner’s reply.

I am of opinion that this end is already attained by the imposition of a cess of 5 per cent. for roads and schools assessed upon the first regrant, or better still the assessment might take effect upon the receipt of the fresh

“ Sanad now under preparation for every holder of alienation in the hereditary classes.”

In another paragraph Mr. Inverarity, when considering the question as to the manner in which the sums to be assessed on Jagir lands should be fixed, wrote :—

“ I would leave the question of assessment optional with the Jagirdar himself whether it should be calculated for a period of years or for the period of his natural life.”

646. The Government of Bombay in their reply took no special notice of the suggestion that the 5 per cent. cess should be levied from the date of the grant of the new sanads, but saw no objection to allowing a Jagirdar the option whether the road

Cess not to be settled yearly or at short recurring periods—in other respects option given to the assessee to have it settled for life or for a period of years.

or school cess should be calculated “ for a period of years, or for the time of his natural life. Provided the amount was not left for settlement yearly or at short re-

curring periods, it was immaterial what limit was fixed, the object being to secure the Jagirdar from the constant interference of Government officials.” The Government of India approved generally of the instructions issued by the Government of Bombay.

647. The forms of Sanads which were sanctioned by the Bombay Government in 1861, secured to the Jagirdar's heir a defined area of land free of all assessment except 5 per cent. for roads and schools, calculated on the net annual produce.” A note was added to the Sanad as follows :—

Clause in the Sanads about the cess.

“ The 5 per cent. cess for roads and schools will be calculated on the estimated net revenue of Jagir.”

648. In 1865, when it was proposed to pass an act to authorize taxation in the province, “ for objects of public local utility and improvement,” opportunity was taken to legalize the 5 per cent. cess. Mr. Ellis who was in charge of the bill, mentioned in his speech the fact, that the Select Committee had found it necessary to add a section

Cess legalized by Bombay Act VIII. of 1865, Section 2.

having special reference to Jagirs and other alienated lands, as it was not advisable "to disturb existing arrangements." The Section actually enacted in Bombay Act VIII. of 1865 was as follows :—

"It shall also be lawful in the case of Jagir and other alienated lands to levy such cess at the rate heretofore customarily levied, namely, 5 per centum on the assessable value of those lands, instead of the rate hereinbefore directed to be levied."

This section was not construed to authorize the imposition of the cess on original grantees before 1852, but only on regrantees.

649. In 1873, however, Colonel Phillips, Collector of Haidarabad proposed the levy of the cess from the original grantees, and his proposal was circulated to the Collectors for their opinion. The other Collectors however, opposed this proposal and Colonel Dunsterville, Collector of Shikarpur, wrote :—

Section 2 of Bombay Act VIII. of 1865, held by the Commissioner to apply to regrantees of Jagirs only.

"I was staying in Poona in 1865, when the bill which afterwards became Act VIII of 1865, was under discussion in the Legislative Council, and the Honorable Mr. Ellis (as will be seen from the proceedings of the Legislative Council at the time) did me the honor to consult me as to its provisions....."

"I can therefore say positively, that Section 2 was merely intended to give legal sanction to the levy of the 5 per cent. on regranted Jagirs and alienated lands, the rate which had been customarily levied on such *regrants*, and to ensure the proper administration of the proceeds of the cess by incorporating them with the Local Funds."

The Commissioner in his No. 1902, dated 31st May 1873, to the Collector of Haidarabad, ruled accordingly that Section 2 of Bombay Act VIII. of 1865 could not be "so construed as to render alienated Jagirs liable to the 5 per cent. cess before the death of the original grantees," and referring to the suggestion made by Mr. Inverarity to impose the cess on the issue of the new Sanads stated, that it "was lost sight of by Government and was apparently never acted on."

650. On the 8th June 1881, having seen from some instances that had come before him, that the cess was not being invariably levied, and relying upon the general terms of the sanction of

Commissioner's Circular in 1881, re-opens the above question.

the Government of India, the Commissioner issued the following Circular, No. 2011 :—

“ With reference to previous correspondence on the subject of the 5 per cent. school and road cess on Jagir lands, I have the honor to send you a copy of the Commissioner’s letter No. 2422 of the 28th September 1852, which lays down rules with reference to the cess. The rules contained in this letter have not been modified except that the cess has been imposed upon all Jagir holdings, and not merely on regrants...and that the Jagirdar has been allowed an option whether the cess should be calculated for a period of years or for the period of his natural life. The value of the net

“ produce is obtained by taking an average of 5 years’* ”

How to compute value of net produce.

“ produce, but a revision of the assessment on an average of 10 years is allowed when it can be shown

“ that the assessment on a five years’ average is a cause of hardship to the Jagirdar.”

651. On receipt of this Circular the Collectors of Haidarabad and Shikarpur inquired whether they should levy the cess from

Practice regarding the assessment of original grantees.

the original grantees, and gave several reasons why it should not be levied. The

Collectors and the Deputy Commissioners were, therefore, asked to report what practice had been followed in their respective districts.

The Collector of Haidarabad reported that no original grantees other than those in the resumed Districts paid the cess.

The Collectors of Karachi and Shikarpur likewise reported that the cess in their districts had only been levied on regrants. The Deputy Commissioner, Thar and Parkar wrote as follows:—

“ There are in all 5 Jagirs in this District now. Three were granted by the British Government for services performed during the Nagar outbreak, the other two are regrants. The 5 per cent. cess has been levied on all the above Jagirs both before and after Bombay Act VIII of 1865 was passed.”

The Deputy Commissioner Upper Sind Frontier wrote as follows:—

“ Government in their Resolution No. 1171, of 25th February 1881, exempted the large Baluch Jagirdars in this District from the payment of this cess. Only the holders of the Jagirs granted in Sir Charles Napier’s time.....appear to have petitioned for the indulgence, but Major Malden in his No. 5311, of 3rd December 1880, to your address, recommended that all persons who received grants on the same terms should be exempted.....I find that the Government Resolution quoted above has been considered to apply to all Baluch holders of alienated lands in this District no matter whether they were Chiefs or not, whether their grants were large or small, or whether the lands were given them for services rendered or for other reasons.”

* This had been the previous practice.

652. The Commissioner, feeling some doubt as to how the matter should be dealt with, referred it on the 29th November 1882, for the orders of Government, who passed the following Resolution (No. 298, Revenue Department) on the 19th January 1883 :—

Government Resolution
construes Section 2 of
Bombay Act VIII. of 1865,
in favor of original grantees.

“ The intention appears to have been to assess the 5 per cent. for local purposes on the portion of the Jagir permanently continued at the first regrant, and not on the whole area held by the Jagirdar at the Conquest, but whether this was intended to be done at once when the Settlement was sanctioned in 1859, or only when a regrant took place, is not clear.

“ The Commissioner writing to Government in 1860 (No. 39 of February 10th, para. 3), treats this as an unsettled point, and the reply of Government does not decide it. The practice since seems to have been to impose the cess only on regrant, and the wording of the Sanads supports this practice. It was also decided in 1861 that the part of the Jagir resumable on regrant should not be marked off before a lapse should occur, and before this is done, it is not easy to fix the cess on the part to be permanently continued. Section 2 of Act VIII of 1863, (Bombay) was designed merely to legalize a different form of cess for Jagirs, namely, that which was already paid on some of them at least. Altogether it is not absolutely certain that the intentions of Government have not been fulfilled, and as the Commissioner gives sound reasons against imposing the cess on all Jagirs irrespective of regrant, Government would not exact it on those Jagirs of which a regrant has not yet occurred, until a succession takes place.”

653. The practice regarding the levy of the cess on garden grants and religious and charitable grants being not uniform, the Commissioner in his Circular No. 1626, dated 28th April 1884, ruled that the cess should be imposed on all garden grants of more than 20 rupees annual value, but not on religious or charitable grants having no *assessable value* :—

Religious and charitable
grants not subject to the
cess.

“ The actual value of a grant (*e. g.*, of land for a temple or Mosque in a City) may be considerable, but its assessable value *nil* as there is absolutely no return.”

654. On the 1st of June 1884, the Bombay Local Boards' Act 1884, came into force. This Act amended Section 2 of Bombay Act VIII. of 1865, which now runs as follows :—

Amendment of Section 2
of Bombay Act VIII. of
1865.

“ It shall also be lawful, in case of Jagir and other alienated lands, to

“levy such cess at the rate of 5 per centum on the ~~assessable~~ value of those lands, instead of the rate hereinbefore directed to be levied.”

655. On the 4th of July 1884, the Commissioner in his Circular No. 2581, gave the following instructions :—

“All new grants of whatever value will of course be liable to the payment of the 5 per cent. cess as provided by Bombay Act VIII of 1865, amended by Section 76, Bombay Act I of 1884, but grants for building sites for temples, &c., in towns or villages where ground rent is not charged, will not be held liable to the 5 per cent. cess except when such grants would, under present rules, be assessable if unalienated. A reference in the case of such sites should be made before the cess is levied.”

When cess may be levied on grants for building sites for temples, &c.

656. It will have been seen that while the Sanads authorize the levy of the cess “on the estimated net revenue” of a Jagir, the Act authorizes its levy “on the assessable value of” the Jagir. In actual practice the assessment of all Sanadi Jagirs is made on the former.

Assessment of cess on Sanadi Jagirs made on estimated net revenue and not on assessable value of Jagir.

CHAPTER IX.

ADMINISTRATION OF THE SETTLEMENT.

657. In administering the Jagir settlement—several important questions came to the surface, and demanded a final determination. The first of these was as to the treatment of discrepancies in the areas of Jagirs.

Question of discrepancies in the areas of Jagir.

658. It arose directly on the measurement of the Jagirs of Mirs Muhammad Khan and Ahmad Khan, in the Resumed Districts. Captain Pelly had in 1856 made an approximate estimate of their possessions at 62,150 and 16,600 bigahs respectively—but the survey made by the Settlement Department showed them to be 1,27,210 and 70,096 bigahs respectively. In the statement sent to the Government of India, the estimates of Captain Pelly had been entered as the areas of the Mirs' Jagirs, and these had been duly sanctioned. The Mirs now petitioned for the amendment of their Sanads by the rectification of the areas, and the Collector of Shikarpur having satisfied himself that the land held by the chiefs were in their possession at the time Captain Pelly's estimate was formed—the Commissioner in his No. 157, dated 21st July 1862, recommended that the excess might be confirmed to the petitioners, and two-thirds declared permanently regrantable.

"How the estimates were so very faulty," he wrote, "it is not now in my power to say, but now that the mistakes have been discovered they must be rectified, and correct Sanads given. But if this course is adopted in these instances, the same will have to be followed in all other cases that may arise, and thus an important question affecting the whole of the former settlement is raised—for I see no reason to suppose the above are the only instances in which great discrepancies will be found. I consider it advisable prior to permitting any alterations to be made in the Sanads and their accompaniments, to obtain the orders of Your Excellency on the subject."

659. The Commissioner also in his 9th para. solicited instructions upon the following point :—

“What course is to be followed when the extent of land entered in Jagirdars’ Sanads is ascertained to be in excess of the amounts they actually hold?” He wrote, “the former entries having been merely an estimate, the Jagirdars will lose nothing they have a right to, or ever had assigned to them, by having their Sanads corrected and one-third of their actual holding entered, as they will still retain two-thirds of their former possessions. In either case the Sanads must be amended, and this appears to me the only equitable way to Government and the Zamindars (Sic. Jagirdars) of disposing of the question.”

660. The Government Resolution No. 3980 passed on the subject on the 11th of November 1863, ran as follows :—

Government orders.

“The necessary correction should be made* by the Commissioner in Sind, by the insertion of a footnote in the accompaniment to the Sanad given to the Sirdars named in this letter, and corresponding corrections should be made in the registers of the Commissioner’s office. The amount of land in *bigahs* in the possession of Sind Jagirdars was never accurately measured previous to the introduction of the Survey, an estimate of the extent of individual possessions, based upon the yield of the soil on an average of years, having been recorded and accepted as approximately correct after the Conquest;† but a calculation after this method would, as a rule, in Sind give far less than the actual number of *bigahs* in possession, for stony, mountainous or unproductive because uncultivated tracts would not in consequence of the mode of estimate appear in the calculation. The correct measurements ascertained by the Survey should, therefore, be entered in a footnote in the accompaniment to the Sanads already given, and *a like course should be followed in other similar instances that may occur.*‡

“2. The point referred to in the Commissioner’s 9th paragraph has received an exemplification in the 11th paragraph of Major Goldsmid’s letter to the Commissioner No. 138, dated 22nd July 1860. There eight instances are given when measurement has proved that Jagirdars hold less land than was entered in their names, and the probable causes** of the

* This was understood to authorize the correction of the permanently regrantable area as well as of the actual area in possession of the Jagirdars.

† This was not altogether the fact. (Vide page 59, para. 102).

‡ The italics are not in the Resolution.

** (a) Loose measurements.

(b) Approximate estimate without any measurement.

(c) Encroachments of the river.

(d) Abandonment by Jagirdar as profitless land.

(e) Higher number registered by the Jagirdar to cover deductions or to exalt his importance.

~~“deficit are recited. Government concur with the views expressed by Major Goldsmid in that paragraph, and would not make the gain, thus indirectly obtained, a pretext for reducing the future permanent possessions recently sanctioned for the Talpur Families and Sirdars of Sind, the actual number of unproductive acres alienated being a matter of minor consideration, for, as truly observed by Mr. Ellis, Special Commissioner for Jagirs in the 28th paragraph of his letter to Government No. 12, dated 3rd July 1858, it must be borne in mind, that the Jagirdar must be allowed some margin for the risks attending all cultivation in Sind, and when it is important to secure the contentment of influential chiefs, the State need hardly hesitate to incur a loss that is merely nominal,”~~ and to allow the retention by the Jagirdar of more waste land than he might otherwise be strictly entitled to. Under this ruling there should be no alteration in the Sanads which have been given to the various alienees.”

661. It will be noticed that the first part of the Government Resolution proceeded solely on the assumption that the entries of areas in the Sanads were based upon approximate estimates made from the quantity of the yield of the land. In a previous case—that of Mihr Ali Khan, Jokhio, in which the Collector of Karachi had on remeasurement in 1850, resumed the excess land (389 bigahs), and the Jagirdar after the settlement of 1858 had insisted that it was in his original boundary and ought not to have been resumed, the Bombay Government refused to allow the Commissioner the power he had asked for to correct Sanads in all cases of discrepancies detected in remeasurements, even to the extent of 3 or 4 hundred bigahs.†

662. Another question was how far the various classes of Jagirdars should be allowed a choice in the selection of the portions to be retained by them, when surrendering a part of their Jagirs under the Settlement. With his No. 231, dated 25th June 1869, the Settlement

How far Jagirdars should be allowed a choice in the selection of the portions to be retained by them on surrendering reasonable quantities.

* The italics are not in the Resolution.

† Vide Memoir of Mihr Ali Khan, Jokhio, No. 4 on the list of First Class Jagirdars, in another volume.

Officer, Left Bank Districts, submitted to the Commissioner the following set of rules which he proposed to issue for the guidance of his subordinates. They were approved by the Commissioner in his No. 1711, dated 14th July 1869, after detailed examination and full consideration.

Rule I.—"In cases of making the last permanent resumption from the Jagirs of the Four Talpur Families, or from the partially hereditary Second Class Sirdars, the Jagirdar will be permitted to select the portion he wishes to retain permanently, fettered only by the provision 'that the permanent Jagir consist of one consolidated and well-defined land alienation where the possessions are contiguous and as far as practicable complete Makans.'

"With regard to the area:—In the case of the Jagirs of the Four Great Talpur Families, should the area as per measurement be in deficit of that entered in the Sanad, the area as per Sanad to be confirmed hereditarily is to be made over to the Jagirdar, and the residue resumed for Government. Should however, the area as per measurement be in excess of that entered in the Sanad, then two-thirds of such excess are to be added to the area entered in the Sanad for hereditary confirmation, and made over to the Jagirdar, and the remaining one-third excess will be resumed for Government.

"In the case of the partially hereditary Second Class Sirdars, the area for hereditary confirmation, as entered in the Sanad, will be demarcated, and made over to the Jagirdar, and the residue of the estate is to be resumed for Government.

II.—"In cases of making the resumptions of one-fourth in lieu of the succession tax from Jagirs, whether belonging to the Four Talpur Families or to partially hereditary Second Class Sirdars, or to non-hereditary Third Class Jagirdars,* the Jagirdar is to be allowed to select the portions he wishes to give up to Government, fettered only by the usual condition that the portion selected for surrender be one continuous area, and not made up of small unproductive pieces drawn from different parts of the holding.†

* These non-hereditary Jagirdars were not bound to surrender $\frac{1}{4}$ th of the land but could, like the others, pay Chowth. The practice which had grown up in Haidarabad of rendering compulsory the surrender of $\frac{1}{4}$ th of the land on regrant to Third Class Jagirdars in lieu of retaining their lands undiminished and paying $\frac{1}{4}$ th assessment" was put down by the Commissioner on the 4th of June 1881.

† In his No. 435, dated 26th February 1869, the Commissioner had written to the Collector of Haidarabad as follows:—I agree with you in thinking that there is no condition in Mir Ahmad Khan's Sanad which necessitates the deduction of the $\frac{1}{4}$ th share from any one particular Jagir; at the same time I consider that the deduction should be so made as to comply with the provision that "the permanent Jagir consist of one consolidated and well defined land alienation," and this can easily be done by excluding from each Jagir one connected plot of land, and then readjusting the boundaries, instead of selecting a number of small pieces scattered here and there throughout each Jagir." The Jagirdar had expressed his desire to surrender $\frac{1}{4}$ th of each Makan.

“ With regard to the area :—should the area of the estate be found to be
 “ in excess of that entered in the Sanad, then one-fourth of the area as per
 “ Sanad is to be resumed, but should the area be found to be in deficit of
 “ that entered in the Sanad, then one-fourth of the area only as per actual
 “ measurement is to be resumed.

III.—“ In cases however of making a resumption consequent on the
 Resumption on death of a shareholder. “ death of a shareholder from a Jagir held by two or
 “ more independent non-hereditary Jagirdars in joint
 “ estate, a fair portion of the cultivated and waste
 “ is to be resumed by the Government Agent. The surviving shareholders
 “ are, in the first place, to be called upon to give up such fair portion, and
 “ in the event of their being ready to do so their wishes are to be consulted
 “ in the selection, otherwise the Government Agent will at once proceed to
 “ measure off and demarcate the lapsed Government share, without reference
 “ to their unreasonable objections.

“ With regard to area : Should the area of the entire estate be in excess
 “ of that entered for the whole body of shareholders the area of the lapsed
 “ share as per Sanad is to be resumed but, if it is in deficit then only so much
 “ land is to be resumed as will leave the survivors their full area as entered
 “ in the Sanad.

IV.—“ It is sometimes found amongst the class of non-hereditary Jagir-
 Resumption if Jagir contains 2nd and 3rd or 4th class Jagir land. “ dars, that the Jagir of one and the same Jagirdar
 “ will contain both 2nd and 3rd or 4th class Jagir
 “ land. The area of the land of each class is defined
 “ in the Sanad—not so however its position on the
 “ estate. In this case when it becomes necessary to fix the position in the
 “ estate of the land of each class, with the view to future resumption, the
 “ Jagirdar's choice is to be left unfettered in the selection of the land of the
 “ higher class of Jagir contained in his estate.

“ With regard to the area : should the area of the entire estate be in
 “ deficit of that entered in the Sanad, the Jagirdar is to be allowed to mark off
 “ the full area as per Sanad of the Jagir of the superior class, and to leave the
 “ deficiency in the lower class that would first have to be resumed. But
 “ should the estate prove to be in excess of the area as entered in the Sanad,
 “ the excess is to be rateably apportioned over his two classes of Jagir in pro-
 “ portion to the area he holds of each class as entered in his Sanad.

V.—“ Occasionally two or more independent non-hereditary Jagirdars,
 Division of joint estates. “ shareholders in a joint estate, desire to have their
 “ respective shares divided off and demarcated during
 “ their lifetime. In this case it is necessary that the shareholders should
 “ first obtain an order from the Collector for such division, after which it
 “ will be carried out on condition that all the parties concerned sign an
 “ agreement on stamped paper that will be valid amongst themselves, and
 “ present the same to the Settlement Officer. Whenever such division is
 “ ordered to be made it will be made rateably on the areas entered in the
 “ Sanad for each shareholder, but when once demarcated the several por-
 “ tions will afterwards be held to contain each share holder's Jagir absolutely,

“ and as such will be resumed at his death without any further rectification of area with the other shareholders who have separated themselves from him.”

663. The cost of effecting the resumptions was, of course, to be borne by Government (*Vide Commissioner's No. 5102, dated 6th December 1878*).

Cost of effecting resumptions borne by Government

664. As to the treatment of the Jagir before the resumption could be effected, the practice generally followed was described by Colonel Boulton, Collector of Haidarabad, in his No. 3107, dated 30th August 1880, as follows :—

Treatment of Jagir before effecting resumption.

“ Until the partition takes place, the whole cultivated area is to be assessed at rates in adjoining Dehs, and the proportion of that assessment due by him to Government is as the Government share is to the whole area of the Jagir.”*

665. There was one omission in the Sanad of the Four Great Families, of which some of them were not slow to take advantage. As a rule, lands held for pay lapsed to Government on the death of the holder, but as under the Sanad the first successor was entitled to enjoy the whole land, if he so chose, on payment of Chowth, the lands held for pay could not be resumed until the second succession. In other words, if the permanent Settlement was not accepted by the heir, the lands held for pay could be enjoyed for one more life.† Recently, however, the Commissioner on the authority of Sir Charles Napier's No. 2930, dated 11th November 1845, and on the strength of notes in the Persian Sanads as to the quantity held for pay, has ruled that such quantity is liable to lapse with the death of the first grantee.‡

An omission in Sanads as to the lapse of lands held for pay.

*For example, the total area of Cherrawa and Khebrani was 1,04,566 bigahs (=54,011-12 Acres). Of these, Mir Allahdad was entitled to retain 67,000 bigahs (=34,607-17 Acres). The portion to be surrendered therefore was 19,403-35 Acres. The cultivated area was 10,272-24 Acres. The proportion then would stand thus :—

54,011-12 Acres : (19,403-35 Acres) :: 10,272-24 Acres : 3,690 Acres.

The assessment therefore due to Government was that upon 3,690 Acres according to the Government rates in those Dehs or in neighbouring Dehs.

† *Vide* the case of Mir Ali Murad Khanani, (No. 22) on the Roll.

‡ Commissioner's No. 2923, dated 20th August 1886, to the Collector of Haidarabad.

666. Another question which came up for decision was as to whether Jagirdars could enjoy the

Jagirdars can enjoy the usufruct of water (other than canal water) standing within their estates.

usufruct of water (other than canal water) standing within their estates. The Commissioner's decision was as follows :—

“ I do not consider there is the least doubt of the Jagirdar's or Zamin-dar's right to the usufruct, such as fisheries, &c., of the water standing within his estate or holding.” (Commissioner's No. 432, dated 15th February 1875, to the Collector Haidarabad).

667. Another question that presented itself for solution, was

How far alienations by Jagirdars are permissible.

whether alienations by Jagirdars should be permitted. The Government of India had distinctly laid down that no transfer was

to be permitted, except in the case of garden lands. As a matter of fact, the Jagirdars had been uniformly considered incapable of parting with their possessions beyond their own life, and a case arose in which this principle was applied to a transfer made before the Conquest. Mir Ghulam Shah, the father of Mir Ali Baksh Shahwani, having alienated his Jagirs of Chowbandi and Pat Gahi respectively, to Ghurbomal his Munshi, and Pandhi his Khidmatgar, before the Conquest, and Mir Ali Baksh having continued these grantees in their possession after the Conquest, but his son Ghulam Shah, on his death, being anxious to pay off the debts on the estate, and, with this view, to surrender these alienations together with his other unalienated possessions to the Collector's management, the Commissioner ruled that the grantees or their representatives had no title as against the heir, and their grants were accordingly resumed (Commissioner's No. 3250, dated 8th November 1870, to the Collector of Haidarabad). The case was not taken to the Civil Court.

668. The question of the partibility of Jagirs has been definite-

Jagirs not partible. ly decided in the negative by the Sadar Court in Appeal No. 3 of 1882, Seth Tikamdas son of Seth Naumal *versus* Seth Thawardas, in which a younger brother sued his elder

brother, the regrantee of Seth Naumal's Jagir for partition of the ancestral property including the Jagir. The Sadar Court in appeal ruled that the *corpus* of the Jagir was not subject to partition. The arguments relied upon by the Court show that its decision would be the same in the case of Muhammadan Jagirdars.

669. The above decision also ruled that a Jagir was not a "grant of money or land revenue"* within the meaning of the Pensions Act (XXIII of 1871), and that therefore no certificate was required under Section 6 of that Act, in respect of Jagirs. This Act affected all Pattadaris and most of the Khairats, and the rules made under it as to their mode of payment will be found at page 597 of the *Sind Official Gazette* dated 22nd December 1881.

670. Yet another question for settlement was the mode of relief to be given to indebted Jagirdars. The Sadar Court of Sind on the extension of the Civil Procedure Code of 1859 as amended in 1861, to Sind, decided that the Rules framed by Sir Bartle Frere in this behalf had not the force of law. It was therefore proposed to apply the Ahmedabad Taluqadars' Act to the Sind Jagirdars—but eventually, after prolonged discussion, the Sind Incumbered Estates' Act was passed in 1876.

The scope of the Act will be seen from the definitions of Jagir land and Jagirdar given in the footnote.†

* "Includes anything payable on the part of Government in respect of any right, privilege, perquisite or office."

† In this Act Jagir land and Jagirdar were defined as follows :—

" 'Jagir land' includes also a share held hereditarily of the revenues of a Government village, but does not include Seri or Mamul or garden grants.

" 'Jagirdar' means a person who, or whose ancestor, was found in possession of Jagir land in Sind, on the seventeenth day of February 1843, and to whom the said land, or a portion of the same, or other land in lieu thereof, has been continued by the British Government, and to whom or to whose ancestor, a sanad has been, or hereafter may be, granted confirming such continuance."

671. The treatment of gardens in Jagirs was a moot question until the Commissioner in his No. 5427, dated 21st November 1881, to the Collector of Haidarabad, issued the following instructions :—

Treatment of gardens in Jagir.

“ It must be borne in mind that an entry in a Government Register or Roll unless after full inquiry and formal adjudication could not be any proof of title. Therefore, unless there is evidence to show that entries in the Garden Roll were made after such inquiry, the entry cannot be held to show that the garden has been separated from the Jagir and made into a separate personal grant. If the Jagirdar admits that such is the case, then his admission in connection with the entry may generally be held sufficient to prove the correctness of the entry—but should any Jagirdar dispute the entry, then a formal inquiry and decision should be made. If the land has ever been granted as Jagir, it is clear the Jagirdar cannot be deprived of it merely on the ground that a roll shows it was held by another as a garden. If the land was never the Jagirdar's, the case of course is different. So long as the land is included in a Jagir, the Government has no interest in it, and if the Jagirdar under private arrangements has given out land to be cultivated as a garden—this would not constitute the garden the property of the cultivator or deprive the Jagirdar of his rights.

“ If then any land which originally formed part of a Jagir has been included in the garden grant roll without formal inquiry, inquiry should at once be made on the death of the holder, or when from any cause the question comes up for decision.”

672. Two later orders contain a more definite ruling. They are as follows :—

1. “ So long as the land in which the gardens are situated is within the Final orders. “ Jagir, they form part of, and should be treated as part of the Jagir, *e. g.*, local cess will not be levied from the holders but will be assessed to the Jagirdar. Should the Jagir ever be resumed and the land where the gardens are, be assessed, then the gardens will obtain separate recognition as recorded garden grants.” (*Commissioner's No. 2942, dated 21st August 1886, to the Collector of Haidarabad and circulated to the other Collectors as well as to the Deputy Commissioners*).

2. The usual order of succession is not required to be recorded on the demise of the original holders of garden grants, situated within the limits of a Jagir, or in cases when such a grant is sold under the decree of a Civil Court, or when it is transferred by sale. “ But in passing Faislas as to Jagir resumption, it should be distinctly stated whether any gardens exist or not in the area resumed or lapsing. If such do exist; then a separate Faisla as to such gardens should be submitted.” (*Commissioner's No. 4179, dated 13th October 1886, to the Collector of Haidarabad and communicated to the other Collectors as well as to the Deputy Commissioners*).

673. On the 19th of March 1879, a Circular (No. 904) was

All references on Jagir subjects and other alienations to be made in English.

issued to the Collectors and to the Superintendent, Sind Revenue Survey, directing them to make all references on Jagir subjects or other alienations in English, and on the 27th of April 1880, the following Circular (No. 1467) regarding the form of Faisalnamas was issued to all Collectors and Superintendents :—

" In the reports which reach me of the death of Jagirdars, garden grant holders, &c., I observe the following irregularities :—

" 1. The report is submitted in many instances months after the death of the holder whose name is entered in the Roll, and no cause is assigned for the delay.

" 2. In the case of succession, regrant, transfer, &c., the net income is stated, but no explanation is offered as to how the figures have been arrived at.

" 3. With regard to garden grants it is not stated whether the land is actually used for the purpose for which it is granted.

" 2. I have the honor therefore to request that—

" 1. The reports may be made punctually as soon after the death of the holder as possible, and that where any delay takes place the reason for the delay may be stated.

" 2. The gross income (and how calculated) may be stated, and particulars of outgoing expenses given, so that it may be seen how the *net* income is arrived at.

" 3. A certificate may be submitted to the effect that the 'gardens' are kept up by the owners for the purposes for which they were established' (see 'Jagir selections,' page 65, and elsewhere)."

674. It is unnecessary to notice the provisions of the Bombay

Provisions of the Bombay Land Revenue Code, the Irrigation Act and the Sind Village Cess Act.

Land Revenue Code (V of 1879) affecting the holders of alienated land, or of the Bombay Irrigation Act affecting the relations of Jagirdars with Zamindars and others as to the use of water-courses, or of the Sind Village Cess Act of 1881, which imposes a new cess on holders of alienated land. *

* Vide however the Resolution of the Bombay Government quoted in the Commissioner's Circular No. 4302, dated 12th November 1884.

CHAPTER X.

ALIENATIONS, OR REMISSIONS OF, REVENUE
FOR SPECIAL OBJECTS.

1.—HURIS, KOCHAS AND RAKHS.

675. Besides the Jagirs, Pattadaris, Khairats, Hissadaris, and Garden Grants, the Amirs used to allow certain holdings to be

Huris, Kochas or Rakhs. enjoyed rent-free under the name of Huri
 Orders in 1858. Rakh or Kocha, and Seri or Mamul or Thulli.

At the time of the settlement of Garden Grants, several holdings which were Huris or Kochas were included in the Roll of Garden Grants, although even so early as 1858 some distinction appears to have been observed between these two kinds of grant. On the 13th of March in that year, the following '*notice*' was proclaimed to the public :—

" For the future there will be no tax levied on account of portions of
 " land set aside by Zamindars for the purpose of growing wood, known by
 " the names of Huris, Kocha, or Rakh, and Zamindars will be allowed to
 " take in a moderate quantity of land for that purpose which will be held
 " rent-free, and when the boundaries are clearly marked and recorded, will
 " be allowed in all Settlements at the discretion of the Collector or Settlement Officer.

" It is also ruled that Government will have no separate claim on the
 " timber grown on such Zamindar's plantations, which will continue to be
 " the property of the Zamindar to whom the land belongs, as long as he pays
 " the assessment on the land to which such Huri or Rakh is attached.

" It is also ordered that Mirs, Jagirdars, Pirs, and other men of rank
 " may have similar Huris or Rakhs near their residences, which shall be
 " measured and entered in the Government records as rent-free property.

" According to former orders the people are to enjoy also rent-free
 " grazing land near their villages, sufficient for the cattle to graze on, but
 " all other uncultivated land is liable to be taxed on account of grazing, or
 " it may be given for cultivation to any person willing to cultivate and pay
 " the assessment."

676. Several grants were made under the Circular to the Collectors, No. 481 of 1858, to which this notice was attached, and in 1882 the Government authorized the Collectors to make further grants under the same Circular, whenever it should seem to them "that the absence of wood in any village is such that it is desirable to encourage tree planting." Two conditions were, however, laid down, first that no individual Huri grant should ordinarily exceed 7 acres, or under special circumstances 10 acres, and that the maximum limit for any village should be one per cent. of its total culturable acreage. (*Vide Bombay Govt. Res. No. 5409, dated 11th August 1882*). The grants may be made from either assessed or unassessed land, and from occupied or unoccupied numbers, provided the occupant be the person in whose favor the grant is made, and provided that the land granted be not land classed as garden land or already fairly covered with trees. (*Vide Commissioner's No. 698, dated 15th February 1883, to the Collector of Shikarpur, and communicated to the other Collectors*). The Commissioner's sanction is not required to such grants. (*Commissioner's No. 330, dated 20th August 1884, to the Superintendent, Sind Revenue Survey*).

677. Unlike the Second class of Garden Grants, Huris pay no Chowth, and are not liable to lapse, the grants being more like remissions of revenue for a special object than alienations of land revenue. The Commissioner described them as conditional grants of occupancy free of assessment.

2.—SERI, MAMUL AND THULLI.

678. No Seri or Mamul grants were made by Sir Charles Napier, but Mr. Frere revived this description of grant. Seri grants were thus described by Mr. Frere in 1853 in a letter to the Collector of Haidarabad:—

" 5. A grant of so many bigahs in Seri meant, without doubt, that the grantee was entitled to so many bigahs of standing crops, which he might himself select. It is probable enough, as stated by Lieutenant Lambert, that this permission to select was practically null and void, as the selection would be made by the Kardar; still there was no ostensible restriction, save such as might be imposed by the terms of the grant itself. For instance, a grant of 4 bigahs of 'Seri' in a specified Makan would restrict the grantee to that particular Makan, but he would be entitled annually to 4 bigahs of cultivation somewhere, and whenever these grants of Seri were formally commuted for a Jagir in a fixed spot, an allowance of 4 bigahs to one of the previous Seri was made in order to allow for fallow lands.

" 6. The terms 'Istadah' and 'Khudkasht' often found coupled with Seri are easily understood; the former would indicate definitely that the word 'Seri' was to be taken in its more strict acceptation, and would imply a very temporary tenure, or at least an uncertain one, the other would restrict the enjoyment of the field of standing crops to those lands which had been cultivated by the grantee.

" 7. I see nothing in the terms of a 'Seri' grant, considering it as Seri, and supposing there are no specified restrictions or conditions in the title deeds, to justify the sweeping rule that all 'Seri' grants are resumable. If, as stated by you in more places than one, this was the rule under Sir Charles Napier, it must have been founded on an opinion that as such grants of Seri were commonly given for one year only, or perhaps as 'Seri Istadah'; the whole class of grants included under the denomination should be treated as temporary, even though they contain no limitation, and are, except as to the mode of enjoyment, precisely similar to other Jagir grants.*

679. As to the object of such grants it appears from a letter addressed by His Highness Mir Ali Murad to
 Object of Seri grants. Captain Cowper, Deputy Collector of Nausahro who had addressed His Highness on the subject, that they were made for the encouragement of cultivation, the improvement of the agricultural classes—and for services rendered and to be rendered to Government officers (بابت خدمت آبادی و رفاهیت احوال آنها و دیگر کاربار سرکار)

They were readjusted almost every year, generally as soon as possible after the crops were ready, and were raised or lowered at the discretion of the settling officer according as the cultivation had increased or decreased.

* Mr. Frere's No. 29, dated 6th January 1853, to the Acting Collector, Haidarabad

680. On the right bank of the Indus in Upper Sind, almost every village had "its acknowledged headman, looked up to and respected by all the village community"—not so on the left bank, where in one village three or four, and in some instances eight or nine Seridars were often found, none of whom could claim the position of a headman. It was mostly in Upper Sind that such grants, called also Mamul, survived, there being very few in the Haidarabad and Karachi Collectorates.

~~Seridars not necessarily headmen of villages.~~

681. The extension of cultivation was, according to the Collector of Shikarpur who reported on the subject in 1858, an invariable condition of every Mamul grant, and "under the native rule, the holders were held liable for service of every description whether in the sports of their masters or in augmenting or collecting their revenues." In 1856 however, Colonel Jacob then acting Commissioner by his No. 2360, dated 6th October, had rescinded the condition in reference to extending agriculture, and made the holders "responsible for co-operation in every branch of the service whether Revenue, Police, Survey, or any service which might reasonably and legally be expected of them."

~~Description of Mamul grant in Shikarpur.~~

682. On receipt of this report, Mr. Frere in his No. 234 of 1859 wrote as follows to the Collector of Shikarpur:—

~~Mr. Frere's orders on the subject.~~

"In reference to your further reports on the subject of the Mamul grants to the Patels in your Collectorate, I have the honor to request that the lands to be assigned as rent-free grants in remuneration for their work as Patels be marked off, and a fixed assessment placed thereon, which should be considered the emolument of the office, so that the annual charges will not be liable to vary from year to year.

"2. The extent of the Inam land to be granted should be fixed so as to include the ordinary proportion of fallow for that description of land in the village, and the whole should be eventually marked off by distinguishing boundary marks.

"3. This land will be made over to the Patel and be held by him free from rent during his service.

" 4. The emolument should not, in any case, be less than Rs. 20 per annum, and if the revenue of the Patel's charge exceed Rs. 2,000, 5 Rs. should be added for every thousand or part of a thousand Rs. over that sum. But this is only mentioned as the minimum allowance to be made."

683. A Resolution of the Government of India No. 3869, dated 13th August 1870, delegated to Local Governments authority to dispose of small grants of land for the performance of village service, under the rules approved of by the Government of India.

Government Resolution in 1869, authorizing grants for village services and orders in 1871.

On the strength probably of these orders the Commissioner in his Circular No. 1357, dated 29th May 1871, defined the duties required of a Patel, and directed that the existing grants of Seri or Mamul to Patels might be continued on the death of the incumbents, on condition that such grants should not be considered as hereditary. The Collectors were to select individuals for the office of Patel and to submit their names to the Commissioner for approval.

684. Shortly afterwards the following rule was sanctioned by the Government of India, on the condition that a complete list of all grants made under it should be submitted annually to them. (No. 109 dated 21st July 1871, *Agriculture Revenue and Commerce*)

Grants of land to village servants sanctioned by the Government of India in 1871.

" The Commissioner in Sind.....with the sanction of Government is authorized to grant to village servants, in full or partial remuneration for service rendered, unoccupied land to such extent, and of such value as may be determined by the Government to be suitable for each Collectorate for the performance of such service, provided the annual value of such land in each case is not in excess of Rs. 10 a year."

685. The remuneration of village servants is now provided for by the Sind Village Officers' Act 1881, and the rules made under it.

Sind Village Officers' Act, 1881.

686. There is now no distinction between Seri, Mamul and Thulli grants. This last term is applied to the service grants in Thar and Parkar—while Mamul (literally a customary due

No distinction now between Seri, Mamul and Thulli.

Application of the terms.

being derived from the same root as *umal*) is specially applied to all grants made by the Khorassani and Afghan kings in Upper Sind, and Seri to Baluch grants. Seri has a doubtful etymology being probably connected with *Sir* which is generally used to denote rent-free land. Colonel Dunsterville conjectured that Seri was from a Persian word meaning "satiety." In the new Sindhi Dictionary it is defined as "a certain quantity of green crop assigned free of assessment for service." Seri therefore, whenever properly used connotes the enjoyment of crops free—while Mamul connotes the payment of a sum for extension of cultivation and other services. The Deputy Commissioner of Upper Sind Frontier, Mr. Giles, reports that in his District the term 'Mamul' is only applied to the grants in the Shahdadpur Taluka—the term 'Seri' being in use in the rest of the District. In the former "the area of the grant is fixed, *but no land is set apart*, "remission being given on any of the grantee's cultivation (not exceeding the appointed area) which bears the lowest rate of assessment payable by him for the year." In the latter "*the area of the land is set apart*—assigned—and remission given on the crop grown on it, provided that it does not exceed $\frac{1}{3}$ rd the total area."

3. GRANTS FOR KEEPING A GARDEN OR TREES FOR THE SHELTER OF TRAVELLERS—GRANTS FOR PLANTING ROADSIDE TREES—GRANTS FOR THE ENCOURAGEMENT OF TREE PLANTING.

6S7. In the Chapter on the settlement of Garden grants—there have been mentioned four descriptions of grants made by the Collectors, three of which are enumerated above. The authority quoted for these grants is Government letter No. 4755; dated 31st July 1849, printed at page 571 of the "Circular orders pertaining to the Revenue Department of the Bombay Presidency up to October 1859." This letter authorized "small

Grants to encourage the growth of trees under the orders of 1849.

“ pieces of ground being made over to individuals, and their heirs
 “ and successors,” in order “ to encourage the growth of trees
 “ around villages, both for the comfort of the people and of their
 “ cattle.” No grant to an individual or a joint family was to ex-
 ceed 2 acres, “ except in particular cases, as near large towns,
 &c., &c., where there may be much waste plain”—and all such
 grants were to be recommended by the Collector and approved
 of by the Revenue Commissioner. In their letter No. 4130,
 dated 20th May 1850, the Government laid down a further limi-
 tation to the effect that, the quantity of land to be granted in any
 one village should not exceed one-half acre per cent. of arable
 land.

688. These orders having become obsolete, Sir W. Merewether
 Orders revived in 1875. on the 27th of March 1875 (No. 875) wrote
 to the Collector of Haidarabad as follows :—

“ Your proposal that Collectors should be authorized to grant permis-
 “ sion to persons to plant trees on unassessed land in village sites, not useful
 “ for public recreation, is approved and sanctioned, on the understanding of
 “ course, that the land shall revert to Government if the trees die, and that
 “ it shall not be available for any other purpose except the growth of
 “ trees.”

689. It is however, very doubtful whether these orders were
 legal, as in pursuance of the orders of the Government of India
 contained in their No. 2248, dated 11th May 1870, the Bombay
 Government had in their Resolution No. 1257, dated 16th March
 1871, forbidden the Commissioner from making grants of land for
 tree plantations or wells, without sanction.

4. GRANTS FOR KEEPING UP OR DIGGING A WELL FOR GENERAL USE.

690. Mr. Frere's Circular No. 798, dated 13th April 1859, Revenue
 Grants for wells. Department, dealt with “ wells sunk in the
 Orders in 1859. “ vicinity of high roads and villages, for the
 “ convenience of travellers, either wholly or partially at Govern-
 “ ment expense.”

“ The impression seems to be,” he wrote, “ that cultivation should not be allowed on such wells, whereas in reality it should be encouraged as in every well, after the wants of travellers and cattle have been supplied, there will always be some water available for cultivation, while, if allowed to remain stagnant, the water becomes bad ! (para. 2),

“ It is the wish of Government that these wells should be made commodious halting places for travellers, and with a view to their improvement the following inducements may be held out. (para. 3).

“ Any Wadero, Mukhi, Fakir, or other person willing to undertake cultivation on a well of the above mentioned description, may obtain a grant of land varying in amount from 2 bigahs to a wheel, according to circumstances, either at a reduced rate of assessment or entirely rent-free, the amount of deduction from the ordinary assessment to be determined by the Collector, or his Deputy, according to the circumstances of each case. (para. 4).

“ All improvements effected by the holder, on his own ground, such as planting fruit and other valuable trees, will be his absolute property, and the exemption from assessment should be secured to him, so long as he continues to fulfil the conditions on which the grant was made. (para. 5).

“ The grant might provide :—

“ 1st. That a convenient reservoir be built near the well and continually kept filled from the well for the use of travellers or the inhabitants of the village, or any person wishing to make use of it.”

“ 2nd. That a commodious drinking trough for cattle be constructed, and kept supplied with water from the well. Access to this should be perfectly free and unrestricted, which may be easily effected by putting it outside the fence which surrounds the cultivation, a channel for water being made through the fence.”

“ 3rd. That a number of pipal, blackwood, babul and other shady trees be planted around and in the vicinity of the well, as, next to water, shade is the comfort most appreciated by the tired and dusty traveller.” (para. 6).

“ As it is most desirable that wells be sunk at distances of three or four miles along all the principal lines of road, any effort made by Zamindars and others to carry out this scheme will be viewed with satisfaction by Government. and, if necessary, grants-in-aid to sink the well will be given, and leases for long terms at reduced rates will be granted subject to such conditions as are detailed above.”

691. On the 16th of March 1871, the Bombay Government in pursuance of the orders of the Government of India, No. 2248, dated 11th May 1870, directed that no grants of land for wells should be made in future, without sanction.

No such grants to be made without Government sanction.

692. On the 21st of July 1871, the Government of India, in their No. 109, (Agriculture, Revenue and Commerce) sanctioned the following rule, on the condition that a list of all grants made under it should be submitted to them annually :—

Rule on the subject made by the Government of India.

“ The Commissioner in Sind may, with the sanction of Government, assign rent-free land required for public wells, provided the annual value of such land is not in excess of Rs. 10 per annum.”

693. On the 1st August 1872, the Bombay Government in their Resolution No. 3752, approved the proposal of the Commissioner in Sind, regarding the issue of Sanads to persons allowed rent-free land for the purpose of affording water and shade to travellers with a proviso that if the original objects be not fulfilled the land would be resumed.

Issue of Sanads to such grantees.

694. On the 14th of November 1877, however, the Bombay Government in their No. 6827, refused to sanction a grant of 2 acres, “ free of assessment pending the revision of the settlement,” on account of a well sunk and trees planted around it.

Temporary alienations for sinking wells forbidden.

“ The Commissioner in Sind should be informed,” they wrote, “ that temporary alienations of land are not expedient, and cannot be granted in future in consideration of persons sinking wells. Government request therefore, that he will be good enough to return applications of this nature when made by Collectors.”

5. GRANTS FOR (a) ROADS, (b) BURIAL GROUNDS, (c) DHARMSALAS, (d) SCHOOLS, (e) DISPENSARIES AND (f) OTHER CHARITABLE OR RELIGIOUS EDIFICES AND INSTITUTIONS.

695. On the 21st of July 1871, the Government of India, in their No. 109 (Agriculture, Revenue and Commerce), sanctioned the following rule proposed by the Bombay Government on

Grants for public, charitable or religious purposes.

the condition that a list of all grants made under it should be submitted annually to them.

“ The Commissioner in Sind.....may, with the sanction of Government, assign rent-free land required for roads, burial grounds, dharmshalas, public wells, schools and dispensaries, provided the annual value of such land is not in excess of Rs. 10 per annum.”

696. Rule 10 of the Rules framed under Section 214, Land Revenue Code, further lays down that, “ revenue free grants may be made by the Collector, with the previous sanction of the Commissioner, of land not exceeding, in each instance, a quarter of an acre in area, for the purposes of religious or charitable edifices or institutions,” and Rule 11 provides for the issue and registration of Sanads in such cases.

6. GRANTS FOR VILLAGE-SITES.

697. In their Resolution No. 3752, dated 1st August 1872, the Bombay Government authorized the Commissioner to make grants for entire villages, with the previous sanction of Government.

698. In their letter No. 3361, dated 12th June 1873, they directed that “ when land is given for village-sites clear notice is to be given that it is not the proprietary title that is conferred, but only the usufruct,” and in their Resolution No. 4239, dated 24th July 1873, they further stated that, “ according to the custom of the country the proprietary right in all village-sites vests in Government, unless it has been unmistakeably purchased.” A later Resolution however, No. 5292, dated 22nd September 1883, explains that the former of these Resolutions referred to land given for village-sites without payment of consideration, and that it was not intended by the latter to interfere with the practice of selling the proprietary right in building-sites, where such practice has existed, or where it may be deemed advisable.

699. As to the substitution of a new village-site for an old one, and the establishment of entirely new village-sites, see Rule 27 of the Rules under

Commissioner authorized to make grants for village-sites.
Substitutes for old sites, &c.

Section 214, Land Revenue Code, and *Bombay Government Gazette*, dated 28th January 1886, page 81.

7. GRANTS TO MUNICIPALITIES AND LOCAL BOARDS.

700. The Government of India in their No. 2248, dated 11th May 1870, directed that all Government land, ex-

No grants of occupied land to be made to Municipalities and Local Boards without sanction of the Government of India.

cept grants of waste land, made under approved rules, should not be alienated without the sanction of the Government of India—and in their No. 3927, dated 17th

August 1870, explained that all land the property of Government, whether subject to revenue or not, cannot be parted with, save under the rules applicable to the expenditure of public money. In their No. 4—807, dated 29th September 1873, they further directed that—

“No rules involving the permanent alienation of Government revenue

No grants of waste land to be made for more than 20 years.

“or the grant of waste land free from payment of Government revenue for a longer period than 20 years, may, in future, be made or promulgated without the previous sanction of the Government

of India.”

701. In their Resolution No. 889, dated 28th February 1872

Rules for sale and gift to such bodies.

however, they allowed land to be sold on favourable terms or given free “to a public body or individual for public purposes.” If

sold, the purchase money was to be not less than half of the market value—and if such value should exceed 1,000 Rs. the sanction of the Government of India was necessary. If given free the sanction of the same Government was to be sought when the value should exceed 3,000 Rs.

702. In their Resolution No. 6862, dated 10th December 1878, the Bombay Government refused to

Final orders of the Government of India.

confirm an order passed by the Commissioner foregoing the Government assessment on 11

acres and 30 guntas in a Survey No. appropriated by the ~~Seh-~~ *Seh-* Municipality for a public garden, and directed the land to be

resumed in default of payment of this assessment by the Municipality, and in 1880 the Government of India wrote as follows :—

“.....Municipalities have no claim to the assignment of the land revenue assessed upon lands within their limits, which, like all land revenue, is an imperial asset. The Governor-General in Council is wholly opposed to the alienation of this revenue to Municipalities, and no such alienation should be made hereafter. (*Vide Bombay Government Resolution No. 132, dated 15th January 1880.*)

703. Under Rule 12 of the Rules framed under Section 214 of the Land Revenue Code, no revenue-free grants can be made to any Municipality or Local Board, without the previous sanction of Government.

No revenue-free grants to be made without Government sanction.

APPENDIX A.

FORMS OF SANADS AS FINALLY APPROVED BY GOVERNMENT.

Sanad for First Class Jagirdar.

TO MALK SIRDAR KHAN, NUMRIA.

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honor to those who are worthy of honor, and to keep respectable persons from want and difficulty, it has been thought fit to institute inquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made, not only to meet the present necessities, but also for the future support of the sons and lineal male descendants of a certain number.

Now your grandfather (Malk Ahmad Khan) was found at the conquest possessed of certain lands and revenues which were continued to him by His Excellency Sir Charles Napier. He died on the 26th December 1850, Your father (Sobdar Khan) having predeceased his father, you became possessor of your grandfather's lands and revenues as aforesaid, under authority of Mr. Pringle, Commissioner in Sind, and confirmation of the Government of Bombay. At the same time your right was allowed to certain revenues, such as the produce of liquor contracts, fisheries, and ferries, and after a careful inquiry, commuted to a money allowance of Rupees 3,035 per annum. These being now in your possession,* to-

* Detailed in the annexed Schedule.

gether with a Jagir belonging to your late father and grandfather, by name Gullu, regranted to you for life as a special mark of favour, the British Government have determined that your position shall not be interfered with for the term of your natural life so long as you remain true and loyal; and this sanad is now granted to you in supersession of all prior documents confirming you in the grant aforesaid.

And further, in consideration of the history and repute of your family the antiquity of your Jagir, your own position as Sirdar of your tribe, and of the good conduct of your tribe under British rule, it is ordered that, with the single exception of the aforesaid Jagir of Gullu, a comparatively new

grant under the Amirs of Sind, the whole of your Jagirs above noted, according to the established boundaries, together with the said yearly money allowance of Rupees 3,035, be accorded to your lineal heirs male (failing whom at any time to the lineal heirs male of your grandfather, Ahmed Khan), free of all assessment, except 5 per cent. for roads and schools, calculated on the net annual produce.

With respect to the payment of water rates, you will be subject to the local rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service, whether in supplying soldiers in time of war, or labourers in time of peace, as a necessary condition of tenure, yet it is expected that all good and faithful subjects of Her Majesty the Queen, whether Jagirdars or not, will render all assistance in their power on any special occasions when such may appear desirable; and it is natural to infer that those who hold certain revenues and benefits, alienated to them or continued to them in alienation by the State, should be the foremost in proving themselves worthy of the privileges conferred upon them by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live; but be it distinctly understood, that failing loyalty and good behaviour on your part, or that of your successors, this sanad will be revoked, and the grant resumed.

J. D. INVERARITY,
Commissioner in Sind.

Karachi, 24th May 1861.

Registered No. 99.

F. J. GOLDSMID, Major,
Late Assistant Commissioner for Jagirs in Sind.

*Sanad for Jagirdars of the four great Talpur Families where there
has been no Succession since the Conquest.*

TO MIR AHMED KHAN, TALPUR, *Shahdadani*.

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honour to those who are worthy of honor and to keep respectable persons from want and difficulty, it has been thought fit to institute inquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made, not only to meet the present necessities but also for the future support of the sons and lineal male descendants of a certain number.

Now it has been found on inquiry, that at the conquest of Sind, your father (Mir Muhammad Khan, deceased) was possessed of certain Jagirs, and you yourself of certain others, both of which were continued by His

Excellency the Governor, Sir Charles Napier. Further, that your father died in 1849, and his Jagirs were re-granted to you under the conditions in vogue at that period, of estimating the extent of land re-grantable according to the actual produce shown, and resuming the waste, by which settlement you and your brother (Mir Jehan Khan, deceased), were admitted to receive all of your father's land shown to be actually cultivated or fit for cultivation ; and that on the death of your brother, his share of these lands, from default of male heirs, reverted to Government, your own remaining as before.

The Jagirs,* then, originally belonging to your father, and re-granted to yourself, as also the original grants in your name

* Detailed in the annexed Schedule.

confirmed to you as aforesaid, and of which you now stand possessed, having been declared to be an alienation to which you are justly entitled, the British Government have determined that your position shall not be interfered with for the term of your natural life so long as you remain true and loyal ; and this sanad is now granted to you in supersession of all prior documents confirming you in the grant aforesaid.

And further, in consideration of your rank, and the social position of your family, and of the late Governor's proclamation in respect of the four Talpur Divisions of Shahdadani, Shahwani, Khanani, and Manikani, it is ordered that from the whole amount of bigahs in your possession, 26,352 bigahs be accorded to your lineal heirs male free of all assessment except 5 per cent. for roads and schools. In this amount are included, without deduction, 16,752 bigahs of the Jagir of the deceased Mir Muhammad Khan, and 9,600 bigahs of your original Jagirs. Of the latter, no more than one-third will have been resumed on account of waste land, agreeably to custom under the late Governor, His Excellency Sir C. Napier. This allotment may be now chosen by yourself, and marked off in communication with the Settlement Officer of Government, or reserved for after consideration by your heir. Should you have, as is most probable, sufficient waste land to cover the Government demand on that account in your said originally granted Jagirs, you will not necessarily give up one inch of productive soil ; the only provision being that the permanent Jagir consist of one consolidated and well-defined land alienation, where the possessions are contiguous, and, as far as practicable, complete Makans.

As it has, however, been the custom of the British Government to allow a re-grant to the sons of the superior Jagirdars in Sind found in and allowed possession at the conquest of all lands of which they were so possessed on payment of an assessment equal to quarter produce, or on resumption of a quarter the whole amount of land, your immediate heir will have the option of accepting this settlement in his own individual case in respect of the Jagir lands originally granted to you, receiving your inherited amount untouched ; and should he prefer such alternative, the permanent arrangement would not be carried out until the occurrence of a second succession ; but if he, or, indeed, you yourself, accept the said permanent settlement, it will not be optional on his or your part to revert to the original state of things.

With respect to the payment of water rates, you will be subject to the local rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service, whether in supplying soldiers in time of war, or labourers in time of peace, as a necessary condition of tenure, yet it is expected that all good and faithful subjects of Her Majesty the Queen, whether Jagirdars or not, will render all assistance in their power on any special occasions when such may appear desirable; and it is natural to infer that those who hold certain revenues and benefice alienated to them or continued to them in alienation by the State should be the foremost in proving themselves worthy of the privileges conferred upon them, by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live; but be it distinctly understood, that failing loyalty and good behaviour on your part, or that of your successors, this sanad will be revoked, and the grant resumed.

J. D. INVERARITY,

Camp Hyderabad, 28th March 1861.

Commissioner in Sind.

Registered No. 2.

F. J. GOLDSMID, Major,

Assistant Commissioner for Jagirs for Sind.

N.B.—The 5 per cent. cess for roads and schools will be calculated on the estimated net revenue of Jagir. The quarter produce implies quarter of estimated net revenue.

*Sanad for Jagirdars of the four great Talpur Families where
there has been one Succession since the Conquest.*

TO MIR AHMED KHAN, TALPUR, Khanani.

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honour to those who are worthy of honour, and to keep respectable persons from want and difficulty, it has been thought fit to institute inquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made, not only to meet the present necessities, but also for the future support of the sons and lineal male descendants of a certain number.

Now your father (Mir Jan Muhammad Talpur, Khanani,) killed at the battle of Meani, having been found on inquiry to have been possessed at the conquest of Jagir land in this province, continued to you by His Excellency the Governor, Sir Charles Napier,* under the terms of one-fourth resumption, the British Government have determined that your position shall not be

*Detailed in the annexed Schedule.

interfered with for the term of your natural life so long as you remain true and loyal; and this sanad is now granted to you in supersession of all prior documents confirming you in the grant aforesaid.

And further, in consideration of your rank and the social position of your family, and of the late Governor's proclamation in respect of the four Talpur divisions of Shahdadani, Shahwani, Khanani, and Manikani, it is ordered that from the whole amount of bigahs in your possession† the amount of 70,000 bigahs be accorded to your lineal heirs males, failing whom to the lineal male descendant of the Jagirdar‡ recognised at the conquest free of all assessment except 5 per cent. for roads and schools. In this amount no more than one-third of your present possessions will have been resumed on account of waste land, agreeably to custom under the late Governor, His Excellency Sir Charles Napier. This allotment may be now chosen by yourself, and marked off in communication with the Settlement Officer of Government, or reserved for after consideration by your heir. Should you have, as is most probable, sufficient waste land to cover the Government demand on that account, you will not necessarily give up one inch of productive soil, the only provision being that the permanent Jagir consist of one consolidated and well-defined land alienation where the possessions are contiguous, and, as far as practicable, complete makans.

With respect to the payment of water rates, you will be subject to the local rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service, whether in supplying soldiers in time of war, or labourers in time of peace as a necessary condition of tenure, yet it is expected that all good and faithful subjects of Her Majesty the Queen, whether Jagirdars or not, will render all assistance in their power on any special occasions when such may appear desirable; and it is natural to infer that those who hold certain revenues and benefits alienated to them or continued to them in alienation by the State, should be the foremost in proving themselves worthy of the privileges conferred upon them, by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live; but be it distinctly understood, that failing loyalty and good behaviour on your part, or that of your successors, this sanad will be revoked, and the grant resumed.

J. D. INVERARITY,
Commissioner in Sind.

Haiderabad, 28th March 1861.

Registered No. 8.

F. J. GOLDSMID, Major,
Late Assistant Commissioner for Jagirs in Sind.

N.B.—The 5 per cent. cess for roads and schools will be calculated on the estimated net revenue of Jagir.

† Deducting one-fourth in lieu of one-fourth produce now exacted.

‡ Jan Muhammad having been killed at Meani this provision is inapplicable

*Sanad for ordinary Sardars where there has been no
Succession at the Conquest.*

TO HASAN ALI KHAN, Talpur Bahrani.

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honour to those who are worthy of honour, and to keep respectable persons from want and difficulty, it has been thought fit to institute inquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made not only to meet the present necessities, but also for the future support of the sons and lineal male descendants of a certain number.

Now you (Hasan Ali Khan, Talpur Bahrani), having been found on inquiry to have been possessed at the conquest of Jagir land in this province continued to you by His Excellency the Governor, Sir Charles Napier,* the

British Government have determined that your position shall not be interfered with for the term of your natural life so long as you remain true and loyal; and this sanad is now granted to you in supersession of all prior documents confirming you in the grant aforesaid.

And further, in consideration of your rank, and the social position of your family, it is ordered that from the whole amount of bigahs in your possession, the amount of 1,000 bigahs be accorded to your lineal heirs male (failing whom, to the lineal male descendant of the Jagirdar* recognised at

the conquest) free of all assessment, except 5 per cent. for roads and schools. This allotment may be now chosen by yourself, and marked off in communication with the Settlement Officer of Government

or reserved for after consideration by your heir; the only provision being that the permanent Jagir consist of one consolidated and well-defined land alienation where the possessions are contiguous, and, as far as practicable, complete makans.

As it has, however, been the custom of the British Government to allow a re-grant to the sons of the superior Jagirdars in Sind found in and allowed possession at the conquest of all lands of which they were so possessed on payment of an assessment equal to quarter produce. or on resumption of a quarter the whole amount of land, your immediate heir will have the option of accepting this settlement in his own individual case; and should he prefer such alternative, the permanent arrangement would not be carried out until the occurrence of a second succession; but if he, or, indeed, you yourself, accept the said permanent settlement, it will not be optional on his or your part to revert to the original state of things.

With respect to the payment of water rates, you will be subject to the local rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service, whether in supplying soldiers in time of war, or labourers in time of peace, as a necessary condition of tenure, yet it is expected that all good and faithful subjects of Her Majesty the Queen, whether the Jrgirdars or not, will render all assistance in their power on any special occasions when such may appear desirable; and it is natural to infer that those who hold certain revenues and benefits alienated to them, or continued to them in alienation by the State, should be the foremost in proving themselves worthy of the privileges conferred upon them, by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live; but be it distinctly understood, that failing loyalty and good behaviour on your part, or that of your successors, this sanad will be revoked, and the grant resumed.

J. D. INVERARITY,
Commissioner in Sind.

Hyderabad, 28th March 1861.

Registered No. 25.

F. J. GOLDSMID, Major,
Late Assistant Commissioner for Jagirs in Sind,

N.B.—The five per cent. cess for roads and schools will be calculated on the estimated net revenue of the Jagir. The quarter produce implies quarter of estimated net revenue.

*Sanad for ordinary Sirdars where there has been no Succession
since the Conquest.*

TO RUTTA KHOKHUR.

Whereas it is the object of the British Government to respect both private rights and public usages in the disposal of such lands as have fallen to them by virtue of conquest, to give honour to those who are worthy of honour, and to keep respectable persons from want and difficulty, it has been thought fit to institute inquiry into the land tenures and general circumstances of the Jagirdars of Sind, so that provision may be made not only to meet the present necessities, but also for the future support of the sons and lineal male descendants of a certain number.

Now your late father (Khair Muhammad) was found on inquiry to have been possessed at the conquest of Jagir land in this province, continued to him by His Excellency Sir Charles Napier. In February 1852 he died, and his Jagirs were regranted to you* upon the principle then in vogue of

*Detailed in the annex-
ed Schedule. calculating the regratable portion upon the average yearly produce, and resuming the remainder as waste. An assessment was also fixed as rent equal to a quarter of the net produce of Jagir so regranted, which assessment was

afterwards cancelled by a quarter land resumption effected at your own request in 1857. With respect, then, to the Jagir of which you now stand possessed, the British Government have determined that your position shall not be interfered with for the term of your natural life so long as you remain true and loyal, and this sanad is now granted to you in supersession of all prior documents confirming you in the grant aforesaid.

And further, in consideration of your rank, and the social position of your family, it is ordered that from the whole amount of bigahs in your possession, the amount of 1,500 bigahs, as accorded to your lineal heirs male, (failing whom, to the lineal male descendant of the Jagirdar recognised at the conquest) free of all assessment, except 5 per

Khair Muhammad, your
late father.

cent. for roads and schools. This allotment may be

now chosen by yourself, and marked off, in communication with the Settlement Officer of Government, or reserved for after consideration by your heir; the only provision being that the permanent Jagir consist of one consolidated and well-defined land alienation where the possessions are contiguous, and, as far practicable, complete makans.

With respect to the payment of water rates, you will be subject to the local rules in force to meet the Government expenditure on canals, due regard being had to the particular circumstances of your Jagir.

In conclusion, you will bear in mind that while the British Government exacts from you no service, whether in supplying soldiers in time of war or labourers in time of peace, as a necessary condition of tenure, yet it is expected that all good and faithful subjects of Her Majesty the Queen, whether Jagirdars or not, will render all assistance in their power on any special occasions when such may appear desirable; and it is natural to infer that those who hold certain revenues and benefits, alienated to them, or continued to them in alienation by the State, should be the foremost in proving themselves worthy of the privileges conferred upon them, by being ever anxious to avail themselves of every chance occasion presented to serve the Government under whose protection they live; but be it distinctly understood, that failing loyalty and good behaviour on your part, or that of your successors, this sanad will be revoked, and the grant resumed.

J. D. INVERARITY,
Commissioner in Sind.

Haidarabad, 28th March 1861.

Registered No. 75.

F. J. GOLDSMID,
Late Assistant Commissioner for Jagirs in Sind.

N.B.—The 5 per cent. cess for roads and schools will be calculated on the estimated net revenue of Jagirs.

Sanad for ordinary Khairatdars.

To

Whereas it appears upon due inquiry that
situated in the _____ were in the hands of
and had been for many years prior in the possession of your*

Now under the rules in force for such alienations, and owing to
the said land has been confirmed to you†
subject to former conditions of service and loyalty to Government, but free
of all cess and impost on account of Government, save and except the payment
of _____ yearly for roads and schools.

Commissioner in Sind.

Commissioner's Office, Karachi,
18

_____, Major,
Late Assistant Commissioner for Jagirs in Sind,

* Ancestors or predecessors in the office of Kazi, or as the case may require.

† Hereditary, or your duly recognised successors in office, as the case may require.
