M.R.O. 1—38,000—16-10-29.

# MADRAS RECORD OFFICE.

## Government of Madras.

Judicial DEPARTMENT.

G.O. No. 872 Press ~~Mis.~~

128-129-A.

Dated 14-6-~~19~~ 68.64

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***Not to be folded or roughly handled***

CIRCULAR.

JUDICIAL DEPARTMENT.

No. 872.

To

THE COLLECTOR OF

SIR,

I am directed to address you with reference to the arrangements to be made for bringing the Act for the Registration of Assurances, No. XVI of 1864, into operation in the District under your charge.

2. The Act is to come into operation on the 1st January 1865 : and it is necessary that the limits of the Districts and Sub-Districts into which the Presidency is to be divided for the purposes of the Act, should be settled; the District and Deputy Registrars, appointed ; and the amount and mode of remuneration to be assigned to each, and the scale of fees to be demanded for the various classes of instruments to be registered, determined before that date.

3. First, in regard to the limits of the Registration Districts, the Governor in Council apprehends that, as a general rule, it will be most convenient that they should be conterminous with the limits of the Collectorate or Zillah, where, as in the case of Malabar and Tanjore, the Collectorate comprises two separate Zillahs.

4. The number of Sub-Districts into which each District is to be divided, will require to be very carefully considered. The size of each Sub-District should be determined, in some measure, with reference to the number of deeds likely to be registered in it; and of this, a rough estimate may be formed by reference to the number and nature of the suits filed in the the proposed Sub-District during a series of years, the extent to which land has been transferred, the character and extent of trade, and the numerical strength of the population ; but independently of these considerations, it should be observed, as a general rule, in fixing the limits of the Sub-Districts, that they should be so regulated, and the Registry offices should be so placed, as not to compel any one resident in the Sub-District to travel more than one day's journey —say 20 miles—in order to reach the office of Registry.

5. As respects the appointment of District and Deputy Registrars, the Government of India have suggested that, as the functions which will have to be exercised under the Act will often partake, in no inconsiderable degree, of a judicial character, it will be found desirable to employ the existing judicial agency, wherever practicable; or, if this be not possible, such of the ministerial agency of Government as may be ready on the spot. His Excellency the Governor General in Council specially adverts to the Tahsildars in this Presidency and the North-West Provinces as a class of officers likely to prove efficient Deputy Registrars. In the opinion of the Governor in Council, it is clearly desirable that, as a general rule, the District and Deputy Registrars should be persons holding other offices in the public service. In their cases a smaller scale of remuneration will suffice than would be requisite in the case of persons not in Government employ; and, as a general rule, whether in the Judicial or in the Revenue branch of the service, they have more judicial experience and more local knowledge than such private individuals as could be selected for the duty. The main practical question is therefore whether the District and Deputy Registrars should be selected from the Judicial Department or from the Revenue Department. In favor of selecting these officers from the Judicial Department, there is the presumption of a certain amount of judicial experience, and the stationary character of a Judicial officer's duties, which last is a very important consideration. In favor of selecting Registration officers from the Revenue Department, there is ordinarily the greater local knowledge possessed by the Revenue officers, and the better means which they possess of ascertaining the real facts connected with deeds presented for registry. On the whole, however, the Governor in Council would be disposed to give the preference to Judicial officers, with reference to the stationary character of their duties and the certainty of their being constantly present at their Court Stations.

6. The District and Deputy Registrars will have to be remunerated either by salaries or by fees, or partly by both. As the duties of the District Registrars will include, not only the registry of deeds, but the supervision of the proceedings of the Deputy Registrars, and the hearing of appeals from the order of the Deputy Registrars under Section 62 of the Act, the Governor would be disposed to assign fixed salaries to the former officers. The case of the Deputy Regis-

trars is different. Their functions are confined to the registration of deeds, and it is very important that they should have that incentive to encouraging and facilitating registration, as far as it may lie in their power to do so, which will be afforded to them by their remuneration being given either wholly or in part in the shape of a percentage on the fees paid into their offices. The office establishments should, the Government think, be paid by the Registration officers themselves.

7. The last point for consideration is the Table of fees to be charged, and which will have to be fixed by the local Government, subject to the approval of the Government of India under Section 53 of the Act. On this point the Government of India observe, that "on the one "hand, it is important that the fees shall not be so high as to render the operation of the Act "oppressive, or to deter parties from registering deeds where the registration is made by the Act "voluntary; and on the other, that they shall not be so low as to impose a charge upon the State, "which it has not hitherto been required to bear. It is expected that the whole expense of "carrying out the Act shall be borne by those classes of the community who either avail themselves of its provisions or are brought under its operation, and that no portion of the cost shall "be allowed to become a burthen upon the general resources of the country."

8. I am directed to request that you will embody your opinion and the necessary information on the several points above adverted to, in a statement prepared in the annexed tabular form, which should be submitted to Government not later than the 1st August next, accompanied by a rough Map of the District showing the particulars noted in the margin and by any remarks that you may wish to make, and which cannot be entered in the Statement. Your recommendations, before being laid before Government, should be submitted to the Civil Judge of the Zillah; and it should be stated, either in the statement *or in your covering letter*, in regard to each recommendation, whether or not it has the concurrence of the Judge; and if not, his opinion should be quoted, with your reasons for dissenting from it. It will, of course, be open to you, and it will be desirable that you should consult any other public officers or private individuals resident in your District, from whom you may be likely to obtain useful information or advice.

(a) Proposed limits of Registration District or Districts.
(b) Proposed limits of Registration Sub-Districts.
(c) District office or offices of Registry.
(d) Sub-District offices of Registry.
(e) Limits of Revenue Taluqs.
(f) Limits of District Moonsiffs' jurisdiction.
(g) Stations of Tahsildars.
(h) Stations of District Moonsiffs.
(i) Towns or villages containing more than 2000 inhabitants.

I have the honor to be,
Sir,
Your most obedient Servant,
A. J. ARBUTHNOT,
*Chief Secretary.*

FORT SAINT GEORGE,
*14th June* 1861.

Exd. J. Tulloch.

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|---|---|---|
| | 1 | Name of Collectorate. |
| | 2 | Number and extent of Registration Districts to be included in the Collectorate. |
| | 3 | Name of person or persons proposed for the office of District Registrar. |
| | 4 | Amount of salary proposed to be assigned to each District Registrar, or if he be remunerated by fees, per centage to be drawn by him on the fees collected. |
| | 5 | Stations at which it is proposed to appoint Deputy Registrars. |
| | 6 | Description of the limits of each Sub-District. |
| | 7 | Area of each Sub-District. |
| | 8 | Population of each Sub-District. |
| | 9 | Distance of furthest village from the proposed Sub-District Registry office. |
| | 10 | Number of Puttahs transferred in the proposed Sub-District during the last five years. |
| Number of suits instituted in the Court of the nearest District Moonsiff during the last five years. For recovery of debts. | 11 | For land and other immoveable property. |
| | 12 | For rent of land. |
| | 13 | On simple bonds. |
| | 14 | On mortgage. |
| | 15 | Character and extent of trade. |
| | 16 | Names of persons proposed for the office of Deputy Registrar. |
| | 17 | Percentage fees to be assigned |
| | 18 | Table of fees to be charged for Registry. |
| | 19 | General remarks. |

| Name of Collectorate | Number & Situation of Districts to be included in the Collectorate | Name of Person or Persons for the Office of District Registrar | Amount of Salary proposed to be assigned to each Registrar or if the fees to be drawn by him in the fees collected. | Stations at which it is proposed to appoint Deputy Registrars | Description of the limits of each Sub-District | Area of each Sub-District | Population of each Sub-District | Distance of furthest Village from the proposed Sub-Registry Office. | Number of suits transferred in the proposed Sub-District in the last five years. | Number of suits instituted in the Court of the nearest District Moonsiff during the last five years. For Land & other immoveable property | For rent of Land | For recovery of debts on simple bonds | For recovery of debts on Mortgage | Character and Extent of trade | Names of persons proposed for the office of Deputy Registrar | Percentage of fees to be assigned | Table of fees to be charged for registry | General Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | | 14 | 15 | 16 | 17 | 18 | 19. |

Circular.
dated 20

Judicial Department

No. 8972.

To

The Collector of

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I am directed to address you with reference to the arrangements to be made for bringing the Act for the Registration of Assurances, No. XVI of 1864, into operation in the District under your charge.

2. The Act is to come into operation on the 1st January 1865: and it is necessary that the limits of the Districts and Sub-Districts into which the Presidency is to be divided for the purposes of the Act, should be settled, the District and Deputy Registrars appointed, & the amount

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and mode of remuneration to be assigned to each, and the scale of fees to be demanded for the various classes of instruments to be registered, determined before that date.—

3 First, in regard to the limits of the Registration Districts, the Governor in Council apprehends that, as a general rule, it will be most convenient that they should be conterminous with the limits of the Collectorate or Zillah, where, as in the case of Malabar and Tanjore, the Collectorate comprises two or more Zillahs.

4 The number of Sub-Districts into which Each District is to be divided, will require to be very carefully considered. The size of Each Sub-District should

should be determined, in some measure, with reference to the number of deeds likely to be registered in it; and of this, approximate, estimate may be formed by reference to the number and nature of the suits filed in the proposed Sub-District during a series of years, the extent to which land has been transferred, the character and extent of trade, and the numerical strength of the population; but independently of these considerations, it should be observed, as a general rule, in fixing the limits of the Sub-Districts, that they should be so regulated and the Registry Offices should be so placed, as not to compel any one resident in the Sub-District to travel more than one day's journey

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His Exce[illegible]y the Governor
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7. The last point for consideration is the Table of fees to be charged, and which will have to be fixed by the Local Government, subject to the approval of the Government of India under section LIII of the Act. On this point the Government of India observe, that "on the one hand, it is important that the fees shall "not be so high as to render "the operation of the Act "oppressive, or to deter parties "from registering deeds where "the registration is made "by the Act voluntary; and "on the other, that they shall "not be so low as to impose "a charge upon the State, "which it has not hitherto "been required to bear. It "is expected that the whole "expense of carrying out the "Act shall be borne by those "classes of the Community "who either avail themselves "of its provisions or are "brought under its operation, "and that no portion of the "cost shall be allowed to "become a burthen upon the "General resources of the "Country."—

I

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× a rough map of the District showing the particulars noted in the margin and by

+ (a) Proposed limits of Police Stations, Districts of Registration, Sub-Districts

(b) Proposed limits of Registration Sub Districts.

(c) Sub-District Office or Offices of Registry

(d) Sub-District Offices of Registry.

(e) Limits of Revenue Talooqs.

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Fort St. George
14th June 1864.

I have the honor to be
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Your most obedient
Servant

23-2-09.

Judicial 1864 pt.

No. 872.

Circular

To The Collector of

Dated 14th June 1864

Fs. 1850 - 1522 - 1546 -
1569 - 1611 - 1651 - 1557 - 1576 -
1691 - 1664 - 1671 - 1667 - 1699
1700 - 1702 - 1763 - 1773 - 1783 -
1808 - 1820 - 1836 - 2133
2142 - 2177

Respecting arrangements to be made for bringing the Act for Registration of Assurances No. XVI of 1864 into operation in the Districts of the Madras Presidency -

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