

MADRAS RECORD OFFICE.

Government of Madras.

Indicil DEPARTMENT.

G.O. No. 623

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183-184

Dated

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No. 183. Read the following letter from E. C. BAYLEY, Esq., Secretary to the Government of India, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Fort William, 10th March 1865, No. 2285.

Home Department.

Your letter, No. 324, dated the 25th ultimo, with its enclosures, to the address of the Honorable Mr. G. N. Taylor, has been laid by that gentleman before the Governor General in Council; but, as it was received after the Bill to which it refers had been passed, it was not possible to introduce into the Bill the amendments of Act XVI of 1864, deemed necessary by the Madras Government.

2. Pending any future revision of the Act above-mentioned, it appears to the Governor General in Council that the Government of Madras might order, not only without any infringement of the law, but in accordance with its spirit, that the Zillah Courts should take charge of the Registers kept up by the Registrars of Deeds before Act XVI of 1864 came into operation, and allow searches of the same, and grant copies of any papers contained therein, on payment of the same fees which are now charged, under the new system, for allowing searches and granting copies of papers. There is nothing judicial in such acts, or in the custody of the old Registers, requiring the authority of a Legislative enactment, and in the absence of any prohibitory law, the course above suggested might, the Governor General in Council considers, with advantage be carried out by the Executive Government.

No. 184. ORDER THEREON, 25th April 1865, No. 623.

The foregoing letter is communicated to the Registrar General of Assurances. In paragraph 2, the Government of India suggest that, in the absence of any prohibitory law, this Government may with propriety authorise the Zillah Courts to take charge of the Registers kept up by the Registrars of Deeds before Act XVI of 1864 came into operation, and allow searches of the same, and grant copies of any papers contained therein, on payment of the same fees which are now charged, under the new system, for allowing searches and granting copies of papers.

2. It appears to the Governor in Council that some modification is necessary in the course recommended for adoption. The Civil Judges and Principal Sudder Ameen are at present the custodians of the Registers in question, but, as it has been decided not to appoint judicial officers to be District Registrars, the retention of the Register in the Courts where they now are will be attended with the inconvenience noticed in the 6th paragraph of the Advocate General's Opinion, recorded in Proceedings 25th February last, No. 323, viz., that "persons searching for title will have to search in two places." And as regards the charging of fees for searches and copies, according to the scale prescribed under Act XVI of 1864, His Excellency in Council observes that Regulation XVII of 1802, Section 14, which it would appear, from paragraphs 1 and 4 of the Opinion already referred to, is still in force, as regards these Registers, fixes the charges leviable for copies and searches, and prohibits any charge in excess of the rates prescribed.

3. Before passing orders on the letter above recorded, the Governor in Council requests that the Registrar General will report, after communication with the Govern-

*Proceedings of the Madras Government, Judicial Department,
25th April 1865.*

ment Law Officers, whether he sees any objection to the District Registrars taking charge of the old Registers, and receiving fees for searches and copies, according to the law which was and is still applicable to them.
(True Extract).

Chief Secretary.

To the Registrar General of Assurances.

Exd. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

*Read the following
letter from the Secretary to the
Govt. of India, Home Depto.*

*/Here enter 10th March 1865
N. 2285/*

Order thereon

*I think also that the first
draft is the best - in this we
try to throw the whole respon-
sibility of deciding a legal
question on the Registrar Genl.
WN*

The Governor in Council directs that the foregoing letter be communicated to the Registrar General of Assurances, who will arrange for the transfer of the registers referred to, to the offices of the District Registrars, and will submit a draft of such notification as in his opinion should be issued on the subject for the information of the Public.

*To the Registrar General
of Assurances.*

183-184

183-184

Dated 25th April 1865

PROCEEDINGS OF GOVERNMENT.

No. 623.

Judicial 1865 Department.

Re

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Recd letter from the
Govt. of India — Juter 10 Mar '65 N^o 2288.

Order — 25 April 1865 No. 623.

The foregoing letter is
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Registrar General of
Assurances. In para
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absence of any prohibi-
tory law, this Govt. may
with propriety autho-
rise the Mullah Courts
to take charge of the
Registers kept up by
the Registrars of Deeds
before Act XVI — '64 came
into operation, & allow
searches of the same, &
grant

[Handwritten initials]

12 April

grant copies of any pa-
pers contained therein,
on payment of the same
fees which are now charg-
ed under the new sys-
tem for allowing searches
& granting copies of
papers.

2. It appears to the Governor in Council that some modification is necessary in the course recommended for adoption. The Civil Judges & Principal Sudder Ameen are at present the custodians of the Registers in question, but, as it has been decided not to appoint judicial officers to be District Registrars, the retention of the Registers in the Courts

Courts where they now are, will be attended with the inconvenience, noticed in the 6th para. of the Advocate Genl's Opinion recorded in Procs: 25th Feb. last N^o: 323, viz. that persons searching for title will have to search in two places." And as regards the charging of fees for searches & copies according to the scale prescribed under Act XVI - '64, H. C. in Council observes that Regulation XVII of 1802, § XIV, which it would appear from paras 184 of the Opinion already referred to, is still in force, as regards these Registers, fixes the charges leviable

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searches, & prohibits
~~any in excess of~~
any exceeding of
the rates prescribed.

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& copies according
to

to the law which was
& is still applicable
to them.

The Registrar General
of Assurances. } Sept 28/65.

Journal 186. Department.

No. 628.

PROCEEDINGS OF GOVERNMENT.

Dated 25th April 1865.

*Regarding the Registers
under the old Regis-
tration Law:-*

183-184.

c 6. April
R 10 "