Archives 1—10,000—6-10-78.

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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. / B.P. No.	250	Press. / Mis.
Dated	17. 2. 1868	197 .

B.S.J.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 17th February 1868.

No. 180. Read the following letter from the Acting Session Judge of Cuddalore, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 4th February 1868, No. 1.

With reference to the Order of Government, dated 15th February 1862, No. 212, I have the honor to report that there is no property or money coming under Regulation III. of 1802, Section 16, Clause 7, either in the Civil and Sessions Court, or in those subordinate to it, which has been in deposit the prescribed time.

No. 181. ORDER THEREON, 17th February 1868, No. 249.

To be recorded.

(True Extract).

R. S. ELLIS,
Chief Secretary.

Proceedings of the Madras Government, Public Works Department,
10th February 1868.

No. 231. Read the following Proceedings of the Madras Government in the Judicial Department:—

Calling for plans and estimates for the proposed new Jail at Kurnool. } (Here enter 1st February 1868, No. 163.)

No. 232. ORDER THEREON, 10th February 1868, No. 466.

CIVIL WORKS, No. 35.

1. Communicated to the Superintending Engineer of the 3rd Division, who will submit the requisite plans and estimates as early as practicable.

2. It will be intimated to the Judicial Department, with reference to paragraph 3, that as the estimate for the Jail at Kurnool is likely to be heavy, it will not be possible to make an adequate assignment for the building from the small amount which has been set apart as the "*Reserve*"* for the ensuing official year.

* Rupees 1,25,000.

(True Extract.)

Colonel, R. E.
Secretary to Government.

To the Superintending Engineer, 3rd Division.
„ Judicial Department.

Exd. S. T. Augustin.

of the 10th June last with those that the Office should continue in its present manner the Chief Clerky Officer of this Province would consider it very desirable that it should be placed under the charge of a Stipendiary Magistrate.

2. With the commencement of the Collection of Harbour Dues Masters Officers will be required to perform the Duties of Shipping Clerk Registrar &c. the Fees received on the issuing of Certificates &c. &c. being already collected in this Province for Officers charged with the Duties such the commencement of Stamp Fees is unnecessary

Emile Taschereau
Gaspé
Percé
Bonaventure
Bellechasse Dorchester
Richmond
Wolfe
Compton
Pabos

of other persons. 25/3

3. With the Sanction of Government I propose inserting an advertisement in the Gazette inviting applications for those posts.

4. The following Statement shews the number of registrations and amount of fees in those eight Offices during the last Official year.

Offices	Registrations	Fees collected £	s	d
Gaspé	1339	3003	"	"
Paspebiac	1482	2929	8	"
Percé	1284	2965	4	"
Pabos	952	1996	4	"
Bonaventure	929	1866	"	"
Bedaguec	1018	1907	8	"
Metapedia	1013	2312	12	"
Paspebiac	789	1943	4	"

I have the honor to be
Sir
Your most obedient Servant
W. Bowden Esq.
Inspector General

No 78 Vol xx

From

The Registrar General of Assurances

Madras.

To

The Chief Secretary to Government

Fort St George

Sir

I have the honor to submit my Administration Report for the official year 1886-87.

Total number of registrations

2. Act xx of 1865 with new Rules and Forms Tables of fees came into force on the 1st May 1886, but under Section 56 all the old Registers were kept up to end of December, with the exception that Memoranda of documents registered after the 30th May were filed in the new Book Nos. instead of being copied into the old Book No 3. No advantage would be gained by separating the registrations in the old set of books from the registrations in the new set they have therefore continued in this report and in the returns accompanying it. The total number of registrations being the gross receipts with the following exceptions

	1885-86	1886-87
1. Memorandum relating to immovable property	1,00,000	69,329
2. Do Do Section 17 Act xx of 1865	1,900	1,492

ther has been no such falling off in the returns of registration of deeds, conveyances and miscellaneous instruments in necessity due to the abolition of the reserve. The fact is that the provisions of the law are better known than they were when Act XVI of 1864 first came into operation, many persons neglected their deeds of sale should still be registered, but it is now beginning to be understood that registration is compulsory with regard to these miscellaneous instruments, and as soon as that registration has become more extensive than it was, especially in the case of instruments of small value in some districts the registration of this class of instruments is stated to have been checked to some extent by the famine of pressure. In the Secretary in office of instruments of this kind under the registration system, after deducting the Registrar considers that the falling off is in some measure due to the establishment of a Branch Bank at Cocanada, which can advance money on bills in cases, in which formerly registered deeds would afford security, and to withdrawal from the district money lenders

4 The great mass of the above work was done in the Office of the Principal and Registrar of Madras, the greatest number of instruments originally registered in any

Register Circuit	Registrar Districts	Number of Registrations	Gross Estimated Population
Nathaniel Philip Commercial Judge	11	2773	2,[illegible]
Bankruptcy and miscellaneous business	1	351	1,[illegible]
Chancery Division	1	1	1,[illegible]
	13	3,[illegible]	[illegible]

6. The [illegible] number of registrations in each district during the last [illegible] years is shown in the following table:

District	1870-71	1871-72	Percentage 1870-71
I.			
1. Kingston	11,[illegible]	11,113	3
2. Somerset	12,[illegible]	12,[illegible]	2
3. Hampshire	11,[illegible]	9,[illegible]	4
4. Portland	9,[illegible]	12,[illegible]	1
II.			
5. Salisbury	5,[illegible]	5,[illegible]	5
6. Bristol	7,[illegible]	7,[illegible]	11
7. Dorset	7,[illegible]	7,[illegible]	5
8. Dorchester	7,[illegible]	6,[illegible]	9
9. Wells	7,[illegible]	6,[illegible]	10
10. Glastonbury	1,[illegible]	1,[illegible]	1
11. Bath	1,[illegible]	1,[illegible]	13
12. South Bristol	9,[illegible]	9,[illegible]	4
13. South Somerset	9,[illegible]	9,[illegible]	10
14. Wells	5,[illegible]	4,[illegible]	20
III.			
15. Oxford	4,[illegible]	3,[illegible]	15
16. [illegible]	2,[illegible]	2,[illegible]	14
17. [illegible]	2,[illegible]	2,[illegible]	12
18. [illegible]	3,[illegible]	2,[illegible]	17
19. [illegible]	2,[illegible]	2,[illegible]	10
20. [illegible]	2,[illegible]	1,[illegible]	12
21. [illegible]	1,[illegible]	1,[illegible]	1

Number of registrations in each district

January from May to February, after which the [illegible] begin to record again until it reaches the maximum. I have not deemed it necessary to show the number of assurances registered in each month, but may state that in June, July and August [illegible] were registered in June, July and August, against [illegible] in December, January and February; the general result being that the registrations in the whole course of the [illegible] years is very [illegible] uniform.

Under the circumstances stated in Para 5 the figures of 1870-71 may be entitled to be [illegible] those of the preceding year by about 30 per cent, and those of accordingly a general decrease in most of the districts, the most marked falling off being observable in Somerset, Hampshire and the Wilts. The districts exhibit however an increase in [illegible] the [illegible] is owing to the [illegible] number of assurances of shares, which have been registered during the year under [illegible] Assurance in Relief of [illegible] Act 1870. The [illegible] [illegible] signatures of the

Indian Registration Act having brought under compulsory registration an extensive class of instruments the registration of which under the previous enactments of the land of Section 17 of Act XVI of 1864 was before optional, it became the special consideration of the Government whether the Registration Establishments should be strengthened so as to enable them to cope with the increased amount of work which would be thrown upon them by the new Act. The increase in the number of registrations in the General Registry Office is shewn by the following statement of registering instruments of the Registrars under the Act.

The Statement in the margin shows the number of registrations and the amount of fees realized in each Registration Office during the year 1865. The Registrars of the Sudder Registration Circle are also entitled under the Rules of Establishment to certain fees in addition to their salaries, but as these officers are being gradually superseded by new officers the collection of the fees will be discontinued.

Office	Registrations	Fees Rs.	As.
Sudder	1839	3008	0
Moorshedabad	1811	3109	12
Backergunge	1284	2350	4
Chittagong	1226	2210	8
Dacca	1197	2041	4
Tipperah	1090	2088	12
Sylhet	1032	1800	4
Behar	1018	1767	8
Shahabad	1013	2039	0
Chittagong Hill Tracts	1012	2010	12
Cuttack	877	1834	4
Pooree	952	1996	4
Midnapore	939	1866	0
Chittagong	918	2014	12

Rules of procedure and Office Establishment.

Of the 20,000 instruments registered in 1865 papers were instruments of which the registration was compulsory and 2,000 of which the registration was optional. The establishment of compulsion it will be necessary to deduct from the total number the 17,092 instruments registered under Section 17 of Act XVI of 1864. The number will then be 7,908. This gives the number of instruments of which the registration was compulsory was by type and stamp of which it was optional paper. The proportion of instruments voluntarily registered in the Sudder Office was. This is sufficient to account for the decrease in the number of fees realized in that office.

under of the courts of, the corresponding numbers
last year having been 4 and 28.

Title deeds and the number of sealed covers deposited during
the year were 28: of these 27 duplicates to contain
Title and are recommended to be kept. The number
of sealed covers deposited last year was
41, but the falling off is evidently owing to the
new provisions, authorizing the registration of wills
and authorities to adopt, which prevented those
The number so prevented and registered were
41, which were all wills, with the exception
of one authority to adopt. The number of
sealed covers opened and registered, in consequence of the death of the depositors, was 3
against 13 last year. The number of sealed
covers withdrawn was 3 against 1 last year.
On the whole there has been a slight increase
in the registration of this important class
of documents, but it is chiefly confined
to the Tamil Districts. In the Telugu, Canarese,
Mysore, Salem, Malabar districts not a
single sealed cover of deposited during
the year, nor more than a few wills proved
The decline in the business may be fair-
ly attributed to the increased facilities

Summary

13. The number of Summonses issued through Bailiffs or Bailiffs Officers has been 2053.

Births registered in 1865

14. All Births registered before under Registration Act of 1836 to the 31st December 1865 have with one exception been transferred under Section 20 to the Registrar. On the 1st January, the Principal Sheriff's Sealer Officer of Registry Summonses before the Town Council, entering the Sheriff's Officer, making a total of Summonses issued by the Bailiffs.

Freetown	41
Kroo Settlement	80
Waterloo	-
Hastings	48
Wilberforce	28
Leicester	19
Regent	8
Bathurst	27
Gloucester	76
York & Leicester	7
York & Regent	50
Sanford	68
Kissy	64
Madina	28
Waterloo Valley	84
Glen	10
Congotown	13
York Square	278
Wilberforce	18
Leicester	10
	883

Sheriff's Officer

15. The number of Summonses served by Bailiffs or Bailiffs Officers on payment of a Bailiff's fee has been 2053.

16. The number of Bailiff's Warrants of Attachment issued which during the year ended 31st December 1865 were returned by the Bailiffs or Bailiffs Officers with the endorsement "Goods not found" was 1750.

17. The Sheriff has been applied to for Attachment of Goods in the hands of the Garnishee and Sheriff's Officer by process issued under the Summary Jurisdiction Act, making a total of Attachments issued during the year.

18. The number of Goods seized by the Bailiffs or Bailiffs Officers under Attachments issued by the Court during the year ended 31st December 1865 was [illegible]

Sheriff

Several Jamabandis &c. The new table of fees has also been framed very successfully. Last year the fees amounted to Rupees 1,31,232-10 in the year under

Districts	Jamabandi for 1872-73		Collections in 1873-74						remark
			Fees		Penalties		Total		
I									ing the latter
Singhbum	13,224	4	13,051	4	220	12	13,272	-	period comprised in it Rs
Ranchi	12,001	4	24,096	4	77	"	25,423	4	1,30,734-7-4 has
Lohardaga	12,492	4	12,813	12	592	-	13,405	12	been collected
Palamau	10,000	"	19,225	4	61	12	19,287	-	in fees and
II									in Rs 2,159-8-0 in
Gaharwara	7,212	-	11,403	4	23	-	11,432	4	fees settled
Sahibganj	6,768	-	8,518	-	46	-	8,564	-	during the year
Godda	10,211	8	9,901	4	93	-	9,994	4	being in excess
Dumka Sub	13,005	12	17,592	-	96	-	17,688	-	of Rs 2,241-8-0
Deoghar	8,773	4	13,652	12	210	-	13,862	12	The statement
Pakaur	8,832	12	13,276	-	150	8	13,426	8	in the margin
North Manbhum	5,225	8	9,120	12	137	-	9,257	12	shows the
South Manbhum	6,237	8	13,220	12	75	-	13,295	12	number of
Hazaribagh	11,211	4	19,239	8	44	-	19,283	8	cases instituted
III									under each district
Purnea Sub	10,187	8	9,203	-	62	-	9,265	-	compared
Bhagalpur	24,611	8	24,817	-	19	-	24,836	-	with those
Monghyr	21,213	4	24,213	8	130	-	24,343	8	of the previous
Bhagalpur	9,000	12	11,111	8	11	-	11,123	8	year. The
Sonthal Parganas	5,000	-	5,032	-	21	12	5,053	12	Sub Deputy
Purnea	8,000	12	10,111	4	37	-	10,148	4	Collectors
Monghyr	13,000	-	13,213	12	73	12	13,286	12	have been
Bhagalpur	15,000	12	15,200	-	10	-	15,210	-	included, but
									it is much
	1,22,000	4	1,31,375	4	1,857	8	1,33,232	12	marked in
	2,22,000	0	2,31,234	4	2,139	8	2,33,373	12	diminution

of the Sub Deputy Collectors' fees as entered in the Cash Book. Many of the revenue Courts of Civil Station Lohardaga and Purnea, the returns for which are not received in time for inclusion in the Report, are conducted by Sub-Deputy Collectors. The fees of these Courts are entered in the Cash Book of the Collectorate to which they belong. The Sub-Deputy Collectors of Gaharwara and Godda in the Sonthal Parganas, and of Dumka, Deoghar and Pakaur in Singhbum, are also Assistant Commissioners, and exercise Civil and Criminal jurisdiction over a large area. The Sub-Deputy Collectors of Sahibganj and Jamtara in the Sonthal Parganas, and of Chaibasa in Singhbum, are also Assistant Commissioners, but exercise Civil jurisdiction only over a small area. The Sub-Deputy Collectors of Hazaribagh, Ranchi, Purnea, Bhagalpur and Monghyr exercise Civil jurisdiction only. The Sub-Deputy Collectors of Palamau and Lohardaga exercise no jurisdiction.

The number of cases instituted in the Civil Courts during the year was 33,234, which is 1,139 more than the number instituted in the previous year. The number of cases instituted in the Criminal Courts was 2,33,373, which is 2,139 more than the number instituted in the previous year. The number of cases instituted in the Civil Courts during the last five years was as follows:

1868-69	29,000
1869-70	30,000
1870-71	31,000
1871-72	32,000
1872-73	33,234

The number of cases instituted in the Criminal Courts during the last five years was as follows:

1868-69	2,00,000
1869-70	2,10,000
1870-71	2,20,000
1871-72	2,31,234
1872-73	2,33,373

The number of cases instituted in the Civil Courts during the year was 33,234, which is 1,139 more than the number instituted in the previous year. The number of cases instituted in the Criminal Courts was 2,33,373, which is 2,139 more than the number instituted in the previous year. The number of cases instituted in the Civil Courts during the last five years was as follows:

1868-69	29,000
1869-70	30,000
1870-71	31,000
1871-72	32,000
1872-73	33,234

The number of cases instituted in the Criminal Courts during the last five years was as follows:

1868-69	2,00,000
1869-70	2,10,000
1870-71	2,20,000
1871-72	2,31,234
1872-73	2,33,373

the Public Revenue, differ the less serious with regard to the multiplicity of the fees charged for the registration of a Memorandum of Service. Under the table of fees, the cost of registration is made to depend upon the number of the Memorandum. There is no difficulty in collecting this fee on the first institution of a suit, because the number of words in which the Memorandum may eventually consist is not taken into account; and if, on the other hand the additional fee depends upon the number of words, the Memorandum may eventually contain, it

Sub Registry Offices

22 In addition of the two Sub Registry Offices noted in the margin hereof lately from the 21st December last was sanctioned for the 1st August and 1st December the Extraordinary Offices were restored in consequence of the retrenchment of the Offices of Sub Magistrate of the Suburbs. The two Offices were abolished because there were little or no work going on in those Offices of which Offices one Moiety of Bathinga for the Sub Registry Office at Bowbazar was Offices Fifty-three Sections the number of Sub Registry Offices in this Province is now 22 The corresponding number for Bengal the 24 Pargs. in Bowbazar, Pauchi Market and Circular Road in the Province 1/6

23 The Returns of the Sub Registry Offices of Enclosures in the January Without the Commissioners Report to Government the Receipts of the Registry Offices

1	Jaugram		
2	Sankhari		
3	Bhangagachee		
4	Chinsurah		
5	Serampore		
6	Kidderpore		
7	Howrah		
8	Sulkea		
9	Cossipore		
10	Chitpore		
11	Bowbazar		
12	Circular Road		
13	Pauchi Market		
14	Alipore		
15	Kidderpore		
16	Bhowanipore		
17	Kalighat		
18	Tollygunge		
19	Baraset		
20	Baruipore		
21	Diamond Harbour		
22	Canning		
	Total		

Collected abroad by Sub Registrars on account of Registration Fees during the Official Year 1865-66 Rs

Deduct Refunds on account of Registration Fees during the Official Year 1865-66 Rs

Net Receipts Rs

Expenditure of the Sub Registry Offices during the Official Year 1865-66 Rs

Balance in favor of Government Rs

Collected abroad by Sub Registrars on account of Registration Fees during the Official Year 1865-66 Rs

Deduct Refunds on account of Registration Fees during the Official Year 1865-66 Rs

Net Receipts Rs

Expenditure of the Sub Registry Offices during the Official Year 1865-66 Rs

Balance in favor of Government Rs

Collected abroad by Sub Registrars on account of Registration Fees during the Official Year 1865-66 Rs

Deduct Refunds on account of Registration Fees during the Official Year 1865-66 Rs

Net Receipts Rs

Expenditure of the Sub Registry Offices during the Official Year 1865-66 Rs

Balance in favor of Government Rs

1	A fixed Salary of Rs per mensem	Rs
2	Ditto Rs	Rs
3	Ditto Rs	Rs
4	Additional Salary of Native Principal	Rs
	Total	Rs

The Commissioner Moves that the Minutes of the last Meeting be read and confirmed

The Minutes of the last Meeting were read and confirmed

The Commissioner laid before the Board the Report of the Registrar of Assurances for the month of January 1866 which was ordered to be recorded

The Commissioner laid before the Board the Report of the Registrar of Assurances for the month of January 1866 which was ordered to be recorded

for dep. months in Jaipur and Kanyakumari to bring it to the results. Efforts were necessary during the course of the year to extend the [illegible] to a results via the former and [illegible] via the latter route. The [illegible] Block as there have been [illegible] in the districts which in the margin the number of results therein obtained. Care is to be taken that the same areas were [illegible] in the [illegible] shown in last and each case [illegible] [illegible] [illegible]

offices, which require them in the form of
one Book, Every office had however to be
supplied with the new Book a (Record of par-
sons of refusal to register) as well as with all
the new Indexes, in addition to which a sup-
ply of the former which will eventually cease
(the new Book of Electors of Denver and Arbor
of Court) has been furnished to the County re-
turning to the Registrars of Districts the total
number of electors, as shewn by the copies
received by each Registrar of copies printed during
the year as shown in the margin.

Bath	80
Bathe	220
Bathe	245
Bathe	10
Bathe	1060
Bathe	1060
Bathe	1060

Bath

Bathe

for the Districts and the Registrars names
furnished during the year with the number
of the individuals entered on the year, the last
was received from the clerk of the Peace
of the year and with the original application
for the number of the current year

for that of the Registrars and the
the new Register during the year

for the Districts and the Registrars names
furnished during the year with the number
of the individuals entered on the year, the last
was received from the clerk of the Peace
of the year and with the original application
for the number of the current year

for that of the Registrars and the
the new Register during the year

the Case in Parliament affixing Seals thereto to be sufficient with those matters

29. The amount expended in the purchase of certain fractions which have been by Parliament ordered to be paid out of the Consolidated Fund of the amount of fees appointed by any Act, which is a privileged Office, and it is not known whether any such account will be furnished by the Officers in the ensuing year.

30. A similar Form and estimate has been made for the Annual Expenditure under the Head of Miscellaneous Services, but the Amount of Fees and Emoluments of Office which have been received by the Officers under the Head of Miscellaneous Services

Parliament

Parliament

Parliament

A

Receipt

	£	s	d
Parliamentary Grant	20,000	0	0
Grants of Civil Contingencies			
Repayments of Advances			
Total Receipt	20,000	0	0
Deficiency of the Exchequer	7,857	1	1
Balance in favour of the Exchequer	12,142	18	11

Expenditure

	£	s	d
Salaries of Registrar General and Registrars of Marriages	2,228	7	3
Superannuation Allowances to Registrar General & Registry Officials			
Salaries of Establishment of the General Registry Office	1,195	6	7
22 Registry Officers	1,177	2	3
Travelling Expenses of Do. 22–82			
Rent of General Registry Office and Registry Office of Town Superintendent	1500	0	0
Rent of Registrar General's Residence	166	13	0
Travelling Expenses of Registrar General & his assistant			
Remuneration paid to 82 Registrars 22 Registrars and 82 Sub Registrars	1451	17	5
	79	8	0
Printing of Forms	971	4	8
Binding and binding of Registers and Indexes	1402	3	4
Postage of Books & Forms from & to	1028	0	6
Furniture	12	12	0
Coals			
Office Sundries			
Total Cost of Establishment	11,796	6	2
Cost of Stamped Paper supplied without charge to Registrars	6093	7	0
Fees for Registrars Salaries	166	13	5
Stationery and Printing embraced	1750	0	0
Coals			
Total Cost of the Establishment	19,857	1	7

2/5/10

Inspection of Registry and Sub Registry Offices 32.

I made three tours of inspection during the year and was absent altogether 110 days, during the course of which I inspected 7 Registry Offices and 81 Sub Registry Offices. Three of the Registry Offices and 6 of the Sub Registry Offices had been visited by me before. The others were inspected for the first time. In the whole most of the Sub Registry Offices were in better order than those which I visited last year but a great many were in a very unsatisfactory condition. The introduction of the new Act had been productive, as was feared, of some new blunders. There was hardly a single office in which any of the instruments required contained such a description of the immoveable property required to as is prescribed in Sect 21. Double registrations of instruments affecting both moveable and immoveable property were still generally, although such registrations have ceased under Act xx of 1866. The endorsements in many instances did not contain the particulars prescribed, even the signature

Districts	Registry Offices	Sub Registry Offices
Gaisford	1	13
Bezaphalam	1	5
Fairtown	1	17
Sellore	1	11
Eddapah	1	7
Barwell	1	6
Bellary	—	7
North Arcot	1	6
Chingleput	—	3
Total	7	81

per

mistakes. In one instance there were no Indexes in the Office, the Sub Registrar having left no originals, although he had forwarded what purported to be copies of his Indexes to be filed in the Office of the Registrar and Registrar General. In some offices nearly every instrument presented had been illegibly registered, without any reference to the fact and offer it was or was not an obligation for the payment of money, the object in view having been apparently to obtain the double fees which are for Specific registration. In other cases instruments had been admitted to Specific Registration, but the agreement for Specific Registration had not been presented. In a number of Offices, the provision of Article 2. of the Table of fees which allows an additional fee for registering instruments of which the value does not exceed Rs 100, when such instruments contain more than three words had been extended to all instruments. Several Sub Registrars had taken it upon themselves to register instruments presented after they had ceased [illegible] on the expiration of 12 months without [illegible]

[illegible] Registrar, although

[illegible]

[illegible]

[illegible]

districts, should inspect his Offices at such times as might be most convenient to himself. These proposals were not sanctioned. The Government considered that the Deputy Collectors had too much to do to be able to leave their Stations, and therefore determined that the Offices, not only of the Sub Registrars, but also of the Magistrate Registrars should be inspected twice a year by the Sub Collectors and Assistant Collectors. A rule to that effect in modification of the old rule 130 was accordingly published on the 21st November and some subsequent Inspecting Officers were furnished with a Memorandum from my Office, containing information and instructions regarding the points requiring their special attention. The total number of Offices inspected by the Collectors and their Assistants will be the real starting point of future Inspections.

[illegible]

some of its provisions have given rise to complaints and others are attended with doubts which are not yet satisfactorily solved. The public suffer with great disfavour the stamp, though perhaps into those provisions of Section 21, which enforces a somewhat minute description of parcels in instruments relating to immoveable property and although Rule 59 was prepared with special view of meeting the difficulties which I foresaw this Section would occasion, there is no doubt that its provisions have in many instances occasioned delay and expense. A new class of questions has arisen as to the course to be pursued when the executing parties are unwilling to give effect to the registration of instruments executed by them. One of the main features of the new Act is that it professes to enforce the attendance of the parties, but cases have occurred [illegible]

[illegible] persons, when summoned [illegible]

[illegible] heard and decided [illegible]

the only course open is to refuse to register. In several such cases the Courts have ordered registration. In one instance the Civil Judge of Salem remarked that the Registering Officer would have exercised a wise discretion, if he had registered the instrument without the signature of the executant fearly On the other hand, the Acting Chief Justice in a similar case, simply ordered registration, but expressed his opinion as to whether the Registrar of Madras was right in refusing to register. Again Section 89 of the Act prescribes that any proceeding shall may be called on to attend before the Registering Officer by a Summons which is to be issued by the Revenue Officer, in whose jurisdiction the person is, and Section 90 seems to imply that the attendance of the person so summoned may, if necessary, be enforced under Section 188 of Act VIII of 1859. The Collector is of opinion that it is the duty of the Revenue

to Tahsildars and Deputy Tahsildars. Some Tahsildars are doubtful whether they ought to issue such Summonses, because the High Court of this Presidency has ruled (Vide Page 2 of Tahsildar Statement containing proceedings of 1864) that a Tahsildar, as a Revenue Officer, is not legally competent to issue a Summons at all, and that disobedience to such Summons is not punishable under Section 174 of the Penal Code. Difficulties have also arisen as to what is to be done when the Summons is disobeyed. In one case in which a person residing at Madras is alleged to have disobeyed a Summons issued through the Deputy Collector and on the 15th November the Acting Advocate General furnished that Officer with the following opinion which is at variance with one previously given to me (Vide C.D. ... of 1864) in the Bengal Rule 36.

"The difficulties ...

Revenue Officers to do any Substitution not to complete, that Law enables to recommend any original opinion. Nothing can this in which that the only information to act upon is to hold that a Revenue Officer can do nothing, except some persons refuse a person who has executed a document which requires registration. If he refuses to attend, he may be indicted under the Penal Code. But see can under this which he can be taken in custody or otherwise to the place where his attendance is required. If he can be apprehended under S. 188 of Act of 1860, his property might also be sold. But certainly do not see any way to any such process. Those difficulties seem peculiar to Madras &c Bombay, the Registrar General informs me that warrants have been issued and enforced by Revenue Officers in General Circle that [illegible]

Appendices

34. The following papers are appended to this Report.

I. Detailed return of registration in the Madras Presidency during the year 1866-67.

II. Abstract return of registration in the Madras Presidency during the year 1866-67.

III. Account of receipts and expenditure in the Registration Department during the year 1866-67.

IV. Notification amending Rule 130.

V. Selections from Circulars issued during the year (Circular Letters Nos 1, 4, 8 and Circular Orders Nos 6, 7, 8, 9, 10, 11, 12, 1 & 2, 3, 4 & 5)

I have the honor to be,

Sir

Your most obedient Servant

R. M. Macdonnell

Registrar General

Registrar General's Office
Madras.
10th June 1867

250
23

From 1st February 1868
Peelo

Public 1867 Dept.

From

The Registrar General
of Assurance

Administrator Madras
To

The Chief Secretary
Registrar General of Assurance

Fort St. George

Sir

I have the honor to request
that my privilege leave may be cancelled
from the morning of the 27th Instant and
that I may be permitted to rejoin on
that date.

II I originally obtained one months
privilege leave, which was afterwards
extended for two months more, and I
availed myself of the original leave until
morning of the 4th November.

III I was placed on special duty in
Madras in connection with forged note
[illegible] Circulation
[illegible]
I was engaged
[illegible]
[illegible]

No. 45

Office of the Superintendent of Police,
Coimbatore District

26th January 1868.

From

Superintendent of Police,
Coimbatore.

To,

Inspector General
of Police

Sir,

I have the honor to request
that my privilege leave may be cancelled
from the morning of the 27th Instant and
that I may be permitted to rejoin on
that date.

II I originally obtained one months
privilege leave, which was afterwards
extended for two months more, and I
availed myself of the original leave until
morning of the 4th November.

III I was placed on special duty in
Madras in connection with forged note
[illegible] Circulation
[illegible]
I was engaged
[illegible]
[illegible]

250/
25

my appointment on the 3rd February last
as Lieutenant Special duty from the
3rd November till the 4th December inclusive
the leave would not expire till the 15th February
then next consists 20. days of my furlough leave
of which I may hereafter be permitted
to avail myself.

I have the honor to be
Sir
Your most obedt Servt
A Balance Captain
Superintendent Police

A Copy of this letter has been forwarded
for the information of the Admy &c &c
the Commissioner of the Western Range.

Final Cert. 15th February 1868 Certificate [illegible]

Judicial 1868 Registered

From

The Superintendent of Police

Gujrat Circle

To, Respecting Leave to Mr Police

Dated 26 January 1868

Received 27th January 1868
26/1/68

No. 25

Enclosures Nil

No 250

Requesting that 10 days the balance of Constable's leave may be Cancelled.

Forwarded to Govt through the Commr the recommendation of the Supdt of Police that the remainder of leave granted to Constable of Police Gumbutto may be cancelled as requested.

Chief Office of the Supdt of Police
Madras 30th January 1868

Cancelled 31/2
In his despatch forwarding Petn
Submitting to Cancelling the Leave granted to Petnr

Petn

S 6

Cancellation accordingly
1 Feb
2 February 1868 Mr Hill