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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Judicial

DEPARTMENT

original

G.O. No.	1608-11	Press
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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
7th November 1861.

Read the following papers:—

From the Collector of Ganjam.	(Here enter 20th July 1864, No. 152.)
" of South Canara. (" 28th July and 4th Aug. Nos. 25 and 27.)	
" of Madura. (" 5th, and 10th Aug. 1864, Nos. 798 and 810.)	
" of Trichinopoly. (" 15th Aug. 1864, No. 28)	
" of Tanjore. (" 16th Aug. " " 926.)	
" of Tinnevelly. (" 19th " " " 331.)	
" of Nellore. (" 23rd " " " 35.)	
" of Madras. (" 24th " " " 62.)	
" of Tinnevelly (" 25th " " " 338.)	
" of Vizagapatam. (" 26th " " " 459.)	
" of North Arcot. (" 27th " " " 44.)	
" of Kistna. (" 29th " " " 19.)	
" of Malabar. (" 3rd Sep. " " 120.)	
" of Tanjore (" 5th " " " 960.)	
" of Salem. (" 9th " " " 33.)	
" of Godavery. (" 9th " " " 15.)	
" of South Arcot. (" 15th " " " 57.)	
" of Kurnool. (" 19th " " " 48.)	
" of Malabar (" 26th " " " 131.)	
" of Bellary. (" 6th & 11th Oct. 1864, No. 39.)	
" of Coimbatore. (" 21st Oct. 1864, No. 87.)	
" of Madras (" 21st " " " 74.)	
" of Cuddapah. (" 3rd Nov. " " 37.)	

ORDER THEREON, 7th November 1864, No. 1608.

In the Circular addressed to the several Collectors, under date the 14th June last, with reference to the arrangements to be made for bringing the Registration Act into operation, they were requested to give their opinions on the following points:—

- 1st.—The limits of the Registration Districts and Sub-Districts.
- 2nd.—The Officers to be appointed as District and Deputy Registrars.
- 3rd.—The mode and amount of remuneration to be assigned to these Officers.
- 4th.—The table of fees to be charged.

The replies to this Circular have now been received from every District, and are contained in the letters above recorded.

2. The first matter to be settled is, whether the offices of District and Deputy Registrar shall be filled by officers belonging to the Judicial, or by officers belonging to the Revenue, branch of the service; for on the settlement of this question must depend, in most Districts, the settlement of the limits of the Sub-Registration Districts; the number of Revenue Officers, who are available for the duty, being much greater than the number of Judicial Officers. The Government of India, in their letter of the 7th May last, No. 98, expressed themselves in favor of employing the existing Judicial Agency wherever practicable, on the ground that the functions, which will have to be exercised under the Act, will often partake, in no inconsiderable degree, of a Judicial character. In the Circular issued by this Government, it

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was observed that, "in favor of selecting the Registration Officers from the Judicial Department, there is the presumption of a certain amount of Judicial experience, and the stationary character of 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 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 was 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.

3. The Collectors have not generally adopted this view in the recommendations which they have made. Out of 22 officers, who are recommended for the appointment of District Registrar in the Returns now before Government, only eight are Judicial Officers. Mr. Ellis, who had charge of the Act when it was under the consideration of the Council of the Governor General, and who has submitted Memoranda on the propositions of the local officers, is in favor of employing Revenue Officers, "so as to leave Judicial Officers completely impartial in deciding on documents which come before them as Exhibits in a suit." He draws attention to the remarks made on this point by Mr. Collett, the Civil and Sessions Judge of Vizagapatam, who points out several provisions of the Act which would render the duties of a Registering Officer somewhat incompatible with those of a Judge. Mr. Cadell, the Collector of Tanjore, urges the same objection, which, however, is met by Mr. Bird, the Judge of that Zillah, by the argument, that in all such cases, if the officer concerned were a District Moonsiff, it would be competent to the Civil Judge to transfer any suit in which the Moonsiff had to decide upon any point, connected with the registration of a document registered by himself, to the Court of another District Moonsiff. Such transfers, however, if numerous, would cause considerable inconvenience; and, as Mr. Collett points out, would often lead to a District Moonsiff being summoned as a witness before the Court of another Moonsiff to the serious hindrance of the business of his own Court.

4. In regard to the appointment of the Civil and Sessions Judge to the office of District Registrar, which is recommended by some of the Collectors, and, indeed, was the arrangement contemplated by the Government when issuing the Circular above referred to, Mr. Ellis suggests that this arrangement will entail difficulty in providing for any sudden vacancy in the office, inasmuch as the only provision which the Act makes for filling such vacancy otherwise than by the appointment of the Governor in Council, is that contained in Section 10, to the effect that in case of the absence of any District Registrar, or of a vacancy occurring in the office of any District Registrar, the Judge of the Principal Court of Original Civil jurisdiction of the District shall, during any such absence or vacancy, be the District Registrar. This provision, it may be added, would seem to show that the Legislature did not contemplate the office being held by the Judge of the District, except under the circumstances specified in the Section. Mr. Ellis also adverts to the inconvenience which would be caused by the annual adjournment of the Courts, in the event of Judicial Officers, and especially District Judges, being appointed, in compelling the Government to appoint, on each of those occasions, persons to act as District Registrars during the absence of the permanent incumbent from his station. This objection

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would not apply equally to the case of District Moonsiffs holding the office of Deputy Registrar, because the Act provides for the District Registrar appointing, in such a case, any person whom he may think proper to take temporary charge of the office of such Registrar; but it would unquestionably be an inconvenience that such appointments should have to be made regularly for six weeks in every year.

5. On full consideration, the Governor in Council has come to the conclusion that the plan of appointing Judicial Officers, either as District Registrars, or as Deputy Registrars, must be abandoned; and that, as a general rule, Revenue Officers must be selected for the duty. Mr. Ellis appears to contemplate the appointment of Collectors as District Registrars; but to this there is the objection, that in most Districts the duties of the Collectors are such as not to admit of any additional work being imposed upon them; while their absences from their head quarter stations are necessarily so frequent that for nearly half the year the office of District Registrar, if the Collector were appointed to it, would practically be held by the Judge, on whom it would devolve under Section 10. The Governor in Council has accordingly determined that, in every District in which the Treasury is at the same station with the Zillah Court, the Deputy Collector in charge of the Treasury shall be appointed District Registrar. At Chingleput and Guntur the Sub-Collectors will be appointed, and at Berhampore the Head Assistant; and in regard to the District Registry offices to be established at Tranquebar and Tellicherry, a further reference will be made to the Collectors of Tanjore and Malabar. The appointment of a District Registrar for the Town of Madras will be notified hereafter. The Governor in Council is not prepared to constitute the Neilgherry Hills a separate Registration District; they will be made a Sub-District attached to the Registration District of Coimbatore.

6. The Governor in Council having adopted the principle of not employing Judicial Officers in the Registration Department, the recommendations made by the several Collectors, regarding the division of the Registration Districts, will have to be materially revised. It appears to the Governor in Council that the extent of the proposed Sub-Districts is generally greater than it should be. With the view of diminishing the size of the Sub-Districts, the Collectors have been called upon to furnish lists of such non-official persons as, in their opinion, might be appointed to the office of Deputy Registrar, in addition to the official persons already proposed by them. But it is not probable that any considerable number of non-official persons will be found qualified and available for the duty; and it may be assumed that in most cases the selection will practically be confined to the Tahsildars, Taluq Sheristadars and detached Sub-Magistrates. At the head quarters of each Taluq, a Tahsildar and Taluq Sheristadar are both available for the duty; and several Collectors have recommended the Taluq Sheristadars in preference to the Tahsildars, on the ground that the Taluq Sheristadar is a stationary officer, which the Tahsildar is not. This is certainly an advantage, but it is one which, in the opinion of His Excellency in Council, is more than counterbalanced by the greater fitness and experience which the Tahsildars may be supposed usually to possess. It appears to him that, under all the circumstances, the most expedient arrangement is, that every Tahsildar shall be appointed a Deputy Registrar, and that it shall be an instruction to the District Registrars to appoint the Taluq Sheristadars ex-officio to take

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temporary charge of the Registration office during the absence of the Tahsildars from their head quarters under the authority given in Section 10 of the Act. Further, with the view of reducing the extent of the Sub-Districts, every detached Sub-Magistrate will be appointed a Deputy Registrar, unless his office be so near that of the Tahsildar as to render the arrangement unnecessary. By this plan, and by the appointment of such non-official persons as may be deemed qualified, the limits of the Sub-Districts generally will be reduced as much as possible under present circumstances. The Governor in Council accordingly directs that each Collector will proceed, without delay, to re-arrange his Registration Divisions in accordance with the foregoing remarks, and that he will submit a revised list of the Sub-Districts, accompanied by a definition of the limits of each Sub-District, and the names and offices of the persons to be appointed as Deputy Registrars in the form in which they will have to be notified by Government. Great care must be taken in defining the limits of each Sub-District, so that the inhabitants of each town and village may clearly know to what Sub-District they belong. The lists should be despatched so as to reach Government not later than the 25th instant.

7. In regard to the mode and amount of remuneration to be assigned to the District Registrars and to the Deputy Registrars, various proposals have been made. In the Circular issued in June last, the Government expressed an opinion in favor of assigning fixed salaries to the District Registrars, on the ground that their duties would include not only the registry of Deeds, but the supervision of the proceedings of Deputy Registrars, and the hearing of Appeals from the orders of the Deputy Registrars under Section 62 of the Act. In regard to the Deputy Registrars, it was observed that, as their functions are confined to the registration of Deeds, it was 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. It was suggested that the office establishments should be paid by the Registration Officers themselves.

8. The following are some of the recommendations which have been made by the local officers:—The Collector of South Canara proposes that the District Registrar should receive the pay of a 4th Class Deputy Collector, and 50 per cent. of all the fees collected in the District Registrar's office. He contemplates the appointment being held by a person holding no other office. For the Deputy Registrars, a commission of 50 per cent. on the fees collected by them. The Collector of Ganjam, who proposes that the Civil Judge should be the District Registrar, suggests a salary of Rupees 200 per mensem; and to each Deputy Registrar he would assign a salary of Rupees 50 a month, and Rupees 20 for a Gomastah. The Collector of Tanjore would assign to the District Registrar 20 per cent. of the fees collected in the Registration District, and to each Deputy Registrar 25 per cent. of the fees collected in their several Sub-Districts. The Collector of Madura recommends for the District Registrar a salary of Rupees 150 a month, out of which he is to pay his establishment; and for each Deputy Registrar 75 per cent. of the fees collected by them. The Collector of the Godavery District recommends a salary of Rupees 300 a month for the District Registrar, and would employ him also as an Assistant to the Judge. He suggests that Junior

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Civil Servants, on first appointment, might perform the duty of District Registrar, and, at the same time, acquire a knowledge of the practice of the Courts. To the Deputy Registrars he would give 50 per cent. of the fees, and an allowance of Rupees 20 a month to pay a Gomastah. The Collector of the Madras District would assign a salary of Rupees 300 a month to the District Registrar, with an office establishment costing Rupees 82 per mensem. He would give 25 per cent. of the fees to the Deputy Registrars, to be raised eventually to 50 per cent. The Collector of Vizagapatam proposes for the District Registrar a commission of 25 per cent. on the fees. Whether this is to be calculated on the fees collected in the District Registry office, or on the entire amount of Registration fees collected in the District, is not stated. To the Deputy Registrars he would give 25 per cent. of the fees collected in their respective Sub-Districts. Mr. Ellis recommends that every District Registrar, except the District Registrar of the Town of Madras, shall receive a fixed salary of Rupees 250 a month, out of which he shall defray the cost of his establishment; and that every Deputy Registrar shall receive 50 per cent. of the fees collected in his office, paying the office establishment himself.

9. The Governor in Council resolves to adopt the latter proposal; but he considers that the District Registrars will be sufficiently remunerated by a salary of Rupees 100 per mensem, and a commission of 10 per cent. on the entire amount of the registration fees collected in their Districts. He thinks that a separate allowance of Rupees 40 per mensem should be assigned to each District Registrar for his office establishment, the details of which should be arranged with the sanction of the Registrar General. A special arrangement is requisite for the Town of Madras. It will be constituted a District under a District Registrar, who will perform all the duties of a Deputy Registrar, as provided in Section 9 of the Act, and will receive a salary of Rupees 500 per mensem, and a commission of 10 per cent. on the fees paid into his office. All these rates, which will be reported at once to the Government of India for their sanction, will be considered experimental and open to revision at the end of a year.

10. As directed in the Circular of the 14th June last, each Collector has submitted a table of fees. That proposed by Mr. Bird, the Civil Judge of Tanjore, who has considered the subject very carefully, is as follows:—

For Deeds, the registration of which is compulsory,

	RS.	A.	P.
Under Rupees 100 in value...	0	4	0
Over „ 100, and up to Rupees 500 ...	0	8	0
Do. „ 500, and under „ 1,000 ...	1	0	0
Do. „ 1,000, and under „ 2,500 ...	2	0	0
Do. „ 2,500, and under „ 5,000 ...	5	0	0

and one Rupee additional for every Rupees 1000 over Rupees 5000, or fraction thereof.

For Deeds, the registration of which is not compulsory, the same rate as above up to Rupees 500.

	RS.	A.	P.
Over Rupees 500 up to Rupees 1,000...	0	12	0
Do. „ 1,000 up to „ 2,500...	1	0	0
Do. „ 2,500 up to „ 5,000...	2	0	0

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In the above table, Mr. Bird and several of the other officers who have been consulted, make a distinction between documents, the registration of which is compulsory, and documents, the registration of which is optional; the object being to encourage registration in the case of the latter class of documents. The Governor in Council would prefer a uniform table for both classes of documents, and he would be disposed to adopt for both the rates named by Mr. Bird for Deeds, the registration of which is compulsory; making separate provision for instruments in which no money value is stated, or in which it is indefinitely stated, such as authorities to Adopt, Contracts, Wills, Codicils, &c. But before passing final orders on this point, he requests that Mr. Ellis, Mr. Dale, the Government Pleader, and Mr. Hudleston, the Secretary to the Board of Revenue, will form themselves into a Committee for the purpose of examining the various suggestions which have been made by the local officers, and preparing a table of fees for the approval of Government, based upon the principle above laid down. It is hoped that they will be able to submit their report in the course of a fortnight.

(True Extract.)

A. J. ARBUTHNOT,

To the Collector of
„ Honorable R. S. Ellis, C. B.,
To C. Dale, Esq.,
„ W. Hudleston, Esq.,

JUDICIAL DEPARTMENT.

No. 1609.

FROM

A. J. ARBUTHNOT, Esq.,

Chief Secretary to the Government of Fort Saint George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

In continuation of my letter of the 14th June last, No. 873, I am directed to submit, for the consideration of His Excellency the Viceroy and Governor General in Council, the annexed copy of the Proceedings of the Madras Government of this date, regarding the arrangements to be made for bringing the Act for the Registration of Assurances into operation; and to request that the salaries and allowances therein proposed for the District and Deputy Registrars in this Presidency, may receive the sanction of the Supreme Government, subject to revision at the end of a year.

2. I am to add that an officer has been selected for the office of Registrar General, to whom it is proposed to assign a salary of Rupees 1500 per mensem, under the authority conveyed in your letter of the 29th July last, No. 1660; and that the officer in question, who is at present employed in another Department at a distance from the Presidency, has been directed to repair to Madras at once, in order that he may organize his establishment, and, in communication with the District Registrars, carry out the various preliminary arrangements which have to be made before the Act comes into operation. I am to request that authority may be granted for paying to this officer, from the date of his arrival at Madras, a salary equal to that which he will draw on his appointment as Registrar General. The charge, which will not exceed Rupees 2250, may be met from expected savings in the Judicial Budget. A Statement of the establishment to be attached to the office of the Registrar General, and of the District Registrar in the Presidency town, and the table of fees adopted by this Government, will be submitted before the close of the present month.

I have the honor to be,

Sir,

Your most obedient Servant,

A. J. ARBUTHNOT,

Chief Secretary.

FORT SAINT GEORGE,
7th November 1864.

Date.

JUDICIAL DEPARTMENT.

Act for the District Registrars under the Registration of Assurances.						
						Date.
Office to which the Proposi- tion refers.						
Extract from	Home Dept. Govt. of India.	Nature of Charge.	Present Scale.	Proposed Scale.	Proposition.	
					Permanent.	
					Increase per month.	Decrease per month.
					Temporary.	
					Increase per month.	Decrease per month.
					Casual or Extraordinary.	
					Grounds of Proposition.	
					Local Government's recom- mendation.	
					Orders of the Govern- ment of India.	
					Financial De- partment.	
					Remarks.	
					Home Dept.	
					Remarks.	

PORT SAINT GEORGE,
7th November 1864.

Forwarded for sanction to the Home Department of the Government of India.
A. J. ARBUTHNOT,
Chief Secretary.

Exd, J. Talloch,

FORT SAINT GEORGE,
7th November 1864.

No. 1610.

JUDICIAL DEPARTMENT.

To THE COLLECTOR OF TANJORE.

SIR,

With reference to the Proceedings of Government of this date, conveying their orders regarding the arrangements to be made for bringing into operation the Act for the Registration of Assurances, from which you will observe that the Governor in Council has decided to appoint Revenue Officers to the office of District Registrar, I am directed to inquire whether you see any objection to your Head Assistant being stationed at Tranquebar, in order that he may be appointed Registrar of the Tranquebar Registration District. If you consider this arrangement inexpedient, you will be good enough to suggest some other arrangement, keeping in view the principle that the office is not to be held by a Judicial Officer, and that, if possible, it should be at the same station as the Zillah Court.

I have the honor to be,

Sir,

.. Your most obedient Servant,

Chief Secretary.

JUDICIAL DEPARTMENT.

No. 1611.

To
THE COLLECTOR OF MALABAR.

SIR,

With reference to the Proceedings of Government of this date, conveying their orders regarding the arrangements to be made for bringing into operation the Act for the Registration of Assurances; I am directed to inquire whether Mr. Brown is willing to accept the office of District Registrar at Tellicherry on the salary which has been assigned to it, viz., Rupees 100 per mensem, with a commission of 10 per cent. on the fees collected in the Registration District. If not, the Sub-Collector must be appointed.

I have the honor to be,

Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
7th November 1864.

Chief Secretary.

Exd. J. Tulloch.

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unofficial
Secy 12/11/64
Judicial Department
Proceedings of the Madras Government:-

Read the following letters:-

- 1 From the Collector of Ganjam - Recd Inter 20 July 1864 N^o 152
- 9 — do — of Vizagapatnam — do — 23 July 26 Aug 1864 N^o 459
- 15 — do — of Godaverry — do — 9 Sept 1864 N^o 15
- 11 — do — of Kistna — do — 29 Aug 1864 N^o 19
- 5 — do — of Nellore — do — 23 Aug 1864 N^o 35
- 7 — do — of Madras — do — 24 Aug 1864 N^o 62
- 19 — do — of Bellary — do — 6th 11th Oct 1864 N^o 39
- 17 — do — of Kurnool — do — 19 Sept 1864 N^o 48
- 21 — do — of Madras — do — 21 Oct 1864 N^o 74
- 10 — do — of North Arcot — do — 27 Aug 1864 N^o 44
- 15 — do — of South Arcot — do — 15 Sept 1864 N^o 57
- 13 — do — of Tanjore — do — 5 Sept 1864 N^o 960
- 4 — do — of Tanjore — do — 16 Aug 1864 N^o 926
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- 5 — do — of Tirunelveli — do — 19 Aug 1864 N^o 331
- 8 — do — of Tirunelveli — do — 25 Aug 1864 N^o 338
- 20 — do — of Coimbatore — do — 21 Oct 1864 N^o 87
- 11 — do — of Salem — do — 9 Sept 1864 N^o 33
- 1A — do — of South Canara — do — 28 July & 4 Aug 1864 N^o 25 & 27
- 18 — do — of Malabar — do — 26 Sept 1864 N^o 131
- 12 — do — of Malabar — do — 3 Sept 1864 N^o 120
- 22 — do — of Cuddapah — do — 3 November 1864 N^o 57

Order thereon 7th November 1864 N^o 1608

In the Circular addressed
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12/11/64
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- 2^d - The Officers to be appointed as District and Deputy Registrars.
- 3^d - The mode and amount of remuneration to be assigned to these officers.
- 4th - The table of fees to be charged.

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The replies to this Circular have been received from every District, except Cuddalore, and are contained in the letters above recorded. The first matter to be settled is, whether the Offices of District and Deputy Registrars shall be filled by Officers belonging to the Judicial, or by Officers belonging to the Revenue, branch of the Service; for on the settlement of this question must depend, in most districts, the settlement of the limits of the Sub-Registration districts; the number of Revenue Officers who are available for the duty, being much greater than the number of Judicial Officers. The Government of India, in their letter of the 7th May last, expressed themselves in favor of employing the existing Judicial Agency wherever practicable, on the ground that the functions which will have to be exercised under the Act will often partake, in no inconsiderable

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Officers must be selected
for the duty. Mr Ellis
appears to contemplate
the appointment of collectors
as

It is proposed to have a separate
office for the District Registrar
in each district, and to have a
Deputy Registrar appointed in
each district, who will be
responsible for the duties of the
District Registrar in the absence
of the District Registrar.

to the Treasury
to same station
Zillah Court,
City Collector
or of the Treasury

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As District Registrar; but to
this there is the objection that
in most districts the duties
of the collectors are such as
not to admit of any additional
work being imposed upon
them; while their absences
from their head quarter stations
are necessarily so frequent
that for nearly half the
year the office of District
Registrar, if the collector
were appointed to it, would
practically be held by the
prop, on whom it would
devolve under section 8.
The Governor in Council
has accordingly determined
that, in ^{every} ~~each~~ district, one
of the subordinate Revenue
Officers, Covenanted or
uncovenanted, or some other
person not in judicial
employment, shall be
appointed District Registrar.

The following is a list of the Officers who have been selected for the office in the under-mentioned Districts:—

At Chingleput and Guntur the sub collectors will be appointed, and at Berhampore the Head Assistant; and in regard to the District Registry Offices to be established at Tranquebar

Districts	Officers
Ganjam	Mr. Seman, Senior Assistant to the Collector—to be located at Berhampore.
Nizapattanam	Deputy Collector in charge of the Treasury
Godavery	Head Assistant Collector—to be stationed at Rajahmundry
Kistna	Sub Collector of Kistna—at Guntur
Vellore	Mr. Deane, Deputy Collector, in charge of the Treasury
Cuddapah	Mr. Brandt, Head Assistant Collector
Coimbatore	Head Assistant Collector
Malabar, Calicut, Zillah	Mr. Bates, Deputy Collector
Trichinopoly	Head Assistant Collector
Madras	Mr. Nelson, Head Assistant
Tanjore, Tanjore, Zillah	Mr. Moorosawmy Aiyer, Deputy Collector
Trimellly	Head Assistant Collector
Madras, District	The Sub Collector

A further reference will be

~~Bellary
Tumkur
South Kanara
North Arcot
South Arcot
Salem
Malabar (for Tellicherry Zillah)
Tanjore (for Tranquebar Zillah)~~

Tranquebar and Tellicherry, a further reference will be made to the Collectors of Tanjore & Malabar & made to the Collectors of the Districts noted in the margin, as to the fittest person available for the office in their respective Districts. The appointment of a District Registrar for the Town of Madras will be notified hereafter. The Governor in Council is not prepared to constitute the Neilgherry Hills a separate Registration District; they will be made a Sub District attached to the Registration District of Coimbatore.

6. The Governor in Council having adopted the principle of not employing judicial officers in the Registration Department, the recommendations made by the several Collectors regarding the

the division of the Regis-
tration Districts will have
to be materially revised. It
appears to the Governor in
Council that the extent
of the proposed sub-districts
is generally greater than
it should be. With the
view of diminishing the
size of the sub-districts,
the collectors have been
called upon to furnish
lists of such non-official
persons as, in their opinion,
might be appointed to
the office of Deputy Regis-
trar, in addition to the
official persons already
proposed by them. But
it is not probable that any
considerable number of
non-official persons will
be found qualified and
available for the duty;
and

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And it may be assumed
that in most cases the
selection will practically be
confined to the Tahsildars,
Talook Sheristadars and
detached Sub Magistrates.
At the headquarters of each
Talook, a Tahsildar and
Talook Sheristadar are both
available for the duty; and
several collectors have recom-
mended the Talook Sheris-
tadars in preference to
the Tahsildars, on the ground
that the Talook Sheristadar
is a stationary officer,
which the Tahsildar is not.
This is certainly an advantage,
but it is one which in
the opinion of His Excellency
in Council is more than
counterbalanced by the
greater fitness and experience
which the Tahsildars may
be

be supposed usually to follow.
It appears to him that,
under all the circumstances,
the most expedient arrange-
ment is, that every Tahsil-
dar shall be appointed a
Deputy Registrar, and that
it shall be an instruction
to the District Registrars
to appoint the Talook
Sheristadars ex-officio to
take temporary charge of
the Registration Office during
the absence of the Tahsildars
from their head quarters
under the authority given
in section X of the Act.
Further, with the view
of reducing the extent of
the sub-districts, every
detached Sub Magistrate
will be appointed a Deputy
Registrar, unless his office
be so near that of the
Tahsildar as to render the
arrangement unnecessary.
By

By this plan and by the appointment of such non-official persons as may be deemed qualified; the limits of the Sub-districts generally will be reduced as much as possible under present circumstances. The Governor in Council accordingly directs that each Collector will proceed without delay to re-arrange his Registration Divisions in accordance with the foregoing remarks, and that he will submit a revised list of the Sub-districts, accompanied by a definition of the limits of each Sub-district and the names and offices of the persons to be appointed as Deputy Registrars in the form in which they will have to be notified by Government. Great care must be taken in defining the limits of each Sub-district, so that

the inhabitants of each town
and village may clearly know
to what Sub-district they
belong. The list should be
displayed by us to each Sub-district
of the District. In regard to the mode
and amount
of remuneration to be assigned
to the District Registrars
and to the Deputy Registrars,
various proposals have
been made. In the Circular
issued in June last, the
Government expressed an
opinion in favor of assigning
fixed salaries to the District
Registrars, on the ground
that their duties would
include not only the
registry of deeds, but the
superintendence of the proceedings
of Deputy Registrars and
the hearing of Appeals from
the orders of the Deputy
Registrars under Section 62
of the Act. In regard
to the Deputy Registrars,
it

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it was observed that as their
functions are confined to the
registration of deeds, it was
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. It was
suggested that the office
establishments should be
paid by the Registration
Officers themselves.

8. The following are some
of the recommendations which
have been made by the
local Officers:— The Collector
of South Canara proposes
that the District Registrar
should receive the pay of a
7th

1st Class Deputy Collector
and 50 per cent of all the
fees collected in the District
Registrar's office. He con-
templates the appoint-
ment being held by a
person holding no other
office - For the Deputy
Registrars, a Commission
of 50 per cent on the fees
collected by them. The
Collector of Ganjam, who
proposes that the Civil
Judge should be the District
Registrar, suggests a
salary of Rs. 200 per men-
-sum; and to each Deputy
Registrar he would assign
a salary of Rs. 50 a month,
and Rs. 20 for a Gomastah.
The Collector of Tanjore
would assign to the District
Registrar 20 per cent of
the fees collected in the
Registration District, and
to

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to each Deputy Registrar 25
per cent of the fees collected
in their several sub-districts.
The Collector of Madras
recommends for the District
Registrar a salary of Rs. 150
a month, out of which he
is to pay his Establishment,
and for each Deputy Regis-
-trar 75 per cent of the fees
collected by them. The
Collector of the Godavery
recommends a salary
of Rupees 300 a month for
the District Registrar, and
would employ him also as
an Assistant to the Judge.
He suggests that Junior
Civil servants, on first
appointment, might perform
the duty of District Registrar,
and at the same time acquire
a knowledge of the practice
of the Courts. To the Deputy
Registrars he would give 50 per
cent

cent of the fees, and an allowance of Rs. 20 a month to pay a Gomastah. The Collector of the Madras District would assign a salary of Rupees 300 a month to the District Registrar, with an office establishment costing Rs 82 per mensem. He would give 25 per cent of the fees to the Deputy Registrars, to be raised eventually to 50 per cent. The Collector of Vizagapatnam proposes for the District Registrar a Commission of 25 per cent on the fees. Whether this is to be calculated on the fees collected in the District Registry Office, or on the entire amount of registration fees collected in the District is not stated. To the Deputy Registrars he would give 25 per cent of the fees collected

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collected in their respective sub-districts. Mr. Ellis recommends that every District Registrar, except the District Registrar of the Town of Madras, shall receive a fixed salary of Rupees 250 a month, out of which he shall defray the cost of his establishment, and that every Deputy Registrar shall receive 50 per cent of the fees collected in his office, paying the office establishment himself. 9. The Governor in Council resolves to adopt the latter proposal; but he considers that the District Registrars will be sufficiently remunerated by a salary of Rupees 100 per mensem and a commission of 10 per cent on the entire amount of the registration fees collected

collected in their districts.

He thinks that a separate allowance of Rupees 40 per mensem should be assigned to each District Registrar for his Office Establishment, the details of which should be arranged with the sanction of the Registrar General. - A special arrangement is requisite for the Town of Madras.

It will be constituted a District under a District Registrar, who will perform all the duties of a Deputy Registrar, as provided in Section IX of the Act, and will receive a salary of Rupees 500 per mensem.

and a Commission of 10 per cent on the fees paid into his Office.

All these matters, which will be reported to the Government of India for their sanction will be considered by the Government and the

to revision at the end of a year.

10. As directed in the Circular of the 14th June last, each Collector has submitted a table of fees. That proposed by Mr. Bird, the Civil Judge of Tanjore, who has considered the subject very carefully, is as follows:

For Deeds the registration of which is compulsory

Under Rs. 100 in value	Rs. 4
Over Rs. 100 & up to Rs. 500	8
Over Rs. 500 & under Rs. 1000	1
Over Rs. 1000 & under Rs. 2500	2
Over Rs. 2500 & under Rs. 5000	5

and one Rupee additional for every Rs. 1000 over Rs. 5000 or fraction thereof.

For Deeds the registration of which is not compulsory, the same rate as above up to Rs. 500.

Over Rs. 500 up to Rs. 1000	Rs. 12
Over Rs. 1000 up to Rs. 2500	1
Over Rs. 2500 up to Rs. 5000	2

In the above table, Mr. Bird and several of the other officers who have been consulted, make

Make a distinction between documents the registration of which is compulsory, and documents the registration of which is optional; the object being to encourage registration in the case of the latter class of documents. The Governor in Council would prefer a uniform table for both classes of documents, and he would be disposed to adopt for both the rates named by Mr Bird for deeds the registration of which is compulsory; making separate provision for instruments in which no money value is stated, or in which it is indefinitely stated, such as authorities to adopt, contracts, wills, codicils, &c. - But before passing final orders on this point, he

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he requests that Mr Ellis, Mr Dale the Government Member, and Mr Hudleston the Secretary to the Board of Revenue, will form themselves into a committee for the purpose of examining the various suggestions which have been made by the local officers, and preparing a table of fees for the approval of Government, based upon the principle above laid down. It is hoped that they will be able to submit their report in the course of a fortnight. -

To all collectors.
C. Dale Esq
Honble R. S. Ellis. C.B. } despatch
W. Hudleston Esq }

Dep^y Sec^y of the
Judicial Department

No. 1609 Judicial Department
The Secretary of the Govt of India,
Home Department

In continuation of my
letter of the 14th June last
No. 973, I am directed to
submit for the consideration
of His Excellency the Viceroy
and Governor General in
Council, the annexed copy
of the Proceedings of the
Madras Government of this
date, regarding the arrange-
ments to be made for bringing
the Act for the Registration
of Insurances into operation,
and to request that the
Orders and allowances
therein proposed for the
District and Deputy Regis-
trars in this Presidency, may
receive the sanction of the

Wm
Wm

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12/3/12
10-2-15
4-8-13
21-8-17

Judicial 1864 Sept

No. 1608.

Proceedings of the
Madras Govt.
Dated 7th Nov 1864

Rs. 2350.
" 2400.
" 2400.
" 520/16.
" 1906/67.
1474/68.

Regarding the arrange-
ments to be made for
bringing into operation
the Act for the Registration
of Insurances.

570 86

the sanction of the Supreme Government, subject to revision at the end of a year.

2. I am to add that an Officer has been selected for the office of Registrar General, to whom it is proposed to assign a salary of Rs. 1500 per mensem, under the authority conveyed in your letter of the 29th July last, No. 1660; and that the officer in question, who is at present employed in another department at a distance from the Presidency, has been directed to repair to Madras at once, in order that he may organize his Establishment and, in communication with the District Registrar, carry out the various preliminary arrangements which

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which have to be made before the Act comes into operation. I am to request that authority may be granted for paying to this officer, from the date of his arrival at Madras, a salary equal to that which he will draw on his appointment as Registrar General. The charge, which will not exceed Rs. 2250, may be met from expected savings in the Judicial Budget. A statement of the Establishment to be attached to the office of the Registrar General ^{and of the} District Registrar in the Presidency, and the table of fees which may be adopted by this Government, will be submitted before the close of the present month.

For St. George
7 November 1843

6 copies forwarded to the Secy to the Govt of India by the Secy on the 17/11/43

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page.]

Exhibit of the [illegible]

*received 1864 Sept 1st
H. [illegible]
[illegible]*

[Large handwritten signature or initials]

5
Judicial DEPARTMENT.

Extr. et from Department Govern- ment of India.		Office to which the proposition refers.	Nature of Charge.				Proposition.								Casual or Extraordinary.	Grounds of Proposition.	Local Govern- ment's recom- mendation.	Orders of the Government of India.		
			Present Scale.		Proposed Scale.		Permanent.		Temporary.				Department.	Financial Department.						
							Increase per Month.	Decrease per Month.	Increase per Month.	Decrease per Month.	Remarks.	Remarks.		Orders.						
No.	Date.		RS.	A. P.	RS.	A. P.	RS.	A. P.	Period.	RS.	A. P.	Period.	RS.	A. P.						
		District Registrars under the Registrations Act of 1864.																		
													</							

desp 10/11

N^o 1010.

Judicial Department
To the Collector of
Tanjore
Sir,

In reference to the Proceedings of Government of this date, conveying their orders regarding the arrangements to be made for bringing into operation the Act for the Registration of Assurances, from which you will observe that the Governor in Council has decided to appoint Reserve Officers to the Office of District Registrar; I am directed to enquire whether you can arrange for one of your Deputy Collectors being stationed at Tanjorebar, in order that he may be appointed Registrar

Registrar of the Franguban
Registration District. — Fort Saint George
7th November 1864.

[Signature]

desp 20/11

N^o 1611. Judicial Department
To The Collector of
Chalabar

Sir,

With reference to the
Proceedings of Government
of this date, conveying their
orders regarding the arrange-
ments to be made for
bringing into operation
the Act for the Regis-
tration of Assurances,
I am directed to enquire
whether Mr. Brown is
willing to accept the
Office of District Registrar
at Tallicherry,
on the salary which has
been assigned to it, viz.
Rs. 100 per mensem, with
a commission of 10 per
cent on the fees collected
in the Registration
District.

list of 5 Nov.

Judicial 1764 Dgtt

N^o 1610.

To the Collector of
Chalabar

Dated 7th Nov^r 1864.

Of A. 24.58.

11-1573

Inquiring whether he has
any objection to his being
appointed being stationed at
Chalabar in order that
he may be appointed
Registrar of the above
District.

District. If not, the
Subcollector must be
appointed.

Fort Saint George
7th November 1861.

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list of 15 Nov.

General 1801, Sep 1801

1801

7
The West India

list of 1801