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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 690 Press ~~Mis.~~
B. Mo-15-16.

Dated 20-5- 1859

Not to be folded or roughly handled

12. Our ancestors had to deal with a similar s
Norman Conquest the Feudal system was adopted in Eng
maxim of our English tenures, that "the King is the
"prietor of all the lands in his Kingdom, and that no
"of it, but what has mediately or immediately been
"held upon Feudal services." This system became t
after many partial remedies had been tried, military
the 12th Charles II, Cap. 24, and the lands of Engl
of the King in free and common socage, which is

13. In like manner, it was an ancient maxim o
or delay barred the King's right—"nullum tempus
the Crown had at common law the power, on an inf
the defendant to shew his title specially, notwithstan
decessors in the estate might have held the lands
centuries. This was a source of grievous oppressio
statute 21st of James I, Cap. 14, some relief was af
the beginning of the Reign of King George III, wh
16, the King was estopped from seeking to recover
lapse of 60 years, unless the King had been in t
that time, or the lands had been in charge, or st

14. The institution of private property lies at the
the progress of improvement is generally commensur
the rights of property are held by the Government a
stance, an enormous mass of property, situated in ev
been kept for a long period in a state of unsettle
the various and uncertain conditions of resumption,
years it has had the character of property only in
sense. The loss of productive power which has bee
It is a great mistake to suppose that the owners a
munity at large is injured in nearly an equal de
improvements, and still more of that contentment v
state of landed property. In a country like this, a
of nature, the land is the great laboratory for the c
of the Government to reduce its military and poli
the degree to which the population is occupied in
terested in the maintenance of the existing order o

15. These principles have been recognised by the
tant decision of the Judicial Committee of the Privy C
of Mahárájá Moheshar Singh, versus the Government of I
ing passage of the judgement. "It may be well to
"pecting the resumption of lands, and the subjecting
"tions in themselves almost necessarily severe in their
"them the force and effect which we are bound to d
"subject, we cannot, and ought not, to forget, that
"sight, the interest and duty of Government to bring
"of land as possible, yet that it is equally the inter
"to protect the rights of property; for if such right
"no security for the prosperity of any country. For

No. 15. Read the following Minute by the Honora

INAMS.

The question of Tax-free tenures of India has be
the Public Service in 1826. I have taken part in t
Presidencies, and I have lately read an enormous ma
immediately connected with the Madras Presidency.

2. The Madras Tax-free tenures are known by
involve upwards of a million sterling of annual revenue,
endowments amount to about £150,000, and the servi
remainder being made up of personal grants. The
about 300,000, of which about 120,000 are below three

3. There are several features which distinguish
those of the other Presidencies; such as, 1st, The sma
2nd, the general absence of Grants from former sove
close connection between the tax-free and tax-paying

4. The responsible Village Revenue and Police C
Inam land, some of which has been recently grante
enjoyed or of other Inam land taken for Railways, &c.
the Assessment are often made good from the same s
the exemptions from land tax are a net deduction fro

5. Regulation 31 of 1802 was passed for the pur
"titles of persons holding or claiming to hold land
"revenue, under grants not being Badshahee, or Ro
Collectors were to require a general registration of In
the Courts of Justice for the payment of the land tax
improperly withheld. The 8th clause declares that "
"sons holding exempted lands under invalid titles to
"time whatever in bar to the right of Government to

6. By Regulation 4 of 1831, afterwards extende
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service Inams were removed from the jurisdiction of t
and Board of Revenue, with a final appeal to the
Sudder subsequently ruled that, under these Regulati
entertain suits relating to any class of Inams, except
of Curnum in permanently settled districts, or as m
Secretary to the Government.

7. In April 1845, the continuance of Inams to th
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g and carrying into effect these regulations, to give full
ons which were manifestly intended to protect the rights
atious interference therewith."

declaration in the 8th Clause of Regulation 31 of 1802,
nt for persons holding exempted lands under invalid
any length of time whatever in bar to the right of
lands," has been considerably modified by subsequent
despatch to the Government of Madras, of the 13th
Directors remarked that long undisturbed possession
ght, and constituted a motive to Government not to
e despatch dated the 1st September 1858, they ob-
to us impossible that long undisturbed possession of
roperty should not carry with it great weight in
r of the individual who claims that property, and to
cribed the fact alluded to by Mr. Stokes, that of late
g authorities in India generally have undergone a
treatment of Enams, and that 'the later' has been
The several Enactments and Circular orders pro-
ated on this subject testify abundantly to this fact.
may refer, for instance, to the Act XII of 1851, for
wn of Madras mentioned by Mr. Stokes, and to the
. Many passages might also be cited in evidence of
from your own proceedings. Besides the letter al-
y cited, in which you explain the rules of the con-
Enams held without grant, and deriving their title
rely from prescriptive possession, we may refer also
our Minutes of Consultation of the 9th of May 1848,
August 1855, in para. 7 of the latter of which you
ne to the prescriptive interest which has grown out
of above half a century,' and in Para. 34, you obser-
ations,' that 'after the long possession which has been
y be fair to deal liberally' with the Enamdars, a senti-
rder to express our concurrence with it, in our Des-
1856.
rve that this is not a new principle in India, even
the advocates for resuming lands held on invalid
. In 1801 Sir Thomas Munro instructs Mr. Thackeray,
lly by Ammildars or inferior Revenue Officers might
had been held forty years without interruption, for',
may be allowed to constitute a kind of prescriptive
d not remind you, must have been much strengthened
sed since 1801. Again, in a letter to the Board of
ne 1821; Government declared that 'the want of a
imply the want of a good title to Maniems, any more
nnud is sufficient by itself to establish such a title.
without fraud, or had been possessed for generations,

"it would be unjust to resume it, though the Sunnud may be defective.' Another
"authority, Mr. Holt Mackenzie, in a Memorandum on this subject as applied to
"Bengal, says, 'that length of possession is in favor of the la-khirajdars.' It may
"well be pleaded by many holders of Enams, that their predecessors or themselves
"would have had the advantage of much oral, and perhaps of some written
"testimony, had the Government not delayed the threatened enquiry in some cases
"for ninety, and others for nearly sixty years. In very few cases, will the original
"grantee be still alive; in most the estate will be already in the third generation,
"and it cannot be supposed that the possessor will acknowledge the justice of
"resuming inherited rights which he had looked upon as a future inheritance for
"his children. And in the settlement of this question something more than strict
"right is to be taken into account. It is one very dependant on the peculiar customs
"and habits of thought of the natives of India. If, according to that standard, a
"resumption would approve itself as a just proceeding to the majority of the commu-
"nity, there seems to be no reason in equity why that resumption should not take
"place; but, on the contrary, if the resumption would militate against the feelings and
"habits of the people, such an Act should be condemned, although its performance
"might be conformable to European notions of equitable dealing. In such a case
"there would be arrayed against us not only the hostility of the persons actually
"deprived, and of their dependent cultivators, who will continue to look upon them
"(as has been the case in many parts of India) as their legitimate landlords, but also the
"sympathies of those belonging to the same condition of life apprehensive of similar
"treatment. Such being our opinions we cannot consent to recall our former instruc-
"tions in regard to long possession; moreover, in respect to the applicability of Act
"XI of 1852 to your Presidency, further reflection on the length of time during
"which these Provinces have been under our rule, and during which possession has
"been tacitly permitted to the holders of these lands, has led us to think that we
"must relax the stringency of our previous remarks, in para. 6 of our despatch of
"September 24th 1854, that the provisions of that Act appeared to us to be as liberal
"and indulgent to the Enamdars as was compatible with justice to the other interests
"involved."

Long possession the strongest basis of property.

17. When a family has for two generations bought and sold, and borrowed and lent, and married, and brought up children to a certain position in society, on the strength of the possession of a particular estate, I can conceive no stronger title, in reason or equity, to the property of that estate.

Fifty years uninterrupted possession to be a good title to Inam whatever may have been the origin of the possession.

18. Human life passes rapidly in this climate; and fifty years are the average limit of two generations.

19. I therefore propose that when it shall be proved that land has for fifty years been in the possession of a person, or of those through whom he claims, without the payment of land tax, such length of possession shall be held to be a good title to that land *as Inam*, whatever may have been the origin of the possession.

The burden of proof must rest with the Inamdar.

20. As, according to the common law of India, all land is presumed to be assessable to the state, unless some sufficient reason can be shown for making it an exception to the general rule, the burden of proving a just cause of exemption must rest with the claimant; but it is well known that in the great majority of cases the Revenue Accounts will furnish the necessary evidence without the production of other proofs

When uninterrupted possession for a period less than fifty years has been proved under circumstances which afford a reasonable presumption that the failure of proof of longer possession is owing only to lapse of time, the same advantage is to be given to the Inámdár as if possession had been proved for the full term of fifty years.

Mode of dealing with tax-free lands after they have been recognised as Inam.

21. The Inams, the titles to which will be established either by proof of possession for fifty years, or by the production of valid grants, are limited estates, held according to customary tenures; that is to say, some of them are lands held under temples or mosques on condition of service, or of payments in money or kind; another large class is held subject to military, police, or revenue service to the state or to village communities; and the greater part, both of the service tenures and of those which are held without conditions of service, are limited to the direct heirs of the original grantee. The proper mode of dealing with each of these classes of tenures after their validity *as such* has been recognized, is the next point for consideration.

Temple and Mosque lands should be placed under the protection of the Courts of Justice.

22. Lands connected with temples and mosques are considered to be permanently alienated from the public Revenue, and to be resumable only when the mosque or temple for the support of which they were originally granted entirely ceases to exist. These Inams are of two kinds.—The first are held in trust on account of the temples or mosques, and are transferred from one manager to another. The second are held by individuals on condition of services rendered or payments made to the temples or mosques. These last are transferable by sale or otherwise, subject only to the continued performance of the conditions of the grant.

23. All that is required in reference to both these classes of Inams is to place them distinctly under the protection of the courts, without any interference on the part of the Revenue Officers; for which purpose those parts of Regulation 7 of 1817 which vest their control in the last mentioned authorities, ought to be repealed.

The Revenue and Police services for which "Service Inams" are held, should be exacted as far as required.

24. The mode of dealing with "Service Inams" is ruled by the consideration that they form, to a certain extent, a living portion of the Revenue and Police system of the Madras Presidency as it at present exists. Assignments of land may not be the best way of paying Revenue Accountants or Village Police; but it is a practice to which the people of this Presidency have been accustomed for generations, and there is no intention of interfering with it. Clearly, therefore, this institution ought to be turned to the best possible public account. So far as the services for the performance of which such Inams are held are required, they should be strictly exacted; and care should be taken that the land actually held under the name of Inam does not exceed the proper amount.

Financial bearing of this.

25. This part of the subject has an important financial bearing. The Revenue and Police systems of this Presidency are based upon a double organisation, the preliminary element of which is of a popular, municipal character, deriving its support from appropriated lands which have been improperly included under the general head of Inam; and the other is a large Stipendiary Establishment of Tahsildars, Karkuns, &c. Owing chiefly to the uncertainty in which every thing relating to Inam lands has been involved, these two establishments have never been revised in a general view of their relation to each other and to the public objects which they have in common. There can be no doubt that a careful revision of this kind would be productive of great advantage, both as regards the efficiency and economy of the public service—and, combined, as it would be, with the arrangements which have lately been made throughout this Presidency for the equalisation and fixation of the land-tax, it would be of consequence even as a financial measure, leading to the collection of the land-tax at

a greatly diminished rate of charge. The principle on which it would be conducted would, of course, be that the action of the municipal machinery would be exhausted before it was supplemented by Stipendiary Establishments.

Mode of dealing with "Service Inams" where the services cannot be rendered available for any useful public purpose.

26. But after the "Service Inams" have been utilised as far as possible, there will still remain a great extent of land held on condition of performing services which cannot be made available for any useful public purpose. If a title to such tenures be established by an uninterrupted possession of fifty years, or in any other valid manner, they cannot be resumed; but there is no reason for confirming the holders in more than they have a title to. The state has a claim upon the services of the holders of such tenures, as well as to the reversion of the tenures themselves whenever there is a failure of heirs. The holders cannot alienate them without the permission of the Government. The practice of the copyhold Commissioners in England in extinguishing the rights of the Lords of Manors, including that of forfeiture, according to fixed ratesof commutation, furnishes a model for imitation in this case.* The only difference would be that according to the custom of this country the value of the public claims upon the land would, at any rate in the first instance, be calculated in the form of an Annual Quit Rent or Jodi, which might afterwards be commuted, at the discretion of the holder, for a sum equal to the present value of the Annuity.

27. The practical position of the holders of "Service Tenures" for services which are not likely to be required, therefore, would be that a three-fold alternative would be presented to them.

1st. They might retain their lands subject to the established conditions of service, if it should be required, and of lapse on failure of heirs without any powerof alienation.

2nd. They might, by consenting to the payment of a Quit Rent calculated at a certain fixed annual rate, relieve themselves from the liability to service, and obtain the power of alienating the land by sale or otherwise, subject to the payment of the Quit rent; or,

3rd. They might, by consenting to the payment, once for all, of a certain fixed sum calculated at so many years purchase, convert their service Tenures into absolute freeholds, with the power of alienating them divested of every burden except such as might be with all other lands similarly held.

Personal Inams.

28. The same course should be followed in reference to Inams of a personal nature. It should first be ascertained whether the title to the Inams according to the existing tenure is good; and if this should be established by the production of a valid grant, or by evidence of uninterrupted possession for fifty years, it should then be open to the holder either to retain the Inam according to his actual tenure, subject to the liability of lapse and without the power of alienation, or to enfranchise it by payment of an annual Quit Rent, or a single fixed sum equal to so many years purchase of the Quit Rent.

Encroachments.

29. The title to encroachments of more than fifty years standing should be admitted as if they formed part of the original Inam. The mode of dealing with encroachments of more recent date, as well as with entire Inams irregularly acquired within the last fifty years, should depend upon circumstances; but the only case in which the holder of so

* The accompanying Memoranda, which were kindly furnished to me before I left England by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the Copyhold and Enclosure Commissioners, contain full details of the course adopted in reference to Reversions, Forfeitures, Encroachments, and the Enfranchisement of Copyholds.

called Inam land should not be allowed the benefit of an indulgent compromise, should be when it has been acquired by fraud of the actual holder.

Private rights relating to all Inams, and all rights connected with enfranchised Inams, should be placed under the protection of the Courts of Justice.

30. All questions of disputed right between individuals, relating to Inams, should be settled according to the established forms in the ordinary Courts of Justice. The claims of the Government upon Inams previously to enfranchisement must be determined by the Officers of the Government; but, after that, the Inams should be placed in every respect under the protection of the Courts of Justice.

These general principles will be supported by detailed explanations in their application to particular cases.

31. These general principles will, I hope, suffice for the adjudication and settlement of this mass of property, provided due effect be given to them by proper executive arrangements. As it is impossible to embrace every variety of case in a single statement, further explanations may be required; and questions as to the particular application of the general principles which have been laid down, must be decided by the Government as they arise.

The Inam Commissioner will prepare rules of practice.

32. In the moderation and good sense which distinguish Mr. George Noble Taylor, the Inam Commissioner, both the Government and the Inamdars have a satisfactory guarantee that whatever principles may be prescribed, will be justly and wisely applied. It will be his duty to prepare rules of practice and tables of commutation founded upon those principles, and to submit for previous approval a clear statement of the proposed order and course of his proceedings, that this Government may be able to exercise that influence over them which is the necessary consequence of its responsibility.

The Inams of each Zillah should be separately dealt with.

33. As the investigation of tenures must, for the moment, have an unsettling effect, the Commisioner should not open more cases at once than he can hope speedily to close; another reason for adopting this course is that the nature of the Inam tenures and the circumstances connected with them vary in almost every Zillah, and the probability of arriving at just results would be much increased if each Zillah were separately dealt with.

The settlement of the Inams should precede that of the Land Revenue.

34. The settlement of the Inams has a close connection with the General Survey and settlement of the Land Revenue now in progress. The Land Revenue of a village cannot be fixed until the claims to be exempted from land tax have been adjudicated; while, on the other hand, the Inams cannot be considered as finally settled until it has been ascertained by actual survey that the tax-free land corresponds with that which has been admitted to be entitled to be so held. It, is, therefore, desirable that the inquiry into Inams should precede the Survey and re-assessment of the Land Revenue, and that the Inam Commissioner should begin with those Districts in which the Survey has begun, and those to which it will shortly be extended.

Unsettled Inam cases to be transferred to the Commissioner.

35. If my Colleagues concur in these principles of settlement, all unsettled Inam cases now pending before the Government, the Board of Revenue or any of the Collectors should be transferred to the Commissioner to be dealt with by him accordingly.

Subordinate agency to be employed.

36. The adjudication of Inams according to these rules will require trustworthiness and intelligence of a high order. Fortunately the sifting which the Uncovenanted Service of this Presidency has lately undergone for the selection of Sixty Deputy Collectors', places a large body of highly qualified Officers at our disposal. Forty have been appointed, while twenty remain to be selected; and such is the public importance of a speedy and satisfactory settlement of the Inam lands of the Madras Presidency, that the Commissioner ought to be permitted to select from the whole sixty, those whom he considers best fitted to act under him, and to select as many as he can, from time to time, effectually superintend.

MADRAS, 13*th May* 1859. C. E. TREVELYAN.

	Page.
LETTER FROM THE HONORABLE JAMES KENNETH HOWARD, ONE OF THE COMMISSIONERS OF HER MAJESTY'S WOODS, FORESTS, AND LAND REVENUES.....	1
MEMORANDUM STATING THE COURSE WHICH IS ADOPTED IN DEALING WITH ENCROACHMENTS ON WASTE LAND BELONGING TO HER MAJESTY.....	2
MEMORANDUM ON THE PRACTICE OF THE COMMISSIONERS OF HER MAJESTY'S WOODS, &C., IN DISPOSAL OF REVERSIONS, FORFEITURES, FEE FARM QUIT RENTS IN ENGLAND AND IRELAND.....	7 to 9
PRACTICE OF THE COPYHOLD AND ENCLOSURE COMMISSIONERS IN REGARD TO ENCLOSURES AND THE ENFRANCHISEMENT OF COPYHOLDS.....	10 to 12

WHITEHALL PLACE,
February 15th 1859.

MY DEAR SIR CHARLES,

I inclose the information which you requested as to the course pursued by the Commissioners of Woods in dealing with the encroachments on the wastes of Crown Manors. I fear, however, that the different nature of the interest of the Crown in those wastes from that of its right to land in India, will prevent the practice here from being of much service to you in forming an opinion as to the course which should be pursued with regard to the encroachments on Crown Land in that Country. Pages 2 to 6.

The interest of the Crown in its manorial wastes is subject to the rights of Common belonging to the tenants of the manor, and if an inclosure of the wastes takes place under the authority of Parliament, the Crown usually accepts an allotment of $\frac{1}{16}$th of the wastes in satisfaction of its rights, the other $\frac{15}{16}$ths being allotted to the Commoners, but the minerals under the whole wastes, with liberty to work them, are reserved to the Crown.

On reference, therefore, to the inclosed memorandum, you will observe that when, by the laches of the Commoners, encroachments are allowed to take place, the Crown receives a much larger proportion (generally about $\frac{1}{4}$th instead of $\frac{1}{16}$th) of the land inclosed than if an inclosure of the entire wastes had taken place under act of Parliament. At the same time the encroachers purchase a legal title on moderate terms, and the only persons who suffer are the Commoners, who have to reap the fruits of their own negligence.

But as I understand it, in India, the Crown has the absolute right to the land; and the only cases which occur to me as at all analogous to those with which you will have to deal are encroachments upon the Sea shore; in such instances it is usual to grant the person in possession a lease for such a term, and at such a rent, as will enable him to repay himself any outlay which he may have made upon the property, and where a sale of the encroachments takes place, the purchase money is fixed upon the same principle.

Of course, circumstances may happen where the Crown's right is resisted, which may induce the Commissioners of Woods to decline offering such liberal terms as they would have been disposed to concede if the Crown's Title had been admitted without question. The general principle is to allow the person in possession the benefit of any improvements he may have made, but not to confer upon him any further benefit. I should add, that by the Act 8 and 9, Vic. c. 99, the Commissioners of Woods are expressly empowered to grant leases of any lands on which buildings have been erected in ignorance of the Crown's Title—the rent may be fixed with reference to the value of the land before the buildings were erected.

I also inclose a memorandum shewing the principle upon which the Commissioners of Woods, under the directions of the Treasury, have dealt and continue to deal with escheated estates, or with estates which have reverted to the Crown on the failure of heirs male—likewise the terms on which we are daily selling Quit Rents in Ireland, and Fee Farm Rents in England. If there is any further information which you think I can give you I shall be most happy to supply it. Pages 7 to 9.

Yours very truly,

JAMES HOWARD.

SIR CHARLES E. TREVELYAN, K.C.B.

MEMORANDUM STATING THE COURSE WHICH IS ADOPTED IN DEALING WITH ENCROACHMENTS ON WASTE LAND BELONGING TO HER MAJESTY.

Page 3

As soon as it is understood that Encroachments have been made on any particular tract of Waste Land, a warrant, in the annexed Form, (No. 1), is issued to some duly qualified Surveyor, directing him to survey and value them; and, as but little additional trouble is required to survey the whole tract, if done at the same time—the instructions usually include the unenclosed Waste as well as the enclosures which have been made therefrom.

The Surveyor is required to certify the full annual value of each Encroachment; but instead of shewing what he considers to be the full simple value, he is directed to assess the inclosures according to the following rates:—

Encroachments, when not exceeding five acres in extent	7 years purchase of the annual value.
Encroachments exceeding five acres in extent, when valuable improvements have been made since their inclosure	7 years purchase of the annual value.
Encroachments exceeding five acres in extent, when no valuable improvements have been made beyond inclosing	10 years purchase of the annual value.
Buildings on Encroachments of either class	3½ years purchase of the annual value.

The valuation (which, when completed, is declared to before a Magistrate) should be the following form:—

Reference to plan No.	Name and address of person in possession.	Name of Occupier.	Description of premises	Extent	Fullannual value	Number of years purchase	Amount	When enclosed	Observations
				A. R. P.	£ s d		£ s d		
1	John Thomas, Carnarvon, N. Wales.	William Jones.....	Cottage & Garden	0 1 20	0 5 0	7	1 15 0	1820	
			Land Buildings.	0 0 0	1 0 0	3½	3 10 0	"	
2	Edward Roberts, Bangor, N. Wales	Thomas Williams.	Land adjoining Tron Farm.....	12 3 8	1 16 0	10	18 0 0	1835	

Page 4.

When the survey and valuation are received, notices in the annexed Form (No. 2), are prepared and issued to the several encroachers, calling upon them *to attorn tenants to the Crown at rents which are fixed at about five per cent of the purchase money, or to purchase Her Majesty's interest in their encroachments.*

Page 5.

Those who desire to rent their holdings, sign the first agreement and return the notices which are then sent to the Crown Receiver for Wales, who calls upon the persons for each year's rent, as it becomes due, in the annexed Form, (No. 3).

Those who prefer to complete the purchase of their encroachments, sign the last Agreement appended to the notices which, when returned, are forwarded to the Crown Receiver who forthwith applies to the parties for the purchase monies, together with 10*s.* in each case for the agreement and fees for the conveyances, according to the following scale:

When the purchase money

Amounts to less than £ 5-0-0	a fee of £0-10-6
less than £ 30-0-0	£1- 1-0
less than £ 50-0-0	£2- 2-0
less than £100-0-0	£3- 3-0
above £100-0-0	£5- 5-0

Pages 5 to 6.

These monies are, from time to time, remitted by the Crown Receiver to the Office of Woods, &c., when conveyances, in the form hereto appended (No. 4), are prepared in Draft, and, after revision, are engrossed in Duplicate, one part of each being deposited in the Land Revenue Record Office, and the other part being sent to the purchaser.

On each of these Conveyances a Plan of the Premises conveyed is inserted, and a description of the boundaries is likewise given.

When the person in possession of an Encroachment refuses or neglects to acknowledge the Crown's rights within a reasonable time after the notice has been served upon him, proceedings are taken to recover possession of the premises he holds, and to obtain payment of the profits which may have been derived from them since their inclosure, together with the expences of such proceedings.

As regards the low rate at which the Encroachments are sold—it may be proper to remark that the Crown is not possessed of the Fee simple of the Waste lands from which the Encroachments are enclosed. The freehold belongs to Her Majesty, but is subject to such common rights as may be exerciseable over the lands by the Freeholders of the Manors of Parishes in which they may be situated. The principal of these common rights are the right of Pasturage and the right of Turbary.

On the other hand, it may be stated that the Crown, as Lord of the soil, is entitled to assume the exclusive enjoyment of such portions of the Waste Lands as are not necessary for the Commoners—that is, it may enclose the Wastes if a sufficiency be left to satisfy the rights of those Freeholders who are legally entitled to an enjoyment of the surface.

It will be seen, on reference to the form of conveyance, that the minerals and other substrata, with power to enter and work them, are reserved to the Crown. There are two reasons for making this reservation. 1st, the minerals &c., within each Encroachment, would be of little value to the individual proprietors, for they would seldom, if ever, find it worth while to establish the necessary works for the purpose of winning so limited a tract. 2nd, the value of all minerals and substrata is so uncertain that it is almost impossible to arrive at any safe estimate of their worth for the purpose of sale.

The sporting is also reserved because it is a right which, although it may be of some value if exercisable by one person over the enclosed, as well as unenclosed, land as a whole—would be of little or no value to the owners of each petty Encroachment if it were allotted with the soil.

(Signed) JAMES HOWARD,
Commissioner of Woods, &c.

February 15*th* 1859.

No. 1.

THESE ARE TO AUTHORIZE AND DESIRE YOU to view and survey

belonging to Her Majesty

now in the possession of

or Under-tenants, and to make forth a Particular and Valuation of the said Premises, and transmit the same to me with all convenient speed (to be verified by your declaration). AND all Stewards, Agents, Tenants, and others having concern in the premises are hereby required to be aiding and assisting to you in this Service. For which this shall be your Warrant.

Given under my hand at the Office of Her Majesty's Woods, Forests, and Land Revenues, Whitehall Place, Westminster, this day of 18

To

I _____

do solemnly and sincerely declare that the Survey and Estimate, or Accou
hereto annexed, were faithfully and impartially made by me; that the valu
the Property, therein contained, is justly estimated therein, according to
best of my skill and judgment; and that all the particulars stated in the s
Survey or Estimate, or Account, are true, to the best of my knowledge a
belief. And I make this solemn declaration conscientiously believing
same to be true, and by virtue of the provisions of the Acts of Parliament
that behalf made and provided,

Declared and Signed by the above-named

at

before me

No. 2.

By the Commissioner in charge of Her Majesty's Land Revenue in Wales.

I, the undersigned, do hereby give you Notice either to attorn Tenant to Her Majesty i
respect of the Lands specified in the Schedule to this Notice, which have been inclosed from th
Wastes of the Manor of in the County of
at the yearly rent in the said Schedule mentioned, or else to purchase Her Majes
ty's interest in the same Lands at the price also mentioned in such Schedule.

In the event of your not returning this Notice to me with one or other of the Forms o
Agreement for renting or purchasing Her Majesty's interest in the said Lands signed, within
month from the date of the service of this Notice on you, proceedings will be commenced fo
recovering possession of the premises on behalf of Her Majesty, and for obtaining payment o
the profits of them from the time of their being inclosed, together with the expenses inciden
to such proceedings.

The Commissioner in charge of Her Majesty's Land Revenue in Wales.

To

Mr.

The Schedule referred to in the foregoing Notice.

Description of Land inclosed.	Quantity.	Name of Person in possession.	Annual Rent of Land.	Purchase Money.	Cost of Conveyance and Agreement.

Form to be dated and signed if the Person in possession desires to rent such his incroachment.

I hereby attorn Tenant to Her Majesty in respect of the Lands specified in the Schedule hereunto annexed, and agree to hold the same as yearly Tenant from the day of last, at the annual rent of £ „ „ which I agree to pay.

Dated this day of 185 .

To the Honorable James Kenneth Howard.

Form to be dated and signed if the Person in possession desires to purchase Her Majesty's interest in the incroachment.

I hereby agree to purchase the Estate and interest of Her Majesty in the Lands specified in the Schedule hereunto annexed for the sum of £ „ „ which I undertake to pay to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with £ „ „ for the cost of the Agreement and Conveyance to me, on or before the day of next.

Dated this day of 185 .

Purchase Money . . . £
Conveyance . . . . £
Agreement . . . . £

TOTAL . . £

To the Honorable James Kenneth Howard.

No. 3.

£ s. d.

Purchase Money
Conveyance.....
Year's Rent..

£

County of

To *of*

YOU ARE HEREBY REQUIRED *to attend at the Inn, at Ten o'Clock in the Morning of the day of next, to pay unto Her Majesty's use the sum of £ s. d., being year's Rent due at Michaelmas, 185 , for an Encroachment at*

You will bring with you this Notice and your last Receipt, and state whether it is your intention to purchase Her Majesty's interest in the said Encroachment.

WILLIAM WILKIN,
Receiver.

No.

10, Spring Gardens, Charing Cross, London, S. W.

No. 4.

By the Honorable James Kenneth Howard, one of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues.

KNOW ALL MEN *by these Presents* THAT I, THE HONORABLE JAMES KENNETH HOWARD, the Commissioner of Her Majesty's Woods, Forests, and Land Revenues, to whom the management and direction of certain parts of the Land Revenues of the Crown, including among other parts thereof the hereditaments hereinafter granted with the duties and powers appertaining thereto, have been assigned, by an order under the Hands of two of the

Commissioners of Her Majesty's Treasury, ON BEHALF OF HER MAJESTY, and under the Authority of an Act passing in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled "*An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks and Chases, of the Land Revenue of the Crown within the Survey of the Exchequer in* England *and of the Land Revenue of the Crown in* Ireland, *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney;" And also of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty Queen Victoria, intituled "*An Act to make better provision for the Management of the Woods, Forests, and Land Revenues of the Crown, and for the direction of Public Works and Buildings;*" In consideration of the sum of

paid to the said Commissioner before the sealing and delivery of these Presents, DO by these Presents grant unto the said. and Interest of the Queen's Majesty of, in and to All Heirs all the Estate, Title, and

(Save and except out of this Grant, all Mines, Minerals and Quarries, within, upon, or under the said Piece or Parcel of land and premises, or any Part or Parcel thereof, with full power to Her Majesty, Her Heirs, Successors, and Assigns, and Her and their Lessees, Tenants, Servants, Agents, and Workmen, from time to time, and at all times for ever hereafter to enter upon, work, use, and enjoy the same, and every of them, as fully and eventually, to all Intents and Purposes, as if this Grant had not been made; And also save and except out of this Grant the Right of sporting over the said Piece or Parcel of Land and Premises, with full power to Her Majesty, Her Heirs, Successors, and Assigns, and Her and their Servants, Agents, Appointees, and Keepers to pursue, take, and kill the Games in, over, or upon the said Peace or Parcel of Land and Premises); Together with all and singular Ways, Paths, Passages, Waters, Watercourses, Hedges, Ditches, Fences, Easements, Profits, Commodities, Advantages, Emoluments, and Appurtenances whatsoever to the said Piece or Parcel of Land and Premises, or any Part or Parcel thereof belonging or appertaining, or therewith, or with any Part or Parcel thereof held, used, occupied, or enjoyed which said Piece or Parcel of Land and Premises formed Part of the Possessions or Land Revenues of the Crown within the Ordering and Survey of the Court of Exchequer, TO HAVE AND TO HOLD the said Piece or Parcel of Land and premises hereby granted, and all Benefits and Advantages thereto belonging (except as aforesaid) unto the said and Heirs and Assigns for ever.

AND I, the said James Kenneth Howard, do hereby direct that this Deed shall be deemed to be fully and sufficiently enrolled by the deposit of a duplicate thereof in the Office of Land Revenue Records and Enrollments, and the filing or making any Entry of such Deposit by the keeper of the said Records and Enrolments.

IN WITNESS whereof I, the said James Kenneth Howard, have hereunto set my Hand and Seal, this day of in the Year of our Lord One thousand Eight Hundred and Fifty

WITNESS to the Execution by the said James Kenneth Howard.

L. S.

RECEIVED of and from the above-named the sum of of lawful Money of Great Britain, by payment as above-mentioned, being the Consideration Money expressed in the above-written Conveyance.

£

WITNESS my Hand.

WITNESS.

MEMORANDUM ON THE PRACTICE OF THE COMMISSIONERS OF HER MAJESTY'S WOODS, &C., IN THE DISPOSAL OF REVERSIONS, FORFEITURES, FEE FARM AND QUIT RENTS, IN ENGLAND AND IRELAND.

In England it has been the custom of the Commissioners of Her Majesty's Woods to enlarge an Estate tail in Lands limited to Crown Grantees and their heirs male, into an Estate in fee simple, at two years improved value of the property, where it has been shewn that there have been at least three persons in existence capable of taking the Estate under the limitations of the Grant.

When an Estate in England held in fee simple, reverts to the Crown by Escheat for want of heirs, or by illegitimacy, the Crown's Title is found by Commission and Inquisition, but it is always the pleasure of the Crown that Estates so vested shall be disposed of by the Treasury to the family or connections of the last Proprietor;—and such property does not become part of the Crown Estate under the charge of the Commissioners of Her Majesty's Woods, &c., except on special directions from their Lordships. If, however, the property should have been derived from the Crown under any special limitations, it would of necessity become again a part of the Crown Estate on the termination of the Grant, and would not be at the disposal of the Treasury.

The dealings by the Commissioners of Woods with the Abergavenny and Richmond Estates have not been with the view of enlarging the interests of those families from Estates tail to Estates in fee, but have only affected small detached and inconsiderable plots of land required for local objects, to be converted into freeholds, and the rate of about 3 years purchase on the annual value, obtained on these transactions, affords no criterion of value, or principle upon which the bulk of the properties would be dealt with.

The mode of dealing with such cases in Ireland can be best illustrated by detailing the facts of three cases.

By a Decree of the Trustees of Forfeited Estates in Ireland appointed by Act 11 and 12, Wm. 3. C. 2. (English Stat), the Claim of Robert Leynes to an Estate in tail male in Lands in Co. Roscommon was allowed, the remainder over of their Uncle Francis Leynes being declared to have been forfeited by his participation in the Rebellion of 1688, and being thereby vested in the Crown. The last heir male of Robert Leynes died in 1827,—when the Estate became vested in the Crown under the forfeiture,—the property was sold by the Commissioners of Woods, &c., by private Contract on a valuation, and a sum equal to about one fourth part of the purchase money was paid by the Crown to a near relative of the Family as the discoverer of the Reversion.

In another case (arising under the same Act, and out of the same Rebellion, in which the claim of Garrett Dardis to an Estate in tail male in certain lands in Co. Westmeath had been allowed,—the remainder over on failure of that Estate being declared vested in the Crown) brought under the view of the Commissioners of Her Majesty's Woods, &c., by reference from the Treasury of a Memorial from the then Representative of the Dardis Family, who applied for a Grant of the Crown's interest in the property; it being represented to the Commissioners of Woods that there were then three persons in being capable of taking the property under the limitation and in priority to the Crown's Estate, it was proposed that the Interest so vested in the Crown should be sold to the Representatives at the rate of 1½ years purchase on the value of the Lands as ascertained by a Survey, &c., made on Oath.

But it having been subsequently ascertained that two of the parties stated to have been living at the date of the proposal, were then lately deceased, and that only one life intervened, before the Crown Estate would have vested in possession, subject, however, to a Jointure to a Widow of one of the late Tenants in tail—the price for the Crown's interest was increased to about 6 years purchase on the clear yearly value of the property.

In another case, about three years afterwards, an Estate granted by the Crown in the Reign of Queen Elizabeth, in tail male—was enlarged to an Estate in fee simple on payment of 1½ years purchase on the yearly value of the property. It being shewn that there were then three persons in being capable of taking the Estates as tenants in tail.

In accepting the rate of 1½ years purchase for the sale of the Crown's Interest of this character, the Commissioners of Woods adopted a lower rate than would have been taken in England, on account of some difference in the then Law of the two Divisions of the Kingdom created by the Legislature in England in the Reign of Henry 8th, by which Estates tail granted by the

Crown for Services could not be barred to the exclusion of the line of Representatives indicated by the Grant, while in Ireland the powers of Tenantsin tail were not so strictly limited.

Fee Farm Rents payable to the Crown in England are disposed of by the Commissioners of Woods &c., to the persons out of whose Estates they issue, at the rate of 30 years purchase, the Instrument of Conveyance being perfected and delivered to the purchaser without expence.

All the Lands in Ireland forfeited during the Rebellion of 1641, were, by the Acts for the Settlement of Ireland (see Irish Statutes) charged with acreable Quit Rents, 3*d.* 2*d.* and 1½*d.* per acre. These Rents, which amounted to about £60,000 at the accession of William 3, have been made saleable, and are now disposed of by the Commissioners of Woods at the rate of 30 years purchase on a Sale not exceeding £1 per annum, and at 28 years purchase on Rents if amounting to £1 or upwards. Sales are progressing at the rate of from £300 to £600 per annum.

(Signed) JAMES HOWARD,
Commissioner of Woods.

February 15th 1859.

Extract from the Third Report of John Fordyce, Esq., the Surveyor General of His Majesty's Land Revenue, dated 4th March 1806.

Property derived to the Crown by Escheat, Reversion &c.,

"There are still other means by which the Crown, sometimes, acquires additions to it's Land Revenue, namely by escheat, forfeiture, or feudal delinquency; and also by the determination of Grants under limitations with remainder to the Crown.

Principles suggested for regulating the granting of Leases of such property.

In cases of Escheat, a rule, or practice has prevailed, since the passing of the Civil List Act of Queen Anne, of granting to the party making the first discovery, or communication, of the Escheat, a Lease of the escheated property for fifty years, if it consisted of Houses; and thirty-one years, if it consisted of Lands, reserving to the Crown a Rent of one-third part of the clear yearly value, being the most favourable terms which the Act would allow.

Since I presented my last Report, one Estate of each kind has escheated to the Crown, and rewards, according to those rules, have been given to the discoverers. The Estates are of so little value that it would be improper to swell this Report with the particulars; but they are given in the Appendix.

Within that time, also, a Grant under limitation, of a very valuable property, has reverted to the Crown.

Estate reverted by the death of the late Lord Montague and Demise thereof in reward for the discovery of the Reversion.

W. S. Poyntz, Esq., and Elizabeth Mary Poyntz, represented, in a petition to the Treasury, that on the death of Anthony Browne, Lord Viscount Montague, certain Manors and Estates in the County of Sussex, which were granted by King Henry the 8th to Sir Anthony Browne, Knight, and Dame Alice his wife, and the heirs male of the said Sir Anthony Browne, had reverted to the Crown in consequence of the failure of issue male of the said Sir Anthony Browne, and prayed a Lease of the said Estates, on the terms of the Civil List of Queen Anne; or such other reward as might be thought fit.

This Petition was, in the first place, referred by the Treasury to their Solicitor, who reported, as his opinion, that the Estates in question *had* reverted to the Crown; and submitted to their Lordships, that, after taking possession and recovering the rents and profits thereof, since the death of Lord Viscount Montague, it might be proper to grant a Lease, as usual in such cases, to the Petitioners who first discovered the Crown's title: the Petition, with that opinion, was then referred to me; first, to ascertain the value of the Estates; and, by a second reference, to report my opinion with respect to the terms on which it would be advisable to grant a Lease to Mr. and Mrs. Poyntz; and after full enquiry, and a Survey verified by the oath of the Surveyor, I reported that the actual value of the Estate, which had reverted to the Crown, was..... £1,951 15 8

out of which, the Dower to the mother and widow of Lord Viscount Montague were to be paid, amounting to..... 1,147 0 4

leaving a residue of..... £ 804 15 4

at the immediate disposal of the Crown; but that as to the terms on which it would be advisable under all the circumstances, to grant a Lease to Mr. and Mrs. Poyntz, there appeared to me to be an evident and very strong distinction between a case of private property escheating to the Crown, on the failure of heirs of the last owner, and that of an Estate reverting to the Crown, on the determination of a Grant in tail; I, therefore, represented in my Report to the Treasury, that the case of a determination of an Estate Tail, held under a Grant from the Crown, was in reality, that of an expired Grant; and differed no otherwise from the expiration of a common Lease, than that such Grants, being all of them of greater antiquity, and their duration depending on contingent events, in some instances not easily ascertainable by persons unacquainted with the family concerns of the holders of the Grants, the terminations of the particular Estates granted, were, in such instances, more difficult of proof.

That the original Grants, however, being enrolled of Record, the conditions of them were, or might be, known to the Officers of the Crown; and being, as they commonly were, well known to the families in whose favour they have been made, and to their Agents, concealment became the less probable, in proportion as it was less likely to be successful. That it might be further observed, with respect to the Grants from the Crown in tail male, that having, for the most part, been made in great families for the support of some dignity, hereditary only in the male line, the intention of the Granter, in creating such a limitation, was completely fulfilled upon the arrival of the event by which the Estate tail becomes determined, and the property lapsed to the Crown. That I was, however, of opinion, that as there were many estates in this Country held under Grants from the Crown in fee tail, and that as it was not to be expected that the events on which the Grants so contingent might happen to be determined, could always be known to the officers of the Crown for the time being, or that they might in all instances be enabled to ascertain either the fact of the determination of the estate tail, or the particulars of the reverted property, without assistance from the family by whom it had been held, it might be advisable to adopt a liberal course of proceeding, with respect to all such Grants; by which, while the Crown might be substantially benefited by the falling-in of those reversions, encouragement might be held out to make an early communication to Government, of the expiration of the Grants. And that, after the best consideration I had been able to give to this subject, I was induced to recommend to their Lordships that in every such case, a Report should be made to the treasury by the Surveyor General, setting forth what particulars, if any, had been entered in the Books of his Office, respecting the termination of such Grant, prior to the information for which remuneration is desired, that the Treasury might be enabled to judge of the value of that information; and that a Lease of the reverted property should be granted to the party communicating the information to the Treasury, for a term of 31 years, at a moderate rent, but not in any instance less than two-third parts of the annual value; thus making an allowance not exceeding one-third part, as a reward for the discovery, during the term of the first Lease, instead of two-third parts, as in the case of an Escheat of private property; and that upon the subsequent renewals of such Lease, the full value should be taken, as in ordinary case of renewals of Leases of other parts of the Land Revenue, under the regulations now in force.

In answer to this Report, a Minute of the Treasury was sent to me, directing that a Lease should be granted to Mr. and Mrs. Poyntz, for 31 years, reserving a Rent of one-half of the estimated value; but informing me, by the Letter in which it was transmitted, that the determination of the Board to reserve that Rent, instead of a Rent equal to two-third parts of the value, as had been recommended by me, arose from the peculiar circumstances of the case; and should not, in their opinion, be considered as a precedent for other cases of property reverting to the Crown, by the termination of Grants in tail, which might not stand upon the same grounds.

I have thought it right to detail pretty fully what passed on this case, inserting, at the same time the particulars still more at large in the Appendix; and I am of opinion, that, in every instance in which property reverts to the Crown by the termination of limited Grants, the proceedings ought to be laid before parliament, in the triennial Reports from this Office; that, by the repetition of cases in which there will still be shades of difference, and by the reasons given for the rates of reward bestowed on each, means may be furnished for the final establishment of rules, founded on just principles, for ascertaining with precision what the discoverers of reverted property, in every subsequent case, may expect to receive.

PRACTICE OF THE COPYHOLD AND ENCLOSURE COMMISSIONERS IN REGARD TO ENCLOSURES AND THE ENFRANCHISEMENT OF COPYHOLDS.

Under the General Inclosure Act, 8th and 9th Vic. c. 118. Sect. 27, The Inclosure Commissioners are by their Provisional Order to specify the share to be given to the Lord of the Manor for his interest in the soil of his waste; this may be inclusively or exclusively of his right in Mines, Minerals, and substrata. By the 29th Section the consent of the Lord is rendered necessary to the Provisional order. He is, therefore, a free Agent; and it may be assumed, under these circumstances, that the proportion he receives is a full equivalent for his rights. This is usually $\frac{1}{12}$th to $\frac{1}{20}$th, but $\frac{1}{16}$th is the usual allotment.

The rights compensated by this are, in ordinary cases:—

1st. The bare ownership of the soil.

2nd. His Interest in stone and substrata (Mines and Minerals, where known or supposed to exist being reserved.)

3rd. His power to prevent any of the commoners from disturbing the soil.

4th. His right of sporting.

In fact, the commoners give $\frac{1}{16}$th of their pasturage to enable them to acquire an absolute right in the remaining $\frac{15}{16}$ths of the Land, excepting Mines.

The compulsory proceedings under the Copyhold Enfranchisement Acts are regulated by 21st & 22nd Vict. c. 94. A Minute of the Commissioners (see below) under this Act is sent herewith.

Page 12. Copyholds usually consist of those subject to arbitrary Fines and Fines certain. In the former case two years' annual value is paid to the Lord upon the death of the Tenant on the Roll, and $1\frac{1}{2}$ years annual value upon alienation. For the extinguishment of the Lord's rights in these cases, including that of Forfeiture and making the land freehold, the enclosed Table has been prepared by the Commissioners, the number of years' purchase varying with the age of the Tenant. The lowest amount, three years' annual value, would, if invested at 4 per cent, give by way of interest a sum equal to two years' annual value every thirteen years, within a small fraction. It has been found that a Fine is usually paid about every fourteen years, one on death and one on alienation, equal to $3\frac{1}{2}$ years' value in 28 years, so that the difference between a sum tha would produce at interest $3\frac{1}{2}$ years' annual value in 28 years, and 4 years' annual value in rather more than 26 years, is the amount paid for extinguishing the seignorial rights of the Lord.

In Fines certain the amount which the Commissioners usually name to be paid for getting rid of similar rights of the Lord, is about $\frac{1}{4}$ of a years' annual value in addition to the value of the small Fine certain.

The mode of dealing with Heriots and Quit Rents has not been alluded to, not being considered to come within the scope of the inquiry.

COPYHOLD, INCLOSURE AND TITHE COMMISSION,
31st January 1859.

THE COPYHOLD ACT, 1858.

Minute of the Copyhold Commissioners as to Compulsory Enfranchisements.

1. A Lord or Tenant can compel Enfranchisement of any Copyhold Lands, or the extinguishment of any claim to Heriots in respect of Freehold or Customary Freehold Lands; but where no admittance, (or only one under a Mortgage where the Mortgagee is not in possession,) has taken place, or Heriot become due or payable since the 30th June 1853, the Tenant cannot avail himself of this power until payment or Tender of such a fine or the value of such a Heriot as would have become due on admittance or death subsequent to the 1st July, 1853, and of two-thirds of the Steward's fees.

2. The party, whether Lord or Tenant, requiring Enfranchisement, must give notice of his desire to the other party that such Lands should be Enfranchised, and send a Copy of such Notice to the Commissioners, with an endorsement thereon, stating when and upon whom it has been served.

3. The parties may then agree upon the consideration to be paid for the Enfranchisement subject to the approbation of the Commissioners

This form has not been received.

4. Where the Lord and Tenant desire to have the assistance of the Commissioners, and agree upon the net annual value of the property, they will be prepared to state their opinion as to the amount to be paid for Enfranchisement upon Form No. 1 being filled up and forwarded to them.

5. Where the Manorial rights consist only of Heriots, Rents, and Licenses at fixed rates to demise or fell Timber, or where the Land is not rated to the Poor at more than £20, a Valuer is to be nominated by the Justices in Petty Sessions, but the parties may agree to recommend a Valuer to be nominated by the Commissioners, or either party upon paying the charges of his own Valuer, may have the valuation made as next hereinafter mentioned.

6. In all other cases the Lord and Tenant may agree to appoint the same Valuer; otherwise the person who has given the Notice should appoint a Valuer, in writing, and give notice thereof to the other party, requiring him by such Notice, to appoint his Valuer. A Copy of the Valuer's Appointment, and of the Notice, should be sent to the Commissioners, the time and mode of service of the Notice being endorsed.

7. In any case where after notice to the Lord or Tenant (as the case may be) so to do either party shall neglect or refuse for 28 days to appoint his Valuer, the Commissioners will appoint such Valuer.

8. The Valuers within 14 days after their appointment, and before they proceed, must appoint an Umpire, to whom any points in dispute between them shall be referred.

9. Before any Valuer or Umpire shall enter upon his Valuation, he must, in the presence of a Justice of the Peace, make and subscribe the following declaration:—

"I do declare that I will faithfully, to best of my ability, value, hear, and determine the matters referred to me under the Copyhold Acts.

Made and subscribed in the presence of
this_____day of_____18 }

10. The Valuers should then enter upon their Valuation, and should they agree upon the consideration to be paid for the Enfranchisement, make their Award—a form of which may be had on application to the Commissioners. Such Award must be forwarded to the Commissioners, and the Particulars of the same in writing be delivered to the Lord and Tenant, or to the Solicitor or Agent of such Lord or Tenant, within 42 days after the Appointment of the Valuers. Should the Valuers, however, be unable to agree upon the consideration to be awarded, they must, before the expiration of the 42 days, refer the matter to the Umpire, whose duty it will then be to make the Award, and furnish particulars of the same as above-mentioned, within 42 days from the matter being referred to him.

If no Award be made, or if the matter be not referred to the Umpire within the time above specified, the Commissioners will determine the consideration to be paid for the Enfranchisement.

The Declarations of the Valuers or Umpire, as the case may be, must be annexed to the Award.

11. Prior to the confirmation of the Award, the Commissioners will give notice to the Parties of its receipt.

12. When such award is confirmed and registered, a copy will be sent by the Commissioners to the Steward of the Manor for Entry on the Court Rolls, and the Commissioners will then prepare the award of Enfranchisement.

13. The expenses relating to Enfranchisement are subject to the control and supervision of the Commissioners.

14. The Notices and other necessary Forms may be obtained, on application at the Office of the Commissioners.

15. Notices may be sent by the Post in a Registered letter, or left at the Office or usual place of abode of the person to be served. Notices to the Lord may be served on the Steward, and either Lord or Tenant may appoint an Agent in the form prescribed by the Copyhold Act 1858.

COPYHOLD COMMISSION,
3, *St. James' Square, London, S. W. 1st October* 1858.

ENFRANCHISEMENT OF ORDINARY COPYHOLDS OF INHERITANCE SUBJECT TO ARBITRARY FINES.

Table showing the Number of Years purchase on the Annual Value of Property proposed to be Enfranchised in respect of Fines.

Age of Copyhold Tenant.	Number of Years Purchase.	Nearest Value in Sterling Money.			Age of Copyhold Tenant.	Number of Years Purchase.	Nearest Value in Sterling Money.		
		£	s.	d.			£	s.	d.
20	3.000.000	3	0	0	46	3.700.332	3	14	0
21	3.011.938	3	0	2¾	47	3.751.010	3	15	0¼
22	3.022.666	3	0	5¼	48	3.802.532	3	16	0½
23	3.033.185	3	0	7¾	49	3.853.841	3	17	0¾
24	3.044.470	3	0	10½	50	3.905.266	3	18	1¼
25	3.056.761	3	1	1½	51	3.956.733	3	19	1½
26	3.071.101	3	1	5	52	4.008.130	4	0	1¾
27	3.087.629	3	1	9	53	4.059.671	4	1	2¼
28	3.105.529	3	2	1¼	54	4.111.253	4	2	2½
29	3.125.330	3	2	6	55	4.162.803	4	3	3
30	3.146.782	3	2	11	56	4.213.388	4	4	3
31	3.169.810	3	3	4¾	57	4.264.790	4	5	3½
32	3.194.521	3	3	10½	58	4.317.596	4	6	4
33	3.221.105	3	4	5	59	4.371.464	4	7	5
34	3.249.669	3	4	11¾	60	4.426.120	4	8	6¼
35	3.281.621	3	5	7½	61	4.481.597	4	9	7½
36	3.314.487	3	6	3¼	62	4.537.232	4	10	8¾
37	3.347.914	3	6	11½	63	4.593.613	4	11	10¼
38	3.380.887	3	7	7¼	64	4.651.009	4	13	0
39	3.415.715	3	8	3¾	65	4.709.629	4	14	2¼
40	3.449.796	3	8	11¾	66	4.768.830	4	15	4½
41	3.485.073	3	9	8¼	67	4.828.345	4	16	6¾
42	3.522.686	3	10	5¼	68	4.887.679	4	17	9
43	3.562.511	3	11	3	69	4.945.469	4	18	10¾
44	3.605.401	3	12	1¼	70	5.000.000	5	0	0
45	3.651.564	3	13	0¼					

COPYHOLD COMMISSION,
3. *St, James' Square, 7th February* 185[illegible]

No. 16. ORDER THEREON, 20th May 1859, No. 690.

Resolved that copies of this Minute and of the accompanying papers be transmitted for the information of the Right Honorable the Secretary of State for India by the Mail of the 23d Instant.

Resolved also that the Minute be taken into consideration at an early date.

(Signed) J. D. BOURDILLON,
Secretary to Government.

I think there are some points upon which reduction and we shall need barely time to look at the subject. I will endeavor to be consistent [illegible] to the whole of the proposed plan [illegible]

general principles of
settlement proposed by
me I requested in
Consultation to prepare
the accompanying Draft -
as well as an alternative
Draft (also circulated herewith)
to be used ~~only~~ in the event
of any one of my colleagues desiring
that the principles laid down by me
should undergo further discussion

W Mansfield
19 May 59

Rev. Dept

No. 690.

Proceedings of the Madras Government
Under date the 20th May 1859.
Read the following Minute
by the Honorable the President

Here enter B 19 May 1859.

Resolved that copies of
this minute & of the accom-
-panying papers be trans-
-mitted for the information
of the R.H. the Sec. of
State for India by the
mail of the 23rd inst.

Resolved also
that the Minute be taken
into consideration at an
early date.

Will

Copyn & Letters to Engd
Dy 20th May 1859 No 17.

14-11-99 ✓
13-2-90 ✓
18/1/99 ✓
23-9-05.

18-5-90 ✓
17-6-90 ✓
6-6-03
18-2-06 ✓
13.9.06 ✓
20-2-07 ✓
26-2-10 ✓
2/3/11 ✓
11-7-12 ✓
17-1-17 ✓

№ 15 & 16.

Revenue 1859 Depar
Cons: 27th May.

№ 690.

Pro: of the Madras Govt.
Dy 20th May 1859.

Minute on the Inau
of this Presidency transm
to the Home Government.

assumption, and held by the sam[illegible]ate of things. At the time of the 1802, should be continued to the [illegible]gland, and it became a fundamental ditions were wanting, the case [illegible] universal lord and original pro- regards Inams held without grar[illegible]nan doth or can possess any part the length of possession was suf[illegible] derived as a gift from him, to be cases were to be reported for or[illegible]he cause of cruel oppression; and, " of the original grantee; when [illegible] tenures were finally abolished by " titiously obtained; when succ[illegible]nd became from that time held " claimed on invalid grounds, o[illegible] equivalent to freehold. " virtue of an illegal or suspicio[illegible] " stance affecting the prior transa[illegible]

The conversion of Service, into Freehold tenure in England.

Value of the resumptions which have been made.

8. The value of the resump[illegible] 1849 to 1853, is as follows:—

	Dis[illegible]
1 Ganjam	
2 Vizagapatam	
3 Rajahmundry	
4 Masulipatam	
5 Guntoor	
6 Nellore	
7 Bellary	
8 Kurnool	
9 Salem	
10 North Arcot	
11 Tanjore	
12 Trichinopoly	
13 Tinnevelly	
14 Cuddapah	
15 Madura	
16 South Arcot	
17 Madras	
18 Coimbatore	
19 Canara	
20 Malabar	
21 Chingleput	

Inam cases undisposed of on the Collector's files.

9. This Table, however, gi[illegible] property has been unsettled and l[illegible] cases remain undisposed of on the[illegible] the pressure of other business—tl[illegible] mercy of those subordinate Nativ[illegible] forwarding or postponing the prog[illegible]

Argument ordinarily used in favor of resumption.

10. The argument has been [illegible] sons from taxation necessarily inc[illegible] the power of the Government to c[illegible] trative improvements, in which al[illegible]

Answer to that argument.

11. If this was all, the ar[illegible] equality of taxation may be, the[illegible] society, one of which is *Justice*, [illegible]

f English Law, that no negligence The "Statute of Limitations". occurrit Regi." In other words, ormation of intrusion, to compel nding the defendant and his pre- without dispute or question for n to the subject; and, by the forded; which was completed in en, by the Act 9 Geo. III. Cap. lands from a subject after the he receipt of the rents within od insuper of record.

foundation of human society, and Public evils arising from a low state of landed property. ate with the respect in which d the community. In this in- ery part of British India, has nent. Its precariousness, under has been such, that for many the lowest and most qualified caused by this is incalculable. re the only sufferers. The com- gree by the absence of those hich are the result of a secure bounding with the richest gifts eation of wealth; and the power e establishments depends upon industrial pursuits, and is in- f society.

general tenor of the recent impor- Recognition of these principles in a recent decision of the Judicial Committee of the Privy Council. uncil on the appeal, from Bengal, ndia, and especially in the follow- bserve, that the regulations res- them to be assessed, are regula- operation; and while we give to o, as the subsisting law upon this though it is manifestly, at first nder taxation as large an extent st and the duty of Government be not protected, there can be hese reasons we must deem it to

" be our duty, in the interpretin ble the President.
" force and effect to those provisi
" of property, and prevent a vex

Recent relaxation at Madras of the stringency of the rule that length of time is not to bar the right of the Government to resume Inam lands.

16. The stringency of the
that, "It shall not be compete n before me since I first entered
" titles to plead possession fo he discussions relating to all the
" Government to resume such ss of papers on the subject, more
decisions. In their Judicial
October 1847, the Court of
both afforded an evidence of r the general name of Inam. They Amount and number of Madras Inams.
interfere; and in their Revenu of which the religious and charitable
" served as follows: "It seems e tenures to about £400,000,—the
" a p number of personal Inams only is
Para. 23 of Report, page 83. " favo acres.
" this is, we believe, to be as the Madras Tax-free tenures from Their distinguishing features.
" years the views of the ruli ll size of the individual holdings;
" vast change as regards the eigns of the country; and, 3rd, the
" the 'more lenient theory'. lands under the Ryotwar system.
" mulg
Para. 13, p. 81. " We ficers are to a great extent paid by
" the Lakheraj Lands of the t in lieu of emoluments formerly
" Act for Bombay, XI of 1852 and deficiencies in the payment of
" this ource. In the other Presidencies
March 8th 1854. " read the public resources.
" tinuance in certain cases of
" enti pose of "Trying the validity of the Regulation 31 of 1802.
Circular orders 1848-460-1. " to y s exempted from the payment of
" and to those of the 14th of val Grants." Under this Act the
" speak of the consideration d ams, and were to institute suits in
" of 'a permissive enjoyment n those cases in which it had been
" ved in regard to 'mere occup It shall not be competent for per-
" tacitly permitted, it would on plead possession for any length of
" ment which we repeated in c resume such lands."
" patch of the 17th of Decembe
Para. 9. "We must obse l by 31 of 1836 and 23 of 1838, all Inams removed from the jurisdiction of the Courts of Justice.
" among egulation 6 of 1831, all claims to
Works Volume 1—318. " tenure he Courts to that of the Collectors
" that Enams granted 'origina Government. The Judges of the
" 'be continued, provided they ons, the ordinary Courts could not
" said he, 'so long a possession such as were attached to the office
" right;' and the right, we nee ght be referred for decision by the
" by the period which has elap
" Revenue dated the 8th of Ju e successors of deceased incumbents Resumption Rules.
" 'Sunnud does not necessarily ernment; and upon this order, and
" 'than the possession of a S led the existing rules for the treat-
" 'If the Maniem was acquired on grant at the date of the British