12/12/Eq/BH1

M.R.O. 14—10,000—21-4-22.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2161	Press ~~Mis.~~
147-148	
Dated 13-11- 184 .	

Not to be folded or roughly handled

Inams

Proceedings of the Madras Government, Revenue Department,
13th. November 1861.

No. 147. Read again letter from the Inám Commissioner, dated 13th July 1861 and recorded in G. O., dated 25th July 1861, No. 1,489 :—

Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 7th August 1861, No. 4,267.

SIR,

1. I am directed by the Board of Revenue to reply to the Proceedings of Government, No. 1,489, Revenue Department, dated 25th July 1861, forwarding for their consideration the letter of the Inám Commissioner proposing to establish in the Collector's Offices Registers of changes in the incumbency of Ináms.

In Cons. 26th July 1861, No. 4,653.

2. The Board fully recognize the desirableness of securing, as far as may be, the registration of all transfers of real property of which enfranchised Ináms will form a valuable class ; but except as regards land assessed to the public revenue including Ináms paying a quit-rent, such registration is not required for the security of the rights of Government as in the case of Surva Ináms, the right of alienation can only be secured in combination with the imposition of a quit-rent.

3. Thus all enfranchised Ináms will come under a liability to pay an annual tax to Government, from which the registered holder can release himself only by registering a transfer of property, and to this extent, therefore, it may be assumed that such transfers will to at least a considerable extent be voluntarily registered, and where this can be secured the Board entirely approve the proposition to open registers of transfers.

4. In regard to Ináms not enfranchised transfers are not permitted, save in some few classes of service Ináms where the service liability accompanies the transfer. The only change of register that in these Ináms can have to be made is in cases of sanctioned succession on a death lapse, these successions are, it is believed, registered already, and in any case ought so to be by the District authorities, and in these cases, therefore, there can be no objection to the Commissioner's proposal.

5. The Board, however, fully concur in opinion with Mr. Taylor that no expedient of this kind can produce a title of the advantages to be derived from a system of compulsory registration under legal enactment, and knowing how interested the Madras Member of the Legislative Council is in this question, they would suggest that he be requested again to take action in the matter if he sees any prospect of attaining the desired end. Meanwhile, the Board have it in contemplation to instruct all Collectors to introduce a system of Registration of all transfers of landed property which has with great success been carried out in Tanjore, and the details of which they are about to ascertain from the Collector of that District.

6. On the subject of paragraph 8 of the Commissioner's letter, the Board agree with him on the expediency and sufficiency of an order being issued by Government authorizing the Courts generally, to take cognizance of all claims to enfranchised Ináms which will meet all the requirements of Regulation IV of 1831.

No. 148. ORDER THEREON, 13th November 1861, No. 2,161.

1. These papers relate to certain suggestions made by the Collectors of the Godavery and Kistna Districts for the introduction of a special Register of Ináms recording all future transfers of such property, and for the publication of a general order in the Gazette, authorizing the Civil Courts to take cognizance of claims to enfranchised Ináms, notwithstanding Regulation IV of 1831 and the other similar enactments of later years. The Board of Revenue and Inám Commissioner support these suggestions.

2. The Government have given their careful consideration to the papers ; but they do not consider it advisable at present to open any special Register for recording transfers of Ináms, particularly as such registration cannot be enforced.

3. Service Ináms and Ináms in which Government has a reversionary interest cannot be transferred without sanction in each case, and such transfers are now recorded. Enfranchised Ináms become in fact Ryotwary lands and should be treated exactly like them. Until, therefore, some general Registration Law is passed, the proper course is for the Collectors to write "enfranchised" against these Ináms in the Register A, which is being prepared for the lands of each village under the new system of Revenue Accounts. The Lists supplied by the Inám Commissioner will be the Collector's guide in this, and afterwards when a registered holder who has sold an enfranchised Inám, and its purchaser come forward and request that the transfer be recorded in the Register, this can be done as in the case of ordinary Ryotwary lands.

4. The Government approve of the other suggestion, viz., to publish a Notification empowering Civil Courts to receive Suits regarding enfranchised Ináms without any special authority from Government under Regulation IV of 1831. The production of the Commissioner's Title Deed or an authenticated extract from the Collector's register, will be requisite in proof of enfranchisement. The Inám Commissioner will be requested to prepare, in communication with the Board of Revenue, draft of such a Notification and submit it as early as possible.

5. The Government will reserve for future consideration the question of a new and general Registration Law discussed in these papers.

6. The Government deem it necessary here to point out that Mr. Taylor has fallen into an error (in the latter part of paragraph 5 of his letter) in his explanation of the proper mode of collecting an arrear of quit-rent where there is a doubt as to the ownership of land. Enfranchised Ináms come under the operation of the Ryotwary Arrear's Act, and as the Collector can, at his option, proceed against the defaulter's personal or real property, the right course, when the ownership is disputed or doubtful, is to attach and if necessary sell the land, of the liability of which whoever the owner may be, there can be no question.

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

No. 2161
Proceedings of the Madras Government
Under date the 13th ~~October~~ Nov/61

Read again letter from the Inam Commrs dated 13th July/61 & recorded in G. C. dated 25 July/61 No. 14

Read the following letter from the Secretary to the Board of Revenue.

Submitting with remarks a reply to the Proceedings of Govt 26th July 1861, regarding the Inam Commissioners proposal to establish in the Collectors' office Registers of changes in the incumbency of Inams.—

Here enter 7th August/61 No. 420

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Mr Espin

To the Board of Rev[illegible] Dis[illegible]
& " " Inam Commissioner

10.05

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Respecting the Register of Changes in the Incumbrances of Farms

Revenue 1861 Department

Recd Govt for November

No 2161.

Proc: of the Madras Govt:

D/ 13th November 1861.

From the Bd of Rev: & Dist Comrs

C/ No 2926

From the Board of Rev: & Inm: C/ No 1547

Boards Proceedings on the subject of establishing in the Collectors Offices Registers of Changes in the Incumbency of Farms with orders thereon -

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