M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2346 — Press ~~Mis.~~

210-11

Dated 23-12-1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 23rd December 1861.

No. 210. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Vellore, 18th November 1861, No. 62:—

SIR,

1. I have the honor to submit, for the approval of Government, a draft of the instructions which I propose to issue for the guidance of the Deputy Collectors who are to be employed in the Inám Settlement of the Tanjore District, and to solicit their early orders with special reference to the modification of the general rules proposed in paragraphs 10 and 11 of the draft, as affecting the holders of Sikka Sanad Ináms in that District.

2. As regards the policy of the proposed distinction in favor of this class of Ináms, it is to be remembered that the present Settlement consists simply in the voluntary enfranchisement and conversion of the *existing tenure* of Ináms into titles of a perfect and permanent character, upon terms derived from fair arithmetical calculations. This tenure, as defined by past orders of Government as regards the great mass of Ináms which are held either without grants, or on Sanads imperfect in their terms or derived from inferior authority, is described in Section 5 of the Rules. The various terms of enfranchisement given in the following Sections are based upon this definition of the tenure; but it was always contemplated, as stated in paragraph 13 of my Memorandum* upon a Minute† by the Honorable Mr. Walter Elliot, appended to the Rules, that where perfect titles of a permanent character exist, an exception should be made in their favor. Of this exceptional class are the Ináms held on the Sikka Sanads of the Tanjore Rájás, which are hereditary and permanent in their terms, and have been declared by the orders of Government to be not subject to the various restrictions imposed by the Rules of 1848 upon adoption and succession in collateral and divided members of the family. While the distinction proposed is, therefore, only just and necessary, the compromise on these terms will commend itself to the Tanjore Inámdárs as a fair and reasonable Settlement, and will induce them to come forward more readily to enfranchise their Ináms. I do not believe, however, that the cases, in which childless widows, holding Sikka Sanad Ináms, will be in a position to take advantage of the lowest rate of quit-rent, will be found to be numerous.

* Dated 30th July 1859.
† 27th July 1859.

3. It is unnecessary to repeat the reasons I have given in the draft of instructions for rejecting the claims, likely to be advanced by some of the Inámdárs, to the effect that their Ináms are already freehold property. I was formerly under the impression that some of the Tanjore Sanads did confer this right; but my present inquiries show that none of the Sanads contain provisions to that effect either express or implied.

4. I have conferred with the Collector and with the several Revenue Authorities of the District upon the subject of the treatment of the Tanjore Ináms, and I have reason to believe that the Settlement, as proposed by me, will be received with satisfaction by the general body of Tanjore Inámdárs. A copy of the draft instructions will now be forwarded as usual to the Collector for any remarks he may wish to make.

4. There are no other parts of the instructions which call for observation from me.

Proceedings of the Inám Commissioner, dated Vellore, 18th November 1861, No. 435.

5th Report of the House of Commons, 1812.

1. The Province of Tanjore came under the rule of the British Government in 1799 by treaty with the Rájá. Besides Tanjore proper the District comprises the old possessions of Devikota and Nagore, Negapatam* and Tranquebar recently purchased from the Danish Government in 1845.

* Ceded by the Dutch in 1802.

2. The Inám tenures in this District are, as regards title, of two general classes, viz., those which are held on Sanads, and those not so supported. Out of 34,000 Vélis, the total estimated area of the Ináms, 23,000 are of the former description. The Sanads are of three kinds: first, Sikka Sanads or original grants under the Royal Seal; second, Daftar Ruka, and third, Arzi Ruka Sanads: the two last being simply endorsements of the Rájá expressed in general terms, in the one case on reports made by the Daftar Katcheri, and in the other on Petitions directly from the parties applying for the Inám, to the effect that "it be done "accordingly." The several descriptions of Sanad Ináms and those also which are held without grants, having originated under the former Government and being fifty years old, are valid under the present rules; but the exact nature of the right conferred by the Sanads has not been hitherto definitely determined by Government.

Collector to the Board of Revenue, 25th May 1852.
Board to Collector, 29th July 1852.

3. It has been contended on the part of the Inámdárs that the Sanads, the usual terms of which are "from generation to generation so long as the Sun and Moon endure," are permanent in their character, that the State thereby gave up its right to the revenue of the lands absolutely and for ever, and the Inámdárs have therefore the power to sell and transfer them at their pleasure; or, in other words, that the Ináms are already freeholds which need no further enfranchisement and from which the Government can derive no rent at any time.

4. In 1809 a Register of Ináms was commenced under Regulation XXXI of 1802 and was kept open till 1824; and in this Register nearly all the Tanjore Ináms were recorded. It was intended that on the completion of the Registry, a report should be submitted defining the tenures of the different classes of Ináms and distinguishing those which were resumable; but this was not done, and Ináms held without grants whether obtained by purchase or held on other and more questionable titles have been allowed to be enjoyed without interference.

From the Collector to Board, 30th Sept. 1814,
From Collector, 15th February 1814, paragraphs 12 to 20.
From Board, 5th December 1814, paragraphs 8 to 11.

5. On the promulgation of the Rules of 1848, a large body of the Tanjore Inámdárs presented a Memorial to Government, setting forth in strong terms the nature of the rights claimed by them as above described. In the order of Government on this Petition, the Petitioners were referred, as regards Ináms held without grant, to the Rules of 1848, which greatly modified the previous orders of 1845; but no opinion was given as regards the tenure of Sarvamanyams and Sanad Ináms.

20th July 1848.

6. In paragraph 5 of the above Rules of 1848 it is laid down, as regards Ináms held on Sanads of a date anterior to the British assumption of the District, that where they have not escheated and at the passing of Regulation XXXI of 1802 had not been alienated from the family of the original grantee, they are to be continued to the next lineal male heirs of the last holder "*whether of kin to the incumbent at the passing of "Regulation XXXI of* 1802 *or not.*" Subsequently, in reference to certain cases of Inám lapses reported in Tanjore and on a special representation made by the Collector, it was explained by Government that Ináms so situated are not to be subject to interference or resumption, that succession to them is to be regulated by the same laws that govern the inheritance of Málguzári lands, and that they can only revert to Government as other landed property by escheat on an utter failure of heirs, entitled legally to inherit. From this it might possibly be inferred that the Ináms in question were considered to be saleable or alienable property. The Commissioner, however, believes that in enunciating these views, as regards Sanad Ináms in general, the intention of the Government was that the tenure in each case should be defined by *the terms of the Sanads;* but that it could not have been intended to treat Ináms held on hereditary grants as saleable property, any more than to treat those held for life as hereditary grants. It would, therefore, still remain to decide

Board's C O. Book, Vol. I, page 451.

Minutes of Consultation of Government, dated 16th July 1853, and 6th January 1854, pages 161, 162 and 163, Board C. O. Book Vol. II.

See on this subject the following correspondence:—
From Government to Court of Directors, 11th April 1854.
From Court of Directors, 27th Sept. 1854, No. 21.

what interpretation is to be placed on the Tanjore Sanads, and what is the nature and extent of the right secured to the Inámdárs by them.

7. It is a rule of law that "that which the Crown has "not granted by express clear and unambiguous terms, the "subject has no right to claim under a grant;" such grants, being a surrender of a right of the State, ought to be "construed most strictly against the grantee and most beneficially for the "Crown."

Broom's Legal Maxims, page 540.

8. In the present case the Sanads are totally silent as to any authority on the part of the grantees to sell and transfer the Ináms, and such a right ought not, in the opinion of the Commissioner, to be conceded on mere inferences as to the intention of the grantor. But an expression more definite, which sometimes occurs in these grants, to the effect that the Inám is to be continued "both in the male and female line," would seem to indicate that all that was intended by the grantor was simply that the grant should be enjoyed by the family of the grantee to the remotest period, but not that it should pass to others who have no claims on the State.

9. This view of the case seems to be further supported by the manner in which the Tanjore money allowances, known as Ayakat Maniams, have been treated in practice; these Maniams being enjoyed under Sikka Sanads exactly of the same description as those on which the Ináms are held. Mr. Kindersley's remarks on this subject are so much to the point that the Commissioner thinks it will not be out of place to quote them here in full.

Paragraph 2. "There can be little doubt that the whole of these grants, which appear to "have been made by the Rájás of the country and their "Ministers, for an endless variety of reasons, to institutions "and individuals, were all intended by the granters to be "permanent. But as this mark of favor, a grant in land or grain, was of such frequent "occurrence with the native powers, it must in a few generations have exhausted the resources "of a country, had there been no check to its progress. The occurrence of political revolutions "by cancelling all the acts of the last Dynasty was one remedy, but even these were not of "sufficient frequency, and when the wants of the Government required, it is probable that there "was not much scruple on the part of the reigning Rájá in resuming the whole or part of any "grant made by his predecessor. That such resumptions did frequently take place is clear from "the simple fact exhibited in the accompanying Statements, which show that out of the total "number of 3,243 Ayakat Maniams enjoyed in this District at the date of its transfer to the "Honorable Company, only 494 were paid in full, the remainder being paid in one-half, one-"quarter, or other fraction of the original amount, and yet Sikka Sanads, in the usual oriental "style, all state these grants to be perpetual, to last as long as the Sun and Moon endure, and "out of 290 Roz and Rokka Maniams 60 only were paid in full. For any thing that appears to the "contrary these resumptions were made at the caprice of Government, but it is probable that the "succession of a new incumbent was an opportunity not usually allowed to pass without a "partial reduction, and that many were resumed in toto after several successive reductions."

From Collector to Board, 31st May 1832.

10. It must be admitted that the Tanjore Ináms have, in practice, been commonly sold and transferred, sometimes with the knowledge of the Revenue authorities or under the authority of the Civil Courts. This remark, however, applies to Ináms held without grants as well as to those supported by Sikka or other descriptions of Sanads; and the practice has been equally prevalent in other parts of the country, particularly in Rajahmundry and Cuddalore. No objections were raised to these sales owing to the unsettled state of the Inám question throughout the Presidency, until the passing of the Rules of 1848; but this circumstance, the Commissioner believes, ought not to alter the real nature of the tenures, their reversionary right to which the Government have never formally relinquished; but consideration will be properly shown in every case in which an alienee may have come into the possession of an Inám, by purchase or gift, in accordance with the prevailing practice of the District. This is already provided for by the existing Rules, which place alienees in the same position, in regard to the terms of enfranchisement, as members of the original

From Collector, 4th June 1838.

family, though the commutation is made compulsory in the former case, while it is optional in the latter. At the period of the Registration of 1809 to 1824 one-fourth of the Inámdars were registered as having acquired their rights by alienation.

11. Should the above views meet with the approval of Government the present Rules will, with their sanction, be applied to all descriptions of Tanjore Ináms with the following modification:—

(1.) When an Inám held under a hereditary Sikka Sanad, and which the Inámdár may be unwilling to enfranchise, is confirmed on its present tenure, that tenure is not to be the restricted one defined in Section V of the Rules, which was only intended to apply to the large mass of Ináms held on the strength of mere prescription or of Sanads of a questionable validity; but, as regards Ináms held on Sanads issued by competent authority, it was contemplated that the actual tenure should in every case be explained by the terms of the grants; which terms, in the case of the Tanjore hereditary Sikka Sanads, are declared to be as follows:—That the Ináms are to be enjoyed by the family from generation to generation and to descend to heirs, lineal, collateral and adopted, divided or undivided, male or female, but cannot be transferred out of the family, and must revert to Government on failure of all heirs of the above description.

(2.) For the same reason the childless holder of a Sikka Sanad Inám, having heirs of any of the above descriptions will be allowed to enfranchise it on the lowest rate of quit-rent, or one-eighth of the assessment, equally with those who have lineal heirs.

12. The above exceptions do not apply to Ináms held on Daftar Rukas and Arzi Rukas, which are general and vague in their terms. The interested statement made in the Petitions of the grantees, or the reports of the Daftar Kacheri upon which the Rukas or endorsements were passed, cannot be accepted as a part of the grant. These Ináms, like all others held on Sanads of an imperfect character, will come under the general rules.

13. Under the system of Revenue administration peculiar to Tanjore, by which the demand of Government was fixed on entire villages leaving the internal distribution of it to the Mirásidárs, no regular accounts of the area and assessment of fields annually cultivated have been hitherto kept, and such accounts are even more scarce as regards Ináms. On the assumption of the District, the Maratta Statements of Ináms which existed at the time, were obtained from the Rájá's Kacheri, and these show the extent of Ináms and the names of their holders. The standard of measurement in general use under the Rájá was a rod of 14 feet, but sometimes the grants were given in larger or smaller measures as 12, 13, 14, 16, 18, 20, or 24 feet, but this is always specified in the Sanad as well as in the statement above referred to. The Register of 1801 to 24 likewise indicates, the reputed extent of the Ináms recorded in it, the names of their holders and the titles by which they are supported. In 1804 a general measurement of the lands of the District was made during the administration of Mr. Harris, which comprised the Ináms situated in Government villages; and subsequently, in 1226, a special measurement of Inám lands alone, including entire Inám villages, was made with the view of determining the amount of Rávah fees leviable on them under Register I of 1816. The standard of measurement adopted in both cases was a rod of 12 feet, 2,000 squares of which formed a Véli, being equal to 5 Kams. These measurements made by the Village Curnums without proper superintendence cannot pretend to accuracy. In Fasli 1238 a more methodical survey, conducted after the model of that of the Ceded Districts, was accomplished throughout the District, inclusive of Inám villages; but it came into force only in a few Táluqs, the lands of which were classified and brought under field assessment. In the present year the survey areas have been brought into use throughout the District as a guide to the conversion of the Olungu system into a money settlement; and as these areas represent more correctly the real extent of Ináms in actual enjoyment, they will be likewise adopted in the present Inám Settlement. The Survey fields, however, will not be readily distinguished either by the landholders or the Curnums, from their not being generally in use, and the Deputy Collectors will therefore take the necessary precaution to prevent discrepancy, and will enter in the Registers

From Collector, 29th November 1815.
Do. 21st December 1824.

From Collector, 1st May 1805, paragraph 111.

the names of the old Katlés or fields which are familiar to the Inámdárs, as well as the numbers of the new survey fields corresponding to them.

Entire Villages.

Sheigal.		Waste and Poromboke.	
Former extent.	Survey extent.	Former extent.	Survey extent.
Acres. 1,91,000	Acres. 2,21,000	Acres. 1,86,000	Acres. 2,59,000
	Minor Ináms.		
50,000	48,000	2,300	19,700
Total. 2,41,000	2,69,000	1,88,300	2,78,700

14. Compared with the reputed area of the Ináms, the survey has brought to light excesses in different degrees as shown in the margin. In the Sheigal, or cultivated, area of the minor Ináms there is on the whole a decrease; the excess in the waste may have resulted from the circumstance of its area being entered in former accounts by estimate. In the area of entire villages there is an excess of 16 per cent. in the Sheigal and 40 per cent. in the waste and Poromboke, but such excesses in entire villages result from various ordinary causes and cannot be declared to be encroachments so long as their recognized boundaries have not been exceeded. On the other hand different Collectors of the District have expressed their opinion that extensive encroachments have been made by Inámdárs. There are, however, no data to determine what portion of the excess is due to the differences and imperfections of the former measurements and what portion resulted from encroachments; and this difficulty was recognized by Government when in the recent conversion of the Olungu they left the matter to the discretion of the settling Officer, who was allowed to enter into a compromise with the landholders in regard to the excesses found in their holdings, having in view the general bearing of the assessment. This course, however, will not apply to Ináms. On a former occasion when excesses found by the Survey in the Inám area of a number of villages of the Tiravádi Táluq came under the notice of the Board of Revenue, they were obliged to leave them alone, because they could not be supposed to have resulted from encroachments on Government lands in which there was also found to be an excess.

From Collector, 1st May 1805, paragraph 20.
„ Board 5th do. „ paragraph 11.
„ Collector, 28th Sept 1824.
„ „ 21st December „
„ „ 26th May 1830, paragraphs 4 to 6.
From the Board 23rd June 1828, paragraphs 5, 7 and 8.
Order of Government, 10th Feby. 1860, No. 212, paras. 4 to 6.

From Collector, 14th Sept. 1836.
„ Board, 26th Sept. „
„ Collector, 16th March 1837.
„ Board 24th April „
„ Collector, 4th June 1838.
„ Board, 15th October „

15. On the whole the Commissioner is of opinion that the rule sanctioned in the recent Despatch of the Secretary of State for India, dated 29th June 1860, No. 38, paragraph 4 will be best followed in this District also. That is, excess within 10 per cent. over and above the average excess found in the Government land of the village is to be allowed, and the remainder is to be fully charged unless it can be shown to the satisfaction of the Deputy Collector that no encroachment is likely to have been made, either from the existence of recognized boundaries to the Inám, or from the circumstance of the Inám being surrounded by other Ináms or cultivated lands, which being valuable property in Tanjore, encroachment is not likely to have been permitted, or from the existence of obvious errors in the original accounts, especially in recording the extent of the waste portions of the Ináms. In such cases the Deputy Collectors will be careful to record, for the approval of the reviewing officer, the evidence upon which they are satisfied that the excess forms a part of the original Inám.

16. Except in the field assessed villages in which Ináms have been classified and assessed, the data available for assessing Inám lands are limited. In general Statements hitherto prepared for submission to the Board of Revenue, the value of Ináms has been taken at the average assessment of Government lands in the village which must however bear unequally. The Commissioner is of opinion that the value of entire villages can, as elsewhere, be fixed with reference to the average Collections and the extent of waste available, checking the results by the average assessment of adjoining Government villages; while the assessment of minor Ináms can be fixed at the same rate that is paid on the nearest Katlé or tract of Government land of the same quality; for, though the Government demand is fixed upon the entire village, a fair distribution of it is made upon the several Katlés with

From Collector, 1st May 1805 paragraph 156.

reference to their known grain values amongst the villagers themselves in order to determine the share of the demand payable by each landholder.

Entire Villages.	No.	Sheigal Extent.	Value Rupees.	Jódi Rupees.
Sarvamanyams	381	88,046	2,74,558	11,809
Shrótrium	606	1,18,273	2,67,784	53,478
Rokkaguttage or money rent	47	11,688	39,649	14,174
Grain Guthaga or grain rent	13	1,891	8,990	2,860
Ardhamaniems	5	1,463	4,520	4,633
Total	1,052	2,21,361	5,95,501	93,954
Minor Ináms	...	47,685	1,51,939	22,964
Grand Total	...	2,69,046	7,47,440	1,16,918

* Two-thirds.

17. The annexed statement shows the estimated extent and value of the different kinds of Inám tenures prevailing in the District. The entire villages are situated mostly* in the high land Táluq of Pattikota where several of the Shrótriums bear a heavy Jódi. The Rokkaguttage or money rented villages bear, like the Shrótriums, a fixed favorable rent; but, while the Shrótriums are grants made to strangers on a professedly low rent, the Rokkaguttage tenure consists simply in a small abatement of the Government demand made in favor of the holders of Cirkar Villages. Grain rented villages are similarly held on a favorable rent fixed in grain which is converted into money at the current price of the year. Ardhamaniams pay one-half of their annual collections as Jódi. The fluctuating Jódi hitherto paid on the last two descriptions of Villages, require to be commuted into a fixed quit-rent. This is easily done in the former case by converting the grain Jódi into money at the commutation rates fixed for the District or Táluq; and, in the case of Ardhamaniam Villages, by taking the average actual collections of Jódi during the last five years, making some addition for improvements which may be expected from the cultivation of waste. All the above descriptions of Villages being held on hereditary tenures will further require to be enfranchised under the rules.

Collector's Report, dated 31st January 1802, paragraphs 129 and 130.

18. According to another statement obtained from the Collector's office, which does not quite correspond with the one above given, the various purposes for which the above Ináms are held are shown in the margin. The personal Ináms will be enfranchised under the Rules, while the others, being enjoyed for different descriptions of Religious or charitable services, will be confirmed on their present tenure so long as the service continues to be performed.

Description of Ináms.	Sheigal Extent.	Value Rupees
Personal	1,49,820	4,92,848
Devadayam, or Hindu Pagodas	60,450	2,97,379
Mattam, or Hindu Religious Institutions	2,745	7,311
Christian Churches	231	13 25
Durga Maniams	5,687	22,898
Choultry	11,307	36,633
Water Pandal	337	2,044
Charity Topes	73	871
Total	2 30,650	8,61,309

19. One description of tenure peculiar to Tanjore is the Gráma Bhágam Inám; when the Rájás of the country granted waste lands in Inám they generally purchased or obtained in gift the Mirási right of the lands from the Mirásidárs and conferred it on the Inámdárs. Another arrangement somtimes made with the same object was to confer a portion of the Inám on the Mirásidárs of the village in compensation for their rights over the waste land which was given in Inám. This was done either by the grants or subsequently by the grantees. In either case the Gráma Bhágam Inám will be treated on the same terms as the original Inám to which it appertains.

Collector's, 23rd February 1832, paragraph 4, Order of Government 19th March 1860, No. 335, paragraphs 11 to 13.

20. There are no descriptions of village service Ináms save a small extent of rent free land held by the Taliars, whose services being dispensed with under the recent orders of Government, the Ináms in question will be enfranchised on a quit-rent equal to one-half of their assessment.

5th December 1859, No. 705, paragraph 9.

* Extent Veljs	Estimated Assessment.
425	2,191.

21. Under the recent orders of Government, alienations* of the nature of Inám made from the landed property of the Rája, which has now reverted to Government, are to be brought under the present settlement. They will be disposed of according to the terms of the grant in each case.

Collector's Report, 31st January 1802, paragraph 165.
Fifth Report of 1812, the portion on the settlement of Polliams.

22. The only private estates in this District are thirteen small Polliams which do not appear to have been brought under the permanent settlement like the other southern Polliams, but continue to pay the same Peshkash that was paid under the former Government. Any Ináms situated in these Polliams which existed at the date of the British assumption will be brought under the present settlement.

No. 211. ORDER THEREON, 23rd December 1861, No. 2,346.

Ordered to lie over.

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

17-8-15

Revenue 1861 Deptt.
Pro: of Govt for Decr.
N 2346
Pro: of the Madras Govt
D/ 23rd December 1861

Proceedings of the Madras Government, Revenue Department, 23rd December 1861.

No. 210. Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Vellore, 18th November 1861, No. 62:—

SIR,

1. I have the honor to submit, for the approval of Government, a draft of the instructions which I propose to issue for the guidance of the Deputy Collectors who are to be employed in the Inám Settlement of the Tanjore District, and to solicit their early orders with special reference to the modification of the general rules proposed in paragraphs 10 and 11 of the draft, as affecting the holders of Sikka Sanad Ináms in that District.

2. As regards the policy of the proposed distinction in favor of this class of Ináms, it is to be remembered that the present Settlement consists simply in the voluntary enfranchisement and conversion of the *existing tenure* of Ináms into titles of a perfect and permanent character, upon terms derived from fair arithmetical calculations. This tenure, as defined by past orders of Government as regards the great mass of Ináms which are held either without grants, or on Sanads imperfect in their terms or derived from inferior authority, is described in Section 5 of the Rules. The various terms of enfranchisement given in the following Sections are based upon this definition of the tenure; but it was always contemplated, as stated in paragraph 13 of my Memorandum* upon a Minute† by the Honorable Mr. Walter Elliot, appended to the Rules, that where perfect titles of a permanent character exist, an exception should be made in their favor. Of this exceptional class are the Ináms held on the Sikka Sanads of the Tanjore Rájás, which are hereditary and permanent in their terms, and have been declared by the orders of Government to be not subject to the various restrictions imposed by the Rules of 1848 upon adoption and succession in collateral and divided members of the family. While the distinction proposed is, therefore, only just and necessary, the compromise on these terms will commend itself to the Tanjore Inámdárs as a fair and reasonable Settlement, and will induce them to come forward more readily to enfranchise their Ináms. I do not believe, however, that the cases, in which childless widows, holding Sikka Sanad Ináms, will be in a position to take advantage of the lowest rate of quit-rent, will be found to be numerous.

* Dated 30th July 1859.
† 27th July 1859.

3. It is unnecessary to repeat the reasons I have given in the draft of instructions for rejecting the claims, likely to be advanced by some of the Inámdárs, to the effect that their Ináms are already freehold property. I was formerly under the impression that some of the Tanjore Sanads did confer this right; but my present inquiries show that none of the Sanads contain provisions to that effect either express or implied.

4. I have conferred with the Collector and with the several Revenue Authorities of the District upon the subject of the treatment of the Tanjore Ináms, and I have reason to believe that the Settlement, as proposed by me, will be received with satisfaction by the general body of Tanjore Inámdárs. A copy of the draft instructions will now be forwarded as usual to the Collector for any remarks he may wish to make.

4. There are no other parts of the instructions which call for observation from me.

Proceedings of the Inám Commissioner, dated Vellore, 18th November 1861, No. 435.

5th Report of the House of Commons, 1812.

1. The Province of Tanjore came under the rule of the British Government in 1799 by treaty with the Rájá. Besides Tanjore proper the District comprises the old possessions of Devikota and Nagore, Negapatam* and Tranquebar recently purchased from the Danish Government in 1845.

* Ceded by the Dutch in 1802.

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2. The Inám tenures in this District are, as regards title, of two general classes, viz., those which are held on Sanads, and those not so supported. Out of 34,000 Vélis, the total estimated area of the Ináms, 23,000 are of the former description. The Sanads are of three kinds: first, Sikka Sanads or original grants under the Royal Seal; second, Daftar Ruka, and third, Arzi Ruka Sanads: the two last being simply endorsements of the Rájá expressed in general terms, in the one case on reports made by the Daftar Katcheri, and in the other on Petitions directly from the parties applying for the Inám, to the effect that "it be done "accordingly." The several descriptions of Sanad Ináms and those also which are held without grants, having originated under the former Government and being fifty years old, are valid under the present rules; but the exact nature of the right conferred by the Sanads has not been hitherto definitely determined by Government.

Collector to the Board of Revenue, 25th May 1852.
Board to Collector, 29th July 1852.

3. It has been contended on the part of the Inámdárs that the Sanads, the usual terms of which are "from generation to generation so long as the Sun and Moon endure," are permanent in their character, that the State thereby gave up its right to the revenue of the lands absolutely and for ever, and the Inámdárs have therefore the power to sell and transfer them at their pleasure; or, in other words, that the Ináms are already freeholds which need no further enfranchisement and from which the Government can derive no rent at any time.

4. In 1809 a Register of Ináms was commenced under Regulation XXXI of 1802 and was kept open till 1824; and in this Register nearly all the Tanjore Ináms were recorded. It was intended that on the completion of the Registry, a report should be submitted defining the tenures of the different classes of Ináms and distinguishing those which were resumable; but this was not done, and Ináms held without grants whether obtained by purchase or held on other and more questionable titles have been allowed to be enjoyed without interference.

From the Collector to Board, 30th Sept. 1814,
From Collector, 15th February 1814, paragraphs 12 to 20.
From Board, 5th December 1814, paragraphs 8 to 11.

5. On the promulgation of the Rules of 1848, a large body of the Tanjore Inámdárs presented a Memorial to Government, setting forth in strong terms the nature of the rights claimed by them as above described. In the order of Government on this Petition, the Petitioners were referred, as regards Ináms held without grant, to the Rules of 1848, which greatly modified the previous orders of 1845; but no opinion was given as regards the tenure of Sarvamanyams and Sanad Ináms.

20th July 1848.

6. In paragraph 5 of the above Rules of 1848 it is laid down, as regards Ináms held on Sanads of a date anterior to the British assumption of the District, that where they have not escheated and at the passing of Regulation XXXI of 1802 had not been alienated from the family of the original grantee, they are to be continued to the next lineal male heirs of the last holder "*whether of kin to the incumbent at the passing of "Regulation XXXI of* 1802 *or not.*" Subsequently, in reference to certain cases of Inám lapses reported in Tanjore and on a special representation made by the Collector, it was explained by Government that Ináms so situated are not to be subject to interference or resumption, that succession to them is to be regulated by the same laws that govern the inheritance of Málguzári lands, and that they can only revert to Government as other landed property by escheat on an utter failure of heirs, entitled legally to inherit. From this it might possibly be inferred that the Ináms in question were considered to be saleable or alienable property. The Commissioner, however, believes that in enunciating these views, as regards Sanad Ináms in general, the intention of the Government was that the tenure in each case should be defined by *the terms of the Sanads;* but that it could not have been intended to treat Ináms held on hereditary grants as saleable property, any more than to treat those held for life as hereditary grants. It would, therefore, still remain to decide

Board's C O. Book, Vol. I, page 451.

Minutes of Consultation of Government, dated 16th July 1853, and 6th January 1854, pages 161, 162 and 163, Board C. O. Book Vol. II.

See on this subject the following correspondence:—
From Government to Court of Directors, 11th April 1854.
From Court of Directors, 27th Sept. 1854, No. 21.

what interpretation is to be placed on the Tanjore Sanads, and what is the nature and extent of the right secured to the Inámdárs by them.

7. It is a rule of law that "that which the Crown has "not granted by express clear and unambiguous terms, the "subject has no right to claim under a grant;" such grants, being a surrender of a right of the State, ought to be "construed most strictly against the grantee and most beneficially for the "Crown."

Broom's Legal Maxims, page 540.

8. In the present case the Sanads are totally silent as to any authority on the part of the grantees to sell and transfer the Ináms, and such a right ought not, in the opinion of the Commissioner, to be conceded on mere inferences as to the intention of the grantor. But an expression more definite, which sometimes occurs in these grants, to the effect that the Inám is to be continued "both in the male and female line," would seem to indicate that all that was intended by the grantor was simply that the grant should be enjoyed by the family of the grantee to the remotest period, but not that it should pass to others who have no claims on the State.

9. This view of the case seems to be further supported by the manner in which the Tanjore money allowances, known as Ayakat Maniams, have been treated in practice; these Maniams being enjoyed under Sikka Sanads exactly of the same description as those on which the Ináms are held. Mr. Kindersley's remarks on this subject are so much to the point that the Commissioner thinks it will not be out of place to quote them here in full.

Paragraph 2. "There can be little doubt that the whole of these grants, which appear to "have been made by the Rájás of the country and their "Ministers, for an endless variety of reasons, to institutions "and individuals, were all intended by the granters to be "permanent. But as this mark of favor, a grant in land or grain, was of such frequent "occurrence with the native powers, it must in a few generations have exhausted the resources "of a country, had there been no check to its progress. The occurrence of political revolutions "by cancelling all the acts of the last Dynasty was one remedy, but even these were not of "sufficient frequency, and when the wants of the Government required, it is probable that there "was not much scruple on the part of the reigning Rájá in resuming the whole or part of any "grant made by his predecessor. That such resumptions did frequently take place is clear from "the simple fact exhibited in the accompanying Statements, which show that out of the total "number of 3,243 Ayakat Maniams enjoyed in this District at the date of its transfer to the "Honorable Company, only 494 were paid in full, the remainder being paid in one-half, one-"quarter, or other fraction of the original amount, and yet Sikka Sanads, in the usual oriental "style, all state these grants to be perpetual, to last as long as the Sun and Moon endure, and "out of 290 Roz and Rokka Maniams 60 only were paid in full. For any thing that appears to the "contrary these resumptions were made at the caprice of Government, but it is probable that the "succession of a new incumbent was an opportunity not usually allowed to pass without a "partial reduction, and that many were resumed in toto after several successive reductions."

From Collector to Board, 31st May 1832.

10. It must be admitted that the Tanjore Ináms have, in practice, been commonly sold and transferred, sometimes with the knowledge of the Revenue authorities or under the authority of the Civil Courts. This remark, however, applies to Ináms held without grants as well as to those supported by Sikka or other descriptions of Sanads; and the practice has been equally prevalent in other parts of the country, particularly in Rajahmundry and Cuddalore. No objections were raised to these sales owing to the unsettled state of the Inám question throughout the Presidency, until the passing of the Rules of 1848; but this circumstance, the Commissioner believes, ought not to alter the real nature of the tenures, their reversionary right to which the Government have never formally relinquished; but consideration will be properly shown in every case in which an alienee may have come into the possession of an Inám, by purchase or gift, in accordance with the prevailing practice of the District. This is already provided for by the existing Rules, which place alienees in the same position, in regard to the terms of enfranchisement, as members of the original

From Collector, 4th June 1838.

family, though the commutation is made compulsory in the former case, while it is optional in the latter. At the period of the Registration of 1809 to 1824 one-fourth of the Inámdars were registered as having acquired their rights by alienation.

11. Should the above views meet with the approval of Government the present Rules will, with their sanction, be applied to all descriptions of Tanjore Ináms with the following modification:—

(1.) When an Inám held under a hereditary Sikka Sanad, and which the Inámdár may be unwilling to enfranchise, is confirmed on its present tenure, that tenure is not to be the restricted one defined in Section V of the Rules, which was only intended to apply to the large mass of Ináms held on the strength of mere prescription or of Sanads of a questionable validity; but, as regards Ináms held on Sanads issued by competent authority, it was contemplated that the actual tenure should in every case be explained by the terms of the grants; which terms, in the case of the Tanjore hereditary Sikka Sanads, are declared to be as follows:—That the Ináms are to be enjoyed by the family from generation to generation and to descend to heirs, lineal, collateral and adopted, divided or undivided, male or female, but cannot be transferred out of the family, and must revert to Government on failure of all heirs of the above description.

(2.) For the same reason the childless holder of a Sikka Sanad Inám, having heirs of any of the above descriptions will be allowed to enfranchise it on the lowest rate of quit-rent, or one-eighth of the assessment, equally with those who have lineal heirs.

12. The above exceptions do not apply to Ináms held on Daftar Rukas and Arzi Rukas, which are general and vague in their terms. The interested statement made in the Petitions of the grantees, or the reports of the Daftar Kacheri upon which the Rukas or endorsements were passed, cannot be accepted as a part of the grant. These Ináms, like all others held on Sanads of an imperfect character, will come under the general rules.

13. Under the system of Revenue administration peculiar to Tanjore, by which the demand of Government was fixed on entire villages leaving the internal distribution of it to the Mirásidárs, no regular accounts of the area and assessment of fields annually cultivated have been hitherto kept, and such accounts are even more scarce as regards Ináms. On the assumption of the District, the Maratta Statements of Ináms which existed at the time, were obtained from the Rájá's Kacheri, and these show the extent of Ináms and the names of their holders. The standard of measurement in general use under the Rájá was a rod of 14 feet, but sometimes the grants were given in larger or smaller measures as 12, 13, 14, 16, 18, 20, or 24 feet, but this is always specified in the Sanad as well as in the statement above referred to. The Register of 1801 to 24 likewise indicates, the reputed extent of the Ináms recorded in it, the names of their holders and the titles by which they are supported. In 1804 a general measurement of the lands of the District was made during the administration of Mr. Harris, which comprised the Ináms situated in Government villages; and subsequently, in 1226, a special measurement of Inám lands alone, including entire Inám villages, was made with the view of determining the amount of Rávah fees leviable on them under Register 1 of 1816. The standard of measurement adopted in both cases was a rod of 12 feet, 2,000 squares of which formed a Véli, being equal to 5 Kams. These measurements made by the Village Curnums without proper superintendence cannot pretend to accuracy. In Fasli 1238 a more methodical survey, conducted after the model of that of the Ceded Districts, was accomplished throughout the District, inclusive of Inám villages; but it came into force only in a few Táluqs, the lands of which were classified and brought under field assessment. In the present year the survey areas have been brought into use throughout the District as a guide to the conversion of the Olungu system into a money settlement; and as these areas represent more correctly the real extent of Ináms in actual enjoyment, they will be likewise adopted in the present Inám Settlement. The Survey fields, however, will not be readily distinguished either by the landholders or the Curnums, from their not being generally in use, and the Deputy Collectors will therefore take the necessary precaution to prevent discrepancy, and will enter in the Registers

From Collector, 29th November 1815.
Do. 21st December 1824.

From Collector, 1st May 1805, paragraph 111.

ies of the old Katlés or fields which are familiar to the Inámdárs, as well as the numbers ew survey fields corresponding to them.

ENTIRE VILLAGES.

Sheigal.		Waste and Poromboke.	
extent.	Survey extent.	Former extent.	Survey extent.
Acres.	Acres.	Acres.	Acres.
1,91,000	2,21,000	1,86,000	2,59,000
	Minor Ináms.		
50,000	48,000	2,300	19,700
2,41,000	2,69,000	1,88,300	2,78,700

14. Compared with the reputed area of the Ináms, the survey has brought to light excesses in different degrees as shown in the margin. In the Sheigal, or cultivated, area of the minor Ináms there is on the whole a decrease; the excess in the waste may have resulted from the circumstance of its area being entered in former accounts by estimate. In the area of entire villages there is an excess of 16 per cent. in the Sheigal and 40 per cent. in the waste and oke, but such excesses in entire villages result from various ordinary causes and cannot be to be encroachments so long as their recognized boundaries have not been exceeded. other hand different Collectors of the District have expressed their opinion that extensive ments have been made by Inámdárs. There are, however, no data to determine what portion of the excess is due to the differences and imperfections of the former measurements and what portion resulted from encroachments; and this difficulty was recognized by Government when in the recent conversion of the Olungu they left the matter to the n of the settling Officer, who was allowed to enter into a compromise with the landholders in regard to the excesses found in their holdings, having in view the general bearing of the assessment. This course, however, will not apply to Ináms. On a former occasion when excesses found by the Survey in the Inám area of a number of villages of the Tiravádi Táluq came under the f the Board of Revenue, they were obliged to leave them alone, because they could not osed to have resulted from encroachments on Government lands in which there was also be an excess.

ector, 15th February 1814, paragraph 20.
Board 5th do. ,, paragraph 11.
ector, 28th Sept 1824.
, 21st December ,,
, 26th May 1830, paragraphs 4 to 6.
Board 23rd June 1828, paragraphs 5, 7 and 8.
Government, 10th Feby. 1860, No. 212, paras. 4 to 6.

llector, 14th Sept. 1836.
Board, 26th Sept. ,,
llector, 16th March 1837.
Board 24th April ,,
llector, 4th June 1838.
Board, 15th October ,,

On the whole the Commissioner is of opinion that the rule sanctioned in the recent h of the Secretary of State for India, dated 29th June 1860, No. 38, paragraph 4 will be owed in this District also. That is, excess within 10 per cent. over and above the average found in the Government land of the village is to be allowed, and the remainder is to be harged unless it can be shown to the satisfaction of the Deputy Collector that no hment is likely to have been made, either from the existence of recognized boundaries nám, or from the circumstance of the Inám being surrounded by other Ináms or cultivals, which being valuable property in Tanjore, encroachment is not likely to have been ed, or from the existence of obvious errors in the original accounts, especially in record- extent of the waste portions of the Ináms. In such cases the Deputy Collectors will be to record, for the approval of the reviewing officer, the evidence upon which they are that the excess forms a part of the original Inám.

Except in the field assessed villages in which Ináms have been classified and assessed, available for assessing Inám lands are limited. In general Statements hitherto prepared mission to the Board of Revenue, the value of Ináms has been taken at the average assessGovernment lands in the village which must however bear unequally. The Commissioner inion that the value of entire villages can, as elsewhere, be fixed with reference to the Collections and the extent of waste available, checking the results by the average assessadjoining Government villages; while the assessment of minor Ináms can be fixed at the te that is paid on the nearest Katlé or tract of Government land of the same quality; for, though the Government demand is fixed upon the entire village,

lector, 1st May 1805 paragraph 156. a fair distribution of it is made upon the several Katlés with

reference to their known grain values amongst the villagers themselves in order to determine the share of the demand payable by each landholder.

17. The annexed statement shows the estimated extent and value of the different kinds of Inám tenures prevailing in the District. The entire villages are situated mostly* in the high land Táluq of Pattikota where several of the Shrótriums bear a heavy Jódi. The Rokkaguttage or money rented villages bear, like the Shrótriums, a fixed favorable rent; but, while the Shrótriums are grants made to strangers on a professedly low rent, the Rokkaguttage tenure consists simply in a small abatement of the Government demand made in favor of the holders of Cirkar Villages. Grain rented villages are similarly held on a favorable rent fixed in grain which is converted into money at the current price of the year. Ardhamaniams pay one-half of their annual collections as Jódi. The fluctuating Jódi hitherto paid on the last two descriptions of Villages, require to be commuted into a fixed quit-rent. This is easily done in the former case by converting the grain Jódi into money at the commutation rates fixed for the District or Táluq; and, in the case of Ardhamaniam Villages, by taking the average actual collections of Jódi during the last five years, making some addition for improvements which may be expected from the cultivation of waste. All the above descriptions of Villages being held on hereditary tenures will further require to be enfranchised under the rules.

Entire Villages.	No.	Sheigal Extent.	Value Rupees.	Jódi Rupees.
Sarvamanyams	381	88,046	2,74,558	11,809
Shrótrium	606	1,18,273	2,67,784	53,478
Rokkaguttage or money rent...	47	11,688	39,649	14,174
Grain Guthaga or grain rent...	13	1,891	8,990	9,860
Ardhamaniems	5	1,463	4,520	4,633
Total...	1,052	2,21,361	5,95,501	93,954
Minor Ináms...	...	47,685	1,51,939	22,964
Grand Total..	...	2,69,046	7,47,440	1,16,918

* Two-thirds.

Collector's Report, dated 31st January 1802, paragraphs 129 and 130.

18. According to another statement obtained from the Collector's office, which does not quite correspond with the one above given, the various purposes for which the above Ináms are held are shown in the margin. The personal Ináms will be enfranchised under the Rules, while the others, being enjoyed for different descriptions of Religious or charitable services, will be confirmed on their present tenure so long as the service continues to be performed.

Description of Ináms.	Sheigal Extent.	Value Rupees.
Personal	1,49,820	4,92,848
Devadayam, or Hindu Pagodas	60,450	2,97,379
Mattam, or Hindu Religious Institutions	2,745	7,311
Christian Churches	231	13 25
Durga Maniams	5,687	22,898
Choultry	11,307	36,633
Water Pandal	337	2,044
Charity Topes	73	871
Total...	2 30,650	8,61,309

19. One description of tenure peculiar to Tanjore is the Gráma Bhágam Inám; when the Rájás of the country granted waste lands in Inám they generally purchased or obtained in gift the Mirási right of the lands from the Mirásidárs and conferred it on the Inámdárs. Another arrangement somtimes made with the same object was to confer a portion of the Inám on the Mirásidárs of the village in compensation for their rights over the waste land which was given in Inám. This was done either by the grants or subsequently by the grantees. In either case the Gráma Bhágam Inám will be treated on the same terms as the original Inám to which it appertains.

Collector's, 23rd February 1832, paragraph 4, Order of Government 19th March 1860, No. 335, paragraphs 11 to 13.

20. There are no descriptions of village service Ináms save a small extent of rent free land held by the Taliars, whose services being dispensed with under the recent orders of Government, the Ináms in question will be enfranchised on a quit-rent equal to one-half of their assessment.

5th December 1859, No. 705, paragraph 9.

21. Under the recent orders of Government, alienations* of the nature of Inám made from the landed property of the Rája, which has now reverted to Government, are to be brought under the present settlement. They will be disposed of according to the terms of the grant in each case.

* Extent Velis 425 — Estimated Assessment. 2,191.

22. The only private estates in this District are thirteen small Polliams which do not appear to have been brought under the permanent settlement like the other southern Polliams, but continue to pay the same Peshkash that was paid under the former Government. Any Ináms situated in these Polliams which existed at the date of the British assumption will be brought under the present settlement.

Collector's Report, 31st January 1802, paragraph 165.
Fifth Report of 1812, the portion on the settlement of Polliams.

No. 211. ORDER THEREON, 23rd December 1861, No. 2,346.

Ordered to lie over.

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

Copy in a Letter to Govt
8/17th April No 22 of 1862

23-3-70

141-2-69+

19b-70+

No 210 + 211-

11-5-16

Pro: 6th Dec 1861 Govt
No 2/30 for December

From

The Hon'ble
Commissioners
To The Secretary
to Govt Revenue Depart.
Fort St George.

Dated 18th November
Rec'd 20 } 1861

No 62

Endo: 1

Further Cons: 11 March 1862
No 583

Submits a draft of the instructions which he proposes to issue for the settlement of the Tanjore Inams & requests the orders of Govt with reference to the modification of the general rules proposed in the draft as affecting the holders of Sikka Sayad Inams.

No 2346

JDS. L