

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1221	Press ~~Mis.~~
<i>402 403</i>	
Dated	7-7-1863

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
7th July 1863.*

No. 142. 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 Coimbatore, 28th February 1863, No. 9:—

SIR,

1. In acknowledging the receipt of the Order of Government, dated 20th instant, No. 366, I have the honor to state that the instructions of the Secretary of State for the treatment of excess in Ináms could not be applied to the case under notice, as these instructions provided for excess being allowed in the proportion of that found in the Government lands, in addition to the ordinary ten per cent., and the results of the measurement of the latter were not known when the Inám in question was settled. There were, moreover, other reasons which induced me not to treat the case as one of ordinary excess.

2. Túrputlanka, it will be observed, is not a minor Inám, but a Khandriga or large tract of land with defined boundaries, if not a separate village as it is claimed to be by the Inámdár, and it is so described in the Order of the Chief in Council and in the other documents produced by the Inámdár, in which no reference is made to the extent of the tract. In the earlier accounts of Faslis 1204, 1205 and 1207, the reputed area of this tract of ground was entered as 24 Puttis, without reference to its being an Inám. From the fact of the same entry being continued in subsequent accounts, when it came to be entered as Inám, I did not consider that a fraudulent under-statement of extent was made out; while at the same time, under the peculiar circumstances of the case, there could have been no encroachment. The Putti is, in fact, a measure of capacity, and it is well known that in swampy or sandy barren tracts, of the nature of this under notice, it was often entered by estimate sometimes of the cultivated portion alone, and represents a much larger extent in acres than the ordinary standard of commutation would give.

3. On the whole, therefore, I preferred to view the question as one of title rather than of excess in an Inám of a known and recognized extent. Government consider that the case under notice is singularly deficient in claims on indulgent consideration; but it should not be overlooked that in the Order of the Chief in Council and other documents produced, though they were not of a strictly reliable character, and in his actual undisturbed enjoyment of fifty years, the Inámdár has brought forward a strong title for consideration, and one which was held to be undoubtedly good by a high authority eighteen years ago. While, therefore, under all the circumstances of the case, I was not prepared to recognize the Inámdár's title to more than 24 Puttis as absolutely good, I could not reject his claims to the remainder, on the ground of its being excess; but considered that the fairest compromise was to treat it as an Inám held without sufficient authority, but in regard to which no fraud could be proved, and consequently enfranchised it under the rules upon a Quit-rent equal to one-half of its present value. I trust that under the explanation above given the settlement made in this case will meet with the approval of Government.

4. As applicable to the other Ináms in the Godavery District generally, I take this opportunity of stating, for the information of Government, that the Order of the Secretary of State regarding excess was not carried into effect by this Department, but was left to be enforced by the District authorities after the relative results of the measurement of Sirkar and Inám lands by the Survey Department were known; the usual extent alone being meanwhile recorded by the Deputy Collectors.

No. 143. ORDER THEREON, 7th July 1863, No. 1,221.

1. In their Order of 20th February 1863, No. 366, the Government called upon the Inám Commissioner to explain why he had enfranchised at half assessment a Mocassah (in the Godavery District) which comprised 118 Pooties, while the old accounts show its correct area to be

only 24 Pooties, in contravention of the orders of the Home Government that all excess beyond 10 per cent. of the extent of Ináms should be charged with full assessment. Mr. Taylor's explanation is contained in the letter above recorded.

with full assessment

Recd. (20/7/63)

Proceedings of the Madras Government, Revenue Department,
7th July 1863.

2. The Government have considered this explanation, but they cannot regard it as satisfactory. It appears to them that a clearer case of encroachment than that under notice could not well be. The local measure "Pooty," as remarked by Mr. Taylor in his present letter, varies no doubt, but this does not seem to the Government to affect the question. If Mr. Taylor thought the Inām really comprised 118 Pooties, the whole ought to have been treated alike; and it is not clear why 24 Pooties were enfranchised at one-eighth, and the remainder at half assessment, if the latter were not an encroachment. The question, in fact, is not whether 24 Pooties contain so many acres, but under what circumstances an Inām of 24 Pooties has been converted into one of 118 Pooties.

3. In another respect the settlement seems open to question, viz., the assessment. From column 7 of the Village Register, it appears that the assessment of a like extent of similar Government land would be Rupees 1,600, while the Deputy Collector and the Inām Commissioner have assessed the Inām in question at Rupees 836.

4. The settlement cannot now be disturbed; but it certainly seems that the interests of Government have been unduly sacrificed in this case.

5. In the last paragraph of his present letter, the Inām Commissioner states that the Order of the Secretary of State was not carried out by his Department, but "left to be enforced by the District authorities after the relative results of the measurement of Sirkar and Inām lands by the Survey Department were known." The Secretary of State's remark was "where the excess, as proved by actual measurement does not exceed that also found in the Government lands, it may reasonably be treated as part of the original Inām." Mr. Taylor has quite misunderstood the Despatch of the Home Government in supposing that excess in Ināms cannot be dealt with until it is ascertained what degree of excess exists in lands which pay revenue. Ten per cent. is the margin allowed for the latter, and the Secretary of State extends this margin to Ināms when no fraud is proved. But all excess above 10 per cent. whether fraudulent encroachment be proved or not is to be at once assessed at full assessment. Mr. Taylor was, therefore, not justified in practically placing the orders of the Home Government in abeyance, if not setting them wholly aside, in an entire District without even informing the Government of his intention in this respect. In the instance now in question the Inām Commissioner would have acted correctly if he had confirmed only 24 Pooties plus 10 per cent. allowed encroachment or 26.4 Pooties in all, leaving it to be afterwards settled how many acres were comprised in that number of Pooties, but he has confirmed 116 Pooties at a Quit-rent of Rupees 274. The holder of the land is thus entitled to have 116 Pooties handed over to her, whatever the extent of the Pooty may prove to be, and she cannot be required to pay more for the same than Rupees 274. The Government do not see how the Revenue authorities can interfere when the Commissioner's Title Deed not only specifies the extent, but limits the demand, which it may be remarked is computed on the Pooty containing 8 Acres.

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

Memo. on P. No. 531.

In the order of
the 20th February 1863 N. 366
the Government called upon
the Inām Commissioner to
explain why he had enfranchised
at 1/2 assessment
a Moccassah (in the Gadamer
District) which comprised
118 Pooties while the old
accounts show its correct
area to be only 24 Pooties,
in contravention of the
orders of the Home Govt.
that all excess beyond 10
per cent of the extent of the
grant should be charged
with full assessment.

M.

Mr. Taylor's explanation
is contained in the enclosed
letter.

As regards the
merits of the case itself
opinions of course will vary.
The record of enquiry will
be found in the paper
marked A (Board's proceedings
4th February 1863) and
I can only say that in
my judgment a more
palpable case of fraud
and encroachment could not
well be. The local measure
"Pookies" varies no doubt, but
this does not seem to me
to affect the question.
If Mr. Taylor thought
the Inam really comprised
118 Pookies why was not
the whole treated alike.
why were 24 Pookies
(192 acres) enfranchised at
 $\frac{1}{8}$.

Mr. Taylor has Dis-
cretionary power to
assess. And had
done this merely to
show how "liberal"
his proceedings here
have been. *WJ*

$\frac{1}{8}$ and the remainder (94 $\frac{1}{2}$
Pookies) ^{752 acres} at $\frac{1}{2}$ assessment,
if the latter were not an
encroachment.

The question in
fact is not whether 24
Pookies contain so many
acres but under what
circumstances an Inam
of 24 Pookies has been
converted into one of 118
Pookies. In another respect
the settlement seems open
to question, viz the assess-
ment. From Col. 7 of the
Village register it appears
that the assessment of a
similar extent of similar
joint land would be Rs. 1600.
The Deputy Collector and
the Surveyor have
~~assessed~~ assessed
the Inam in question at
Rs. 836 -

The

The Settlement
cannot now be disturbed
but it certainly seems to me
that the interests of you &
have been unduly sacrificed
in this case.

In the last para-
graph of his letter Mr Taylor
states that the order of
the Secretary of State was
not carried out by his own
Department but "left to
be enforced by the District
authorities after the relative
results of the measurement
of Sikkim and Niamland
by the Survey Department
are known". The Secretary
of State's remark was "where
the excess, as proved by
actual measurement does
not exceed that already
found in the govt
land

[Faint handwritten notes, mostly illegible]

lands, it may reasonably
be treated as part of the
original claim. The
claim Commissioner, as
I understand the case,
would have acted correctly
if he had in the instance
above cited confirmed only
24 Pookies - leaving it to
be afterwards settled
how many acres were
comprised in that ex-
cess of Pookies, but
he has confirmed 116 Pookies
at a quit rent of £274.
If this means any thing
it surely means that the
holder of the land is
entitled to have 116 Pookies
handed over to her - what-
ever the extent of the
Pookies may prove to be -
and that she cannot be
required

required to pay more for
the same than $1\frac{1}{2}$ 27/4.

I do not see how the
A. Revenue authorities can
interfere when the Lairs-
-missioner's title deed is not

only specifies the extent
but limits the demand, e.g.,

which it may be remarked
is computed on the Pooley,

containing 8 acres. I am to
think that Mr. Taylor was

justified in practically ex-
plaining the orders of the

Secretary of State in abeyance,
if not setting them wholly

aside, in an entire District,
without even informing

the Government of what
has been said

[Handwritten signature]

Mr. Taylor has quite misunderstood Mr C Woods Despatch in supposing that except in cases where it can not be dealt with till it is ascertained what degree of excess exist in lands which pay Revenue. - Ten per cent is the margin allowed for the latter, & Mr C Wood extends this margin to Income when no fraud is proved. - But all except above 10 per cent whether fraudulent encroachment be proved or not is to be ^{at once} ~~be~~ ^{opened} ~~it~~ ^{at full}. - He was therefore quite justified in putting half agreement on the exception of 10 per cent & this must be corrected. - His rate of agreement is unquestionably low, but under all the circumstances it may, I think, be left undisturbed.



It seems to me that all that came within the scope
of Mr Taylor's powers was the main debt amounting
to the votes. With any account beyond this leaving
the same votes to be defined receipts as to amount
and to the additions he made to the being it is
harmonious with the paper said generally; all the same
beyond this amount was evidently an encroachment
- must & should have been dealt with as such.
It is not desirable to allow the rate imposed with
the votes - but the remainder of the same must
bear the full apportionment which will be allowed
by the collector and Mr Taylor will
be sure to enforce himself to the work properly
belonging to him & not to deal with dead matters
as he has now improperly meddled with without
previous reference to the proper authorities.

It

I hope Mr. Taylor has an-
 authority to do what he can.
 - for the same at 24
 Pooties, since the per cent
 should be enough more or
 26.4 Pooties in all - and
 that he should have left
 to rest of the Canal. He
 dealt with by the Court with
 whom he should have
 communicated & who
 would have changed it
 with full assessment.
 Whether a Commission
 proceeding, can be modified
 now, I do not know -

J. P.

Revenue Department
 No. 1221-
 Proceedings of the Madras Government
 Under date the 7th July 1863.

Read the following
 letter from the Inam Comm-
 issioner.

Explains the circumstances
 under which the lands of Surpu-
 lanku in the Godavari District
 were enfranchised upon a quit-
 rent equal to one half of their
 value.

(Here enter 28th February 1863
 No. 9)

1 In their order of
 20th February 1863. No. 366 the
 Government called upon the
 Inam Commissioner to ex-
 plain why he had enfran-
 chised at half assessment
 a Procasah (in the Goda-
 vary District) which com-
 prised 118 Pooties, while the
 old accounts show its cor-
 rect area to be only 24 Pooties,
 in contravention of the
 order of the Home-
 Govt.

* Despatch 29th June 1838
 in G. O. 7th August 1860 No. 1312.

Government that all except
beyond 10 per cent of the ex-
tent of Inams should be
charged with full assess-
ment. Mr. Taylor's expla-
nation is contained in the
letter above recorded.

2 The Government—
have considered this expla-
nation, but they cannot re-
gard it as satisfactory.
It appears to them that a
^{clear} ~~manifest~~ palpable case of ~~fraud~~
and encroachment than that
under notice could not be
well be. The local measure
"Pooty," as remarked by Mr.
Taylor in his present letter,
varies no doubt, but this
does not seem to the Govern-
ment to affect the question.
If Mr. Taylor thought the
Inam really comprised a

118 Pooties, the whole ought
to have been treated alike,
and it is not clear why
21 Pooties (~~192 acres~~) were
 enfranchised at $\frac{1}{8}$, and the
 remainder, ~~94 Pooties~~,
(~~752 acres~~) at $\frac{1}{2}$ assessment,
if the latter were not an
encroachment. The question
in fact is not whether 21
Pooties contain so many
acres, but under what cir-
cumstances an Inam of
21 Pooties has been converted
into one of 118 Pooties.

3 In another respect
the settlement seems open
to question, viz the assess-
ment. From Col. 7 of the
Village register, it appears
that the assessment of
a like extent of similar

Gent.

* In Pro. Board of Revenue
14th February 1863 No. 686.

Government land would be Rs. 1,600, while the Deputy Collector and the Inam Commissioner have assessed the Inam in question at Rs. 836.

4 The settlement cannot now be disturbed, but it certainly seems that the interests of Government have been unduly sacrificed in this case.

5 In the last para of his present letter the Inam Commissioner states that the order of the Secretary of State was not carried out by his Department, but "left to be enforced by the District authorities after the relative results of the measurement of Sirkat and Inam lands."

lands by the Survey Department were known? The Secretary of State's remark was "where the excess, as improved by actual measurement does not exceed that also found in the Government lands, it may reasonably be treated as part of the original Inam." Mr. Taylor has quite misunderstood the despatch of the Home Government in supposing that excess in Inams cannot be dealt with until it is ascertained what degree of excess exists in lands which pay Revenue ten per cent is the margin allowed for the latter, and the Secretary of State extends this margin to Inams where no fraud

fraud is proved. But...
all except above 10 per cent
whether fraudulent encroach-
ment be proved or not...
is to be at once refused
at full assessment. ^{Mr. Taylor}
was therefore not justified
in practically placing on
the orders of the Home Go-
vernment in obedience, if
not setting them wholly
aside, in an entire District
without even informing the
Govt of his intention in
this respect. In the instance
now in question the Inam
Commissioner would have
acted correctly if he had
confirmed ^{only} 24 Pooties plus
10 per cent ^{allowed encroachment} or 26.4 Pooties
in all leaving it
to be afterwards settled
how

how many acres were com-
prised in that number of
Pooties, but he has confirmed
116 Pooties at a quit rent of
Rs. 274. The holder of the land
is thus entitled to have 116
Pooties handed over to her what-
ever the extent of the Pooty
may prove to be, and she can
not be required to pay more
for the same than Rs. 274. The
Govt do not see how the Re-
venue authorities can inter-
fere when the Commissioner
settles. But not only specifies
the extent but limits the de-
mand, which it may be re-
marked is computed on the
Pooty containing 8 acres.

5 Inam Commr. Cest 84
14 B. of Revenue

Copy in a Letter to Enclaves
of 20th May at 37 of 1861.

15/11/11

Revenue 1863 Deptt.
Pro: of Govt for July.

No. 1221.

Pro: of the Madras Govt.
7th July 1862.

From the Indian Commissioner
18th August 1862 at 1927.

Pro. No. 285-286
285-286

Explanation of the
Indian Commissioner of the
circumstances under which
the lands of the Hamlet of
Turpulanika in the Godavery
District were enfranchised
upon a quit rent equal to
one half of their value, with
order thereon.

1742 & 1743.