M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1991 Press Mis.

56.57

Dated 5—11—1863

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 5th November 1863.

No. 53. Read the following Proceedings of the Board of Revenue, dated 19th October 1863 :—
Read letter from the Collector of Tanjore, dated 26th September 1863, No. 349.
(In Cons. 30th September 1863, No. 6,315.)

1 Ordered that the letter above recorded be submitted for the consideration and orders of Government, with copy of the Board's C. O. quoted by the Collector.

2. The Board judging from past usage cannot doubt that Government has the power to assign its revenue rights at pleasure to private individuals, or in other words, to confer Inám grants out of occupied land, in which case the public revenue is alone assigned, or out of waste land, when the grant conveys proprietary rights as well as freedom from taxation. Numerous instances of the exercise of this right in all parts of the country could easily be adduced ; but the Board do not suppose that the Government have any wish to insist on exercising it when the transfer will be really distasteful to the Ryots concerned.

3. The principle involved is identical with that on which the Zemindary and Mutahdary systems, and the village rents were carried out ; but the Board can easily understand that irrespective of any doubts connected with the subject of remissions, Ryots will often prefer to remain in direct relation to Government.

4. In making the proposed commutation of cash payments for assignments of Land Revenue, it is intended that the terms shall be sufficiently liberal to enable the Temple Trustees to exercise all due consideration towards the Ryots, and it would not be difficult to arrange a settlement that should fully effect that object and should place the right of the Ryots on a secure basis, although perhaps a somewhat wider margin than the 10 per cent. named by Government in G. O. dated 2nd July 1863, No. 1,166, Revenue Department, may be necessary for the purpose.

5. The Board presume that it is the intention of Government that every actual assignment shall receive express sanction from Government, but as in the present state of the Law, revenue assigned as Survamaniem to Temple trusts cannot be realized save by regular Suit, it will be desirable to defer any actual assignments until the defect has been cured.

6. The Board have instructed Collectors of Districts in which the revision of the assessment is in progress, or is immediately contemplated, to suspend any action under the Government Order until the revenue value of the lands has been decided.

No. 57. ORDER THEREON, 5th November 1863, No. 1,991.

1. The Government consider that their right to assign the public revenue is unquestionable, but whenever practicable the lands of Ryots who are willing to hold under the Trustees of Religious Institutions should be selected.

2. The Trustees of course will have no power to raise the assessment above the Government standard, and this should be expressly stated in the deeds of assignment. The only disadvantage under which the Ryots will then labor, in consequence of the transfer, will be the chance of not receiving as liberal remissions in adverse seasons as Government might grant, but this might be remedied by revising the assessment prior to transfer, where its amount renders this precaution necessary so as to meet such contingencies.

3. The disability to which the Board allude in paragraph 5 will shortly be remedied.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

STANDING CIRCULAR, No. C.

Board No. 4,694.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 28th July 1863.

Read the following letter from J. FRASER, Esq., Acting Collector of North Arcot, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Chittoor, 18th July 1863, No. 136:—

1. I have the honor to acknowledge the receipt of No. LXXXIII dated 9th July 1863, the Board's Standing Circular noted in the margin, regarding the commutation of money allowances to religious institutions into land.

2. From the wording of paragraph 26 of the Board's letter to Government, and the terms of the Government Order of the 2nd July 1863, No. 1,166, it would appear their commutation is to be compulsory,* but it is not said so in so many words. I wish to be informed, therefore, whether the commutation is to be absolutely compulsory or not.

* Except in the case of personal allowances.

So far as the fact of commutation is concerned the rule is absolute, but an option is left to the parties concerned, in the selection of the land to be assigned; whether waste in absolute right, or occupied land when the parties will be entitled to receive the Government dues from the landholders and no more. In the case of personal grants, for religious objects, the further option of a single money payment in full discharge of the future annuity is permitted.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

(True Copy.)

(Signed) V. SCHARLIEB,
First Assistant.

To J. Fraser, Esq., Acting Collector of North Arcot.
Copy to All Collectors.

Exd. J. Wright.

Tanjore Collector's Off

No. 349

Vullum 26th Septr. 1863

From

W. M. Cadell Esqr.
Collector of Tanjore

To

W. Hudleston Esqr.
Secretary to the Bd. of Revn.
Chepauk

Sir

With reference to the Board's Standing Circular No. C, dated the 28th July last, I have the honor to request that you will be good enough to inform me whether the rule therein laid down is "absolute" only as affecting the parties now in receipt of money allowances, or also as affecting the owners or holders of lands which may have been selected for the purpose of commuting such allowances, irrespective of the consent of the holders.

2. Several cases have occurred in the District in which the owners of the lands sanctioned by Government to be allotted in lieu of the money allowances enjoyed by religious institutions refuse to pay the revenue assessment to the religious institu-

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Stating that the rule for the commutation into and of money payments to religious institutions is absolute.

4

Dated 28th July 1863.

Received

4,694.

To All Collectors, &c.

No. 2519/6

Proceedings of the Board of Revenue

Standing Circular, No. C.

Rec. 2499/63

Sir the Pro. Revn. to Govt. 12 Jul. 1863 2 Nov. 63 No. —

as required, but insist on paying it to Government only as hitherto. The question appears to me to be involved in some doubt and I therefore request to be informed whether the holders of such lands can be compelled to transfer the payment of Goverment dues to any third party.

I have &ca

/Signed/ W. M. Cadell

Collector

(A True Copy)

[signature]

Secretary.

6

~~Rev 2499/63~~

Enclosure in the Proceedings of the Board of Revenue to the Secretary to Government Fd dated 19th October 1863

R 2579/63

No.

Copy of a letter from the Collector of Tanjore dated 26th September 1863 No. 349.

No. 5[illegible]
[illegible] 1991
[illegible] 56-[illegible]

Revenue Department

No. 1991

Proceedings of the Madras Government

Under date the 5th ~~October~~ Novr 1863.

Read the following Pro: of the Board of Revenue.

Submitting with remarks a letter from the Collector of Tanjore requesting instructions as to whether the holders of certain lands can be compelled to transfer the payment of Government dues to any third party. (Re enter 19th Octr/63)

I can quite understand the preference of the Ryot & hold under Govt & this should be considered in every transfer made.

[illegible]

The Government consider that their right to assign the public revenue is unquestionable but whenever practicable the lands of ryots who are willing to hold under the trustees of religious institutions should be selected.

The Trustees of course will have no power to rain the

the assessment above the Government standard and this should be expressly stated in the deeds of assignment. The only disadvantage under which the ryots will then labor, in consequence of the transfer, will be the chance of not receiving as liberal remissions in adverse seasons as Government might grant but This might be remedied by revising the assessment prior to transfer where its amount renders this precaution necessary so as to meet such contingencies or by making the grant of remissions in adverse seasons a condition of the assignment and giving the Trustees a larger margin

of profit.

The disability to which the Board alluded in para 5 will shortly be remedied

J. B. J.

14 Copies To the B. of Rev. Dept. Chow

30-7-72

Revenue 1863 Deptt.
Pro: of Govt. for Nov.

No. 1991.

Pro: of the Madras Govt.
Dt. 5. November 1863.

30 ...
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Pro: Bd. of Revn. sub-
-mitting letter from the Collr. of
Tanjore requesting instructio-
-ons as to whether the holders
of certain lands in his Distt.
can be compelled to transfer
the payment of Govt. dues to
the Trustees of Religious
institutions, with orders
thereon.

Pro. No. 31-32
2-7-63

No. 56 & 57.