

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 597	Press Mis.
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Dated 8 th 4	- 1864.

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Government 1864 of Madras.
REVENUE.

Recd.

Regd.

1864.

Enclosures

Spars copies

G.O., No. 597, 8th April 1864.

APRIL.

Excess in Inam Lands in unsurveyed Districts.

Inam Commissioner's proposals as to the course to be pursued in dealing with those excesses with orders thereon.

2. Proceedings of the Madras Government, Revenue Department, 5th April 1864.

Read the following papers:—

No. 161. From W. T. BLAIR, Esq., Acting Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Coimbatore, 13th August 1863, No. 43.

SIR,

I have the honour to acknowledge the receipt of the Order of Government, dated 7th ultimo, No. 1221, animadverting on the course pursued by this department in dealing with an Inám (Turpulanka) in the Godavery District.

2. It is not now my object to reopen the merits of that case; but as the question of excess which is discussed in this Order is one of very general importance both as regards the interests of Government and those of the Inámdars, and as the past correspondence shows that the construction now put on the Order of the Secretary of State on the subject is at variance with the sense in which it has been understood and acted upon by this Department in the several Districts already settled, I feel it necessary to bring the matter again before the Government and solicit the favour of their reconsidering their Order now under acknowledgment.

3. In paragraphs 10 and 11 of his report *, dated 12th October 1859, Mr. Taylor proposed for reasons therein stated that when the surveyed area of the Inám should be found to exceed the recorded area by more than 10 per cent. *above the proportion of excess discovered in the Government lands* the burden of proving such additional excess to be no encroachment should rest with the Inámdar; that if he succeeded in proving his title to the excess, it should be considered part of the Inám and charged only the rate paid on the rest of the Inám, and that if he failed such excess should be charged with half assessment. Mr. Taylor, at the end of paragraph 11, further illustrated his proposition by an example as follows:—"Supposing the average excess found in the area of the Government lands of the village to be 30 per cent., the Inámdars will hereafter be charged, as above specified, for that portion of their holding which is over and above, an excess amounting to 40 per cent.", i.e., 30 + 10.

4. In their Order † of 16th November 1859, No. 1559, copy of which is annexed, the Government approved of Mr. Taylor's propositions in unmistakable terms, adding only that in cases where the excess was obtained *fraudulently*, full assessment was to be imposed.

5. In the Despatch of the Secretary of State (29th June 1860, No. 38), approving of the proposed course it is clearly laid down that "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 Inám; and I am willing to allow the exemption to be extended to any excess not beyond 10 per cent. of the extent of the grant. Any further excess you propose to charge with only one-half of the full assessment, but it appears to me that no sufficient reason exists for this indulgence." The only point, to which exception was taken, was the proposed charge of half instead of full assessment on the net excess.

6. Again in paragraph 15 of his instructions for the settlement of the Tanjore District, Mr. Taylor proposed, in compliance with the Order of the Secretary of State, that "excess within 10 per cent. *over and above the average excess found in the Government land of the village* should be allowed and the remainder fully charged" unless it was shown satisfactorily that no encroachment was likely to have taken place, and of this, the Government in their Proceedings, 11th March 1862, No. 533, were pleased to approve.

7. I trust that the above resumé of the correspondence and orders directly bearing on the subject will suffice to show that the rule for dealing with excess as understood and carried out by this Department throughout the several Districts is in perfect

accordance with the instructions approved of by Government from time to time, both before and after the receipt of the Despatch of the Secretary of State; and that the Proceedings of Mr. Taylor in the Godavery and Kistna Districts in particular so far as they related to the question of excess had the full knowledge and sanction of the Government.

8. With reference to that part of paragraph 5 of their Order in which the Government say that Mr. Taylor "was 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," it is scarcely necessary for me to do more than refer the Government to Mr. Taylor's Report of the 12th October 1859, from which it will be perceived that without the results of the new survey of the Government lands being known, it would have been impracticable to have dealt with the question of excess as proposed by himself and afterwards approved both by the Local Government and the Secretary of State, with a very slight modification. By August 1860, when the orders of the Secretary of State were received, the greater portion of the Ináms of the Godavery and Kistna Districts had been settled, and even had it been otherwise, the course pursued could not have been affected in the absence of information as to the corresponding average excess in the measurement of Government lands.

9. As the Government have determined to leave the settlement of the Turpulanka Inám undisturbed, I think it quite unnecessary to enter into any lengthened explanation, with reference to the remark of Government in paragraph 4 that their interests seem to have been unduly sacrificed in this case, and would simply submit for consideration the facts that more than half of the 118 puttis are declared by the Deputy Collector to be unfit for cultivation within any reasonable time, and that the actual annual rental of the Inám is not, on the average, more than Rs. 700. An entire tract of nearly 1,000 acres consisting of good, bad, and worthless lands cannot with any fairness be valued at the average rate of even neighbouring lands under full cultivation and paying full assessment. The assessment given in column 7 of the Register, viz. Rs. 1,600 is an arbitrary one fixed by an irresponsible agency in 1853, on the occasion of compiling a general return of Ináms below and above two canwies called for by the Board of Revenue, and though shown in column 7 for reference, its inaccuracy is usually corrected by a comparison with the actual rental and by personal inquiry made at the time of settlement.

No. 162. From G. N. TAYLOR, Esq., Inám Commissioner, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Coimbatore, 31st December 1863, No. 84.

SIR,

The Order of Government, dated 7th July 1863, No. 1221, having called in question the course pursued in the treatment of excess in Inám lands, I am desirous of placing briefly before Government a clear view of the whole of the proceedings of this department on the subject, and request to be favoured with their final instructions; as without these I am unable to proceed with the disposal of a large number of Inám cases of the Ganjam and Vizagapatam Districts which are now under review in my office.

2. Mr. Blair in his letter of the 13th August 1863, No. 43, acknowledging the above Order of Government has already given a clear resumé of the correspondence which took place on the subject at an early period of this Commission and upon which the rule of the Secretary of State of the 29th June 1860, No. 38, paragraph 4, was finally passed; and I trust that his explanation will have satisfied Government of the correctness of the interpretation which has been placed upon the above rule, viz., that it allows of excess in Ináms equal to the average excess found in Government lands *plus* 10 per cent. any further excess over and above being chargeable with full assessment. This rule, it must be remembered was not framed with reference to the regularly surveyed Districts, where excess if discovered after the survey, is usually allowed only to the extent of 10 per cent. but specially to meet the circumstances of unsurveyed districts like the Godavery where the prevailing land, or rather seed, measures were extremely uncertain and fluctuating without any known equivalents, and being converted into

acres at arbitrary low rates of commutation have led, upon a regular survey, to the discovery of nominal excesses in area for which due allowance had to be made. The fairest mode of making such allowance was obviously to admit the excess in the Inám to the same extent as found in Government lands, adding the usual 10 per cent. in favour of the Ináms, and to assume the remainder to be an encroachment unless the contrary could be proved by the Inámdar. This course, I beg with deference to submit, is what the Secretary of State evidently sanctions when he remarks that "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 Inám."

3. The Government next remarked that I was 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 them of my intention in this respect. I hope, however, to show that this was not the case. The orders in question were not received till the settlement of the Godavery and Kistna Districts was almost completed. But independently of this fact, I beg to point out that the survey in the above Districts had not at the time of my settlement sufficiently progressed to admit of the new areas being adopted in regard to Ináms, which had in consequence to be recorded according to their former areas. Of this circumstance the Government were duly informed in my report of the 12th October 1859, paragraphs 9 and 10. The survey excess, therefore, could not have been dealt with by this Department, and in proposing my rule upon the subject, which, as approved by Government, was with some modification sanctioned by the Secretary of State, it will be seen from my report that I did not contemplate carrying it into effect during the present settlement, but that I desired to obtain on behalf of the Inámdars the assurance of Government of the exact manner in which the excess would be ultimately dealt with on the completion of the survey measurements.

Besides what is stated above, there were differences in the areas of the Ináms as entered in the various accounts already existing. These, when in favour of the Inámdar, could hardly be distinguished from recent Ináms, and were treated under the same rules as were applicable to the latter, that is to say, they were charged with half, two-thirds or full assessment, according as there was reason to suspect their origin to be fraudulent or otherwise.

4. Of the other Districts generally which have come under the Inám Settlement, there is no excess to be dealt with. In Bellary and Cuddapah, the two Divisions of Arcot, Nellore, Salem, Coimbatore, Madura, Tinnevely, Madras, and Kurnool—in all these Districts the Inám areas are recorded according to their early survey measurements available, and the instructions issued for the new survey measurements that District provide for the excess Rule being put into force. In Tanjore the earlier measurements were followed by a more regular survey made in Fusly 1239. The areas brought out by that survey had not come into use at the period of the present settlement, and as the excess then discovered still remained open for investigation, I considered that the excess rule was properly applicable to the Ináms of that District and provided for it accordingly in my instructions which received the approval of Government. The rule has likewise been enforced in the Government Talooks of Districts of Ganjam and Vizagapatam where the surveys more recently made brought out considerable excess in Inám lands, which have not been settled till the present period.

5. It will thus be perceived that so far from the orders of the Home Government regarding excess having been placed in abeyance, they have been carried into effect in every District to which they could have been applied by this Department, and as regards the Districts in which the new survey is now in progress any excess found by it can only be settled, as in the Godavery and Kistna, by the District authorities. All claims to any larger extent than that entered in present accounts are enquired into and disposed of by the Deputy Collectors of this Commission, so that on the completion of the new Survey the District authorities have simply to charge excesses with full assessment after making the prescribed allowance as a mere matter of

account and without the necessity of enquiry into title in individual cases. The allowance in question need not, I conceive, exceed 10 per cent. in Districts which were already once regularly surveyed, such as Salem, &c.; but in the Godavery and Kistna Districts where there was no survey, and in Trichinopoly, &c., where the earlier measurements were of an imperfect character, the average excess found in the Government lands plus 10 per cent. ought in justice to be allowed.

6. The last point which I wish to bring to the notice of Government in connection with the excess question is the treatment of whole Inám villages. These are generally grants for entire villages within defined boundaries, without any specification of extent, and though the latter has been entered in the public accounts with reference to the reputed area of the villages or with reference to measurements made from time to time by the District authorities, the Government have not considered it necessary subsequently to interfere with them so long as their recognized boundaries are not exceeded. The villages in question moreover are exempted from detailed measurement in the new survey. As a general rule, therefore, there has been no excess to be dealt with in these cases.

7. In Tanjore the Inám villages which were measured in Fusly 1226 with the view of determining their Kávali fees, were afterwards subjected to the more regular survey of Fusly 1239, which brought out some increase in their area; but this increase was for the most part only a nominal excess resulting from the imperfect character of the previous measurements, and as the grants which were of much older date were for the entire villages, I have seen no occasion to question the excess except in those cases where there are good reasons to suspect that encroachments have been made.

8. In Ganjam and Vizagapatam alone, it is found necessary to follow a different course. In these Districts the areas of the Inám villages, as entered in the Permanent Settlement Accounts in the old measures, have been notoriously under-stated; which fact together with the subsequent commutation of these measures into Acres at rates arbitrarily low, has brought out very large excesses on the villages being measured during the survey made in the Government Talooks of Ganjam in Fusly 1252, and at a more recent date in Vizagapatam. It is not to be denied that encroachments might have been made in several instances, for which the local authorities have been of opinion there existed peculiar facilities, but there is no doubt on my mind that the so-called excess in the majority of cases is not the result of encroachment, but that it has been in the enjoyment of the Inámdars from the commencement. If, therefore, an uninterrupted enjoyment for a period of 60 years were held to confer an absolute title according to the original rules, the Inámdars in these cases would seem to be entitled without

• Rule XXVII

question to the excess; but I presume the Government will not be prepared to recognize such enjoyment absolutely when it is not supported by the permanent accounts, which are the chief authority upon which these grants rest, or by other accounts of 50 years date. (On the other hand there is no reason to attribute fraud to the Inámdars in connection with the acquisition of the Ináms, and they were no parties to the under-statement of the areas in the Permanent Settlement Accounts which were made by the Zamindars both in respect of Sircar lands as well as of Ináms, rather with the view of depreciating the value of their estates than of favouring the Inámdars. On the whole, therefore, it has appeared to me, that the fairest settlement which can be made in these cases is to treat the excess as recent Inám unsupported by accounts of 50 years date under Clause XVI of the rules, and to charge the whole of it with half assessment, except in those cases in which encroachment is clearly presumable, where of course full assessment is charged. This compromise would seem to secure the most favourable settlement for the interests of Government, whose rights, whatever they may be, have been allowed to lie dormant during 60 years of direct management, during the whole of which period the Inámdars have had no reason to expect that their title to Ináms, the value of which was excluded from the permanent assets, would ever be called in question. So far as the Inámdars are concerned, I am apprehensive that the proposed charge will be viewed with considerable disfavour, but I see no fairer way of permanently confirming to them their just rights which would otherwise remain in uncertainty.

9. The only other mode of dealing with these cases would be to apply the Order of the Secretary of State as in the case of minor Ináms and allow such proportion of the excess as is equal to the average excess found in the adjoining Government villages plus 10 per cent., charging the remainder alone with full assessment; but the result in individual cases would vary very considerably according to the rates prevailing in the adjoining villages adopted, besides being attended with other practical difficulties; while the proposed charge of half assessment will not only bear more equally upon the Inámdars but will also in all probability be on the whole more advantageous to Government; for it may be safely assumed that the excess in Government land is not less than one-half of that in the Inám lands; so that the charge of half assessment upon the whole excess, without the allowance of 60 per cent. which would otherwise have to be made, will, on that assumption, be decidedly favorable to the interests of Government.

10. In the Zemindary Talooks there has been no survey, but the areas of the Ináms have been successively increased in subsequent accounts so as to bring them nearer to their true area which, as in the Government Talooks, was under-stated in the Permanent Accounts. The treatment of excess becomes a still more difficult question in these private estates where there are other interests involved besides those of the Government and the Inámdars. The Zemindars have hitherto been regarded as the parties exclusively interested in the excess and under this impression have been sometimes permitted to levy a Jólí thereon. This was especially the case in the large Zemindary of Vizianagaram in the Vizagapatam District in which the Collector, when the estate was under his management, instituted a general enquiry into the excesses in Inám lands and charged them with a Jólí for the benefit of the Zemindar which it has not been thought desirable now to disturb. But if a more accurate discrimination be made between the relative rights of the Zemindars and the Government in this matter, it will be evident that the former are not entitled to levy any assessment except upon actual encroachments made upon their Seri lands beyond the usual boundaries of the Ináms which it will be further necessary for them to establish by a regular Suit before a Court of Law; whereas, if any excess over the recorded area of an Inám is found within its own limits and is considered a proper ground for the charge of quit-rent on account of imperfection of title, such quit-rent would properly belong to the Government to whom alone the reversionary right in the Inám is reserved. It is not possible, however, to determine the exact extent of the rights of Government or of the Zemindars in each case, and if it were resolved to enforce those of the Government, the only mode in which it could be done would be to charge the whole excess with half assessment for the benefit of Government as if the excess were their property, leaving the Zemindars to establish their rights in the ordinary Courts. This course, however, would be by no means fair to the Zemindars, and would leave the present settlement open to re-investigation at a future time, besides rendering the Government liable to the refund of quit-rent in every case in which the Zemindars might hereafter succeed in obtaining a Decree in their favor which could be easily done in collusion with the Inámdars.

11. On the other hand, to conclude the present Inám Settlement on the basis of the old under-stated area alone would be to sacrifice a very large portion of the quit-rent which is fairly leviable on the full extent and present value of these Ináms, except in the event of the reversion of these Zemindaries to Government which is a contingency very unlikely to occur, and one on the occasion of which any severe measures that might be adopted in regard to excess would be felt to be even a greater hardship than at present.

12. Under all the difficulties with which the subject is surrounded, it seems to me preferable that the Government should forego all special claims on account of excess in Ináms situated in Zemindary estates and make the settlement once for all upon the ordinary terms for the whole extent in the enjoyment of the Inámdars according to the most recent authentic accounts, except where there may be obvious reason to suspect encroachment or where claims on the part of the Zemindar to recover assessment on the excess may be pending before a proper tribunal. To prevent such settlement being hereafter disturbed it would only be necessary to

provide in the Muchilikas taken from the Inámdars that the quit-rent agreed to by them is to be irrespective of any claims which the Zemindars might establish against them on account of encroachments—terms which will no doubt be readily assented to. But the necessity even for this provision has been obviated, in all the Zemindaries excepting one, by the Zemindars agreeing to waive all claims to the excess on their part also. The settlement thus made would of course be more favorable to the Inámdars in the Zemindary estates than in the Government Talooks; but such differences are unavoidable, and as regards the former a better or more favorable compromise for the interests of Government could not be attempted under the peculiar difficulties attending a final commutation of their rights, which have scarcely been asserted before in the Zemindary Estates of these Districts. I am far from admitting as a general principle that the consent of the Zemindars would of itself constitute a sufficient ground for the recognition of any alienation of land in Inám, however remote the reversionary interest of the Government may be in the Zemindary estates. But in these cases it must be remembered that we are dealing with Ináms which have been in actual enjoyment from before the permanent settlement; that the question of excess has mainly arisen from the faulty character of the Permanent Accounts, and it becomes necessary that a basis formed upon the true state of things should be laid down for future guidance with the consent of all the parties interested.

13. I must here observe that I have had some correspondence with the Board of Revenue in their capacity of Court of Wards on the subject of the Inám Settlement of Parlakimedy, one of the estates under their management. The Court, as will be seen from the accompanying papers, signified their approval to the Ináms in the estates under their management being treated in the manner already proposed for the Government Talooks. But on

* To the Secretary to the Court of Wards, dated 5th November 1862, No. 16.
From do. 11th November 1862, No. 71 2
Proceedings of the Inám Commissioner, dated 10th October 1862, No. 62.
Do. do. dated 19th October 1862, No. 67.

maturer consideration I now very much doubt the propriety of the very questionable rights of the Zemindars in this respect, which have never been claimed for so long a period, being now summarily enforced on their behalf by Government. The Court of Wards have, I conceive, no more authority than the Zemindars for such summary enforcement of claims, whilst the Government would by the proposed settlement not only give up their own claims in the matter, but also forfeit the quit-rent at the ordinary rates which they would derive upon the excess portions of Ináms and Inám villages as in other Zemindaries. I am now inclined to think that the Inám settlement in the estates under the Court of Wards would be more properly conducted in the manner proposed for all other Zemindaries, leaving it to the Zemindars or to the Court of Wards on their behalf, to establish their rights in cases of encroachment in the usual course.

14. In conclusion I have to add that though the registration of the Ináms has been completed in the two Districts of Ganjam and Vizagapatam, the settlement proposed by the Deputy Collectors has not for the most part been passed in my Office. I beg therefore to be favored with the early orders of Government on the several points above set forth connected with the Inám Settlement of these two Districts. There are but three questions in the present reference which require the final disposal of Government.

Firstly.—The interpretation to be placed on the Order of the Secretary of State respecting the allowance to be made on account of excess in Inám land.

Secondly.—The treatment of excess in the Agrabárams and whole Inám villages in the Government Talooks of Vizagapatam and Ganjam, which though believed to be only nominal is proposed, for reasons given, to be charged half assessment as recent Ináms.

Thirdly.—Excess in Ináms and Inám villages in Zemindaries and private estates, which being nothing more than the difference of area recorded in the old and in the recent accounts is recommended to be treated as part of the original Inám, when it is admitted by the Zemindar and there is no proof of actual encroachment.

Proceedings of the Inám Commissioner, dated Coimbatore, 10th October 1862, No. 62.

Read letter from Deputy Collector P. CHENTSAL RAU, dated 21st August 1862.

1. In the above letter, the Deputy Collector reports in reply to the Acting Commissioner's Proceedings, dated 5th August 1862, that in the Zemindaries of Jarada, Pedda Kimidi, and Suranji he adopted the extent of the Ináms as shown by the recent accounts with the consent of the Zemindars, and that he followed a similar course in the estates of Barva and Jalandra which are under the management of the Court of Wards; the Managers of those estates having raised no objection to the measure, though the approval of the Collector was not obtained. The Deputy Collector further enquires whether in the event of the earlier accounts being adhered to in regard to the area of the Ináms, it may not be necessary to follow the same course in regard to the Jódí which has been in many cases raised at different subsequent periods for various reasons.

2. The course proposed in the Proceedings of the Acting Commissioner above quoted is not in accordance with that which is laid down in paragraph 12 of the Commissioner's general instructions for Ganjam, which have received the approval of Government. So far alone as the work of this Department is concerned, it would without doubt, be the simpler plan to adhere to the entries in the earlier accounts; but this would be to perpetuate an imperfect record, not representing the real state of things and leading to confusion in future without benefit to any of the parties concerned. The more satisfactory course is that which has already been sanctioned, viz., to proceed upon the basis of present enjoyment, to check this with the entries in the several public accounts, and to make a fair compromise of the claims of all the parties interested.

3. As observed in paragraph 12 of the general instructions, the main object is to ascertain and record the correct extent; and this appears to have been much understated both as regards Inám and Jirayati, in the earlier accounts, whereas the entries in the more recent accounts are nearer the truth; the difference is attributable chiefly to the incorrect commutation of the old land measures and possibly also to subsequent encroachment, and it is difficult to determine how much of it is due to either cause. This, however, affords no good ground for going back to the incorrect entries in the old accounts, in preference to adopting the more accurate areas entered, without objection by any of the parties concerned, in the more recent public accounts. At the same time the joint rights of the Government and of the Zemindars must be upheld and the claims of the Inámdars to the larger extent should be admitted only after the most careful discrimination. This is provided for, by the instructions already issued, but the Commissioner now more specifically directs that as a general rule, such portions of the larger extent in the possession of the Inámdars as are supported by the more recent accounts shall be confirmed as valid Ináms whenever they are admitted by the Zemindars or their agents or are supported by Sannads and Chak-namas and by the known or recorded boundaries or are accounted for by the acknowledged difference in the commutation of the land measures; and it is clear that there has been no encroachment. The Deputy Collectors will have no difficulty in arriving at a correct judgment in the matter, and in the case of all private estates, the interests of the proprietors will be protected by the presence of their authorized agents.

4. As regards excess over the entries in the old accounts, which is not accounted for in any of the ways above described, a fair compromise will be made by treating it under the rules as recent Inám and charging it with half assessment unless it is proved to be a fraudulent encroachment, when two-thirds or full assessment will be imposed. It must be observed that the orders of the Secretary of State cannot be well applied to those cases where the larger extent has been for some time recognized by the public accounts and there are no regular survey returns to show the differences in the areas of Jirayati and Inám lands. In the case of private estates the compromise will be made with the mutual consent of the Zamindars and Inámdars, the half

assessment being payable to the Zemindars, and when such consent is not given, the excess which is unsupported except by the recent accounts will be left out of the present settlement. It will be recollected, however that the present possession of the Inámdars will not be disturbed, as this can only be set aside by regular civil process.

5. In regard to the Jódí, the Commissioner observes that, as already provided for in the general instructions, the existing state of things, which has been long acquiesced in by the parties concerned, must be accepted as permanent. Where the enhancement of the Jódí appears to have been made in view of the larger area of the Inám, it will be taken as a recognition of such larger extent.

6. The District authorities will be requested to issue the necessary instructions to the Managers of the estates placed under the Court of Wards, should they see no objection to the course prescribed, and the Deputy Collectors will place themselves in direct communication with them on the subject.

(Signed) G. N. TAYLOR,
Inám Commissioner.

(True Copy.)

(Signed) G. N. TAYLOR,
Inám Commissioner.

Proceedings of the Inám Commissioner, dated Coimbatore, 20th October 1862, No. 67.

1. Since issuing his instructions of the 10th instant, No. 62, the Commissioner has perused the remarks of Deputy Collector P. Chentsal Rau in regard to the settlement of excesses found in the Agraharams and other Inám villages of Moheri. The Deputy Collector proposes to charge a general rate of 4 or 2 annas an acre upon the excess in question being 5 per cent. of the prices proposed to be fixed for the sale of waste lands in a late Notification of the Government of India. For reasons which it is not necessary to explain, the Commissioner does not consider that the principle of the above rule can be well applied to the cases under notice, and he directs that the instructions already issued may be followed in the case of entire Inám villages as well as minor Ináms, viz., to charge half assessment upon such excesses as cannot be shown to the satisfaction of the Deputy Collectors to be within the ordinary limits of the Inám or to have been already rendered valid by an enhancement of the original Jódí.

2. In the case of entire villages it is seldom that any specific tract of land can be assumed to be an encroachment. The nature and circumstances of the excess being thus peculiarly vague, it is difficult to give definite instructions in regard to the valuation upon which the half assessment will be charged. The fairest plan will be to assume that the excess consists of the most ordinary and inferior lands in each village, and where the village consists of wet, dry and garden lands, both cultivated and waste, the waste will be held to constitute the excess which will be classified for the purpose of valuation as dry, wet and garden in the same proportion as the land under cultivation, the half assessment being taken upon the valuation that will be fixed by the Deputy Collectors accordingly. By this plan the burden of the charge will vary with the circumstances of each case and will fall lightest upon those whose lands are chiefly waste or poor.

3. As regards private estates, wherever the proprietors and Inámdars mutually agree to more favorable terms of compromise, rather than leave the question of excess to future settlement by the Civil Courts, the Commissioner will not object to such compromise being accepted and acted upon by the Deputy Collectors in all cases where the excess is supported by the public accounts whether old or recent.

(Signed) G. N. TAYLOR,
Inám Commissioner.

(True Copy.)

(Signed) G. N. TAYLOR,
Inám Commissioner.

From G. N. TAYLOR, Esq., Inám Commissioner, to the Secretary to the Court of Wards, Madras, dated Coimbatore, 5th November 1862, No. 16.
Sir,

1. The Collector of Ganjam having with his letter of 10th ultimo forwarded for my perusal a copy of the Proceedings of the Court of Wards, dated 24th July 1862, No. 4807, regarding the settlement of Ináms in the Zemindary of Parlakinidi, which is under their management, I have the honor to submit a few remarks on the subject for the consideration of the Court.

2. In the above Proceedings the Court observe that the Inám Commission are not competent to dispose of an excess of land held as Inám beyond the extent specified in the grant, if such excess is beyond the percentage allowed for errors of measurement, which the Court believe to be 10 per cent. The above is the rule observed in all the Zemindaries the lands of which had been surveyed at the period of their permanent settlement, but it cannot be applied to the Zemindaries in Ganjam and Vizagapatam. The old land measures entered in the grants and the earlier accounts in these districts are measures of capacity, and the arbitrary and uniform rates at which they have been commuted into acres do not fairly represent the real extent of the land. Hence, in the few Government talooks which have been surveyed, enormous increase in the areas of Circar as well as Inám lands has been discovered over the entries in the older accounts. Generally it has been found that attempts have been made in the more recent accounts to correct the wrong entries in the older ones, and the former are consequently nearest the truth; though it is not to be denied, that the larger areas in the recent accounts are partly the result of encroachment. Under these circumstances I have considered it a preferable plan to confirm the present existing state of things and make a fair compromise of the rights of the various parties concerned rather than go back to the incorrect entries in the earlier accounts, which would be perpetuating an imperfect record leading to confusion without benefit to either the Zemindars or the Inámdars. For, it will be observed, the Inámdars cannot be disturbed in the possession of their Inám lands which they have long enjoyed, without a regular suit the issue of which, if ever resorted to, must be uncertain under the doubts and difficulties attending the case.

3. The fairest mode of compromise is the one sanctioned in the Order of the Secretary of State, dated 29th June 1860, No. 39, paragraph 4, viz., to allow the same proportion of excess as is found in Circar lands *plus* 10 per cent. for difference of measurement and to charge the remainder with full assessment. This rule, however, cannot be applied to talooks which have not yet been surveyed; and the course usually followed in such cases by this Department is to charge half assessment upon the difference between the areas entered in the old and present accounts in the same manner as upon recent Ináms and without any allowance for difference of measurement, the half assessment in question being payable to Government in the Circar talooks, and to the Zemindars in the private estates. Where encroachment is proved, it is of course subjected to two-thirds or full assessment as, on the other hand, excesses are not separately charged where they are shown to be within the recognised boundaries of the Inám.

4. The settlement is proceeding upon the above principles under instructions •

• Copies of Commissioner's Proceedings dated 10th and 20th October 1862, Nos. 62 and 67.
† Order dated 5th April 1862, No. 760, copy of which has also been communicated to them.

issued by me to the Deputy Collectors and in accordance with the spirit of the general instructions sanctioned by Government, copies of which † are herewith submitted, and it has been generally well received by the Zemindars as a fair compromise. Should the Court approve of these instructions, I beg to request that they will issue early orders to the Collectors of the two districts to authorize the settlement being carried out upon the same principles in the estates which are under management.

5. I beg in conclusion to add with reference to paragraph 4 of Mr. Forbes' letter to the Court, dated 10th July 1862, No. 169, that the entries in the most recent authentic public accounts, which are generally current in the Zemindaries, are adopted as a general rule, and not the arbitrary areas which the Inámdars may chose to enter in the statements now filed by them.

(True Copy.)

(Signed) G. N. TAYLOR,
Inám Commissioner.

Proceedings of the Court of Wards, dated 11th November 1862.

Read letter from the Inám Commissioner, dated 5th November 1862, No. 16.
(In Cons. 10th November 1862, No. 7152.)

The rule stated in paragraph 3 appears to the Court to effect a fair and reasonable compromise of the conflicting interests in this matter, and the Court approve its application in the districts of Ganjam and Vizagapatam.

(A true Extract.)

(Signed) W. HUDLESTON,
Secretary.

(True Copy.)

(Signed) G. N. TAYLOR,
Inám Commissioner.

No. 163. Proceedings of the Court of Wards, dated 11th January 1864.

Read the following letter from G. N. TAYLOR, Esq., Inám Commissioner, to W. HUDLESTON, Esq., Secretary to the Court of Wards, Fort Saint George, dated Ootacamund, 6th January 1864.

Sir,

With reference to the correspondence noted in the margin, I have the honor to forward, for the information of the Court of Wards, copy of a letter I have since addressed to Government on the subject of the treatment of excesses in Inám lands in the Ganjam and Vizagapatam districts. The Court will observe that I am now doubtful of the propriety of the course I formerly suggested for the treatment of Inám excess in the estates under their management.

1. The rule which the Court of Wards approved in their Proceedings dated 11th November 1862, No. 7427 for Ináms in estates under their charge, viz., that there should be allowed in measurement without charge the same excess of area beyond the nominal contents of the Inám as is found in Government lands in the same district *plus* 10 per cent. for difference of measurement, and that any further excess should be charged with full assessment as an encroachment on the land paying or liable to pay an assessment to the Zemindar, was intended, as the Court of Wards understood, to apply to minor Ináms, and not to Inám villages.

2. The Court see no reason why in the latter case the right of the Inámdar to the whole area comprised within the village boundaries should not be admitted although the extent of area may be found to be greatly in excess of what the Zemindar stated it to be when furnishing the accounts of the estate to the Commissioners who framed the permanent settlement.

3. The intention of the Zemindars may have been to deceive the Commissioners as to the capabilities of their estates and that with this view the area of Seri villages and Inám villages alike was under-stated, but where the fact of the whole village having been granted as Inám is undisputed, then the Court see no reason why the Inámdar should be punished for a misstatement to which he was no party, and which was directly opposed to his interest.

4. His right to the whole village, whatever its extent, appears to the Court to be indefeasible.

5. Copy of these Proceedings will be submitted to Government and furnished to the Collectors of Ganjam and Vizagapatam.

No. 164. ORDER THEREON, 8th April 1864, No. 597.

1. The correspondence recorded above has its origin in certain remarks passed by Government in review of a decision of the Inám Commissioner relative to the lands of Turpulanka, a hamlet in the Godavery District.

* G.O., 7th July 1863, No. 1221.

2. In the Order in question the mode of dealing with excess in Ináms came under notice, and both Mr. Blair and Mr. Taylor now represent that the construction which the Government have put on the Despatch of the Secretary of State on the subject is at variance with the sense in which it has hitherto been understood and acted upon by the Inám Department in the several Districts already settled.

3. The rule means, the Inám Commissioner thinks, that excess in Ináms equal to the average excess found in Government land plus 10 per cent. should be allowed, any further excess over and above being chargeable with full assessment.

4. The Government quite concur in this view of the case, nor do they see why there should have been any doubt about the matter. The first part of paragraph 5 of G.O., 7th July 1863, No. 1221, may indeed bear the interpretation which has been put on it by the Inám Commissioner, but the illustration shows clearly that this interpretation is opposed to the intention of Government. Ten per cent. is, the Order states, the margin for "excess," but, as the illustration shows, the excess here meant is "allowed encroachment" and not the excess of the local measure over its present official equivalent.

5. In the instance then under review the Government remarked that "the Inám 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 comprized in that number of Pooties." Had the Inám in question been settled in accordance with the excess rule this would doubtless have been the correct course, for the actual extent of the Pooty would have been afterwards ascertained when the average excess found in Government lands had been discovered. The exceptional treatment of the Turpulanka Inám does not affect the general question.

6. To avoid further misapprehension, however, it may be well to state clearly the course which should be followed in unsurveyed Districts, and in respect to minor Ináms, that is Ináms not comprizing a whole village, when the area of the Inám as ascertained by actual measurement exceeds the area as entered in the District accounts.

7. The Inámdar is to be allowed credit for so much of the excess as is in proportion to the excess of actual, above recorded area in the adjacent Government lands when the former shall have been determined by survey. He is also to be allowed over and above this, a further credit of 10 per cent. on his recorded area for variation

of measurement. All within these limits is to be settled according to the Inám rules. For all his holding beyond this he is to be charged full assessment. Thus, supposing that an Inám which was entered in the District accounts at 100 Pooties turns out on actual measurement to contain 150, and supposing on the survey of the contiguous Government lands taking place it be found that in them the actual exceeds on an average the recorded area by 30 per cent., then the Inámdar would be allowed 30 Pooties on this account. He would be allowed a further 10 per cent. on his recorded 100 Pooties, therefore $100 + 30 + 10 = 140$ Pooties of his holding would be settled according to the Inám rule at $\frac{1}{10}$ th or $\frac{1}{4}$ th assessment or whatever it might be. For the remaining 10 Pooties he would have to pay full assessment.

8. The rule was originally suggested in reference to the Ináms in the Kistna and Godavery Districts where, as stated in the Order of 16th November 1859, "there is as yet no survey and no reliable record of the areas of fields or holdings," although it is known "that the Curnums recorded measurements" "are usually much below the truth, partly in consequence of the actual value of the local standard of measure (which varies from village to village) being in reality more than its official value." The rule, however, is applicable to all Districts in which the same conditions obtain.

9. Where the extent of land occupied as Inám is obviously in excess of the extent entered in the accounts it is the duty of the Inám Department to include the 10 per cent. allowable excess at once, as already directed in G.O., 7th July 1863.

10. But as a general rule the Inám Department can do nothing more than register the extent entered in the present accounts, leaving it to the District authorities to charge excesses after the completion of the survey, and in order that the different Collectors may not neglect this duty it is advisable that the Board should issue some simple rules on the subject for their guidance.

11. It must first be decided in what Districts the excess rule is hereafter to be enforced. It appears from paragraph 4 of Mr. Taylor's letter dated 31st December 1863, No. 84, that the rule has been carried into effect in Trichinopoly, Tanjore, and in the Government Talooks of Ganjam and Vizagapatam. Trichinopoly, however, is again referred to at the close of paragraph 5 as to come under subsequent revision; and the allowance to be made in Districts "once regularly surveyed, such as Salem, &c.," is recommended to be 10 per cent. merely without taking into account the average excess found in Government lands, as in Districts like Godavery and Kistna where there has been no survey. The Board will be good enough, in communication with the Acting Inám Commissioner, to decide which are to be considered surveyed and which unsurveyed Districts in reference to this proposition, so that no difficulty may be experienced by the Collectors in proceeding to apply the excess rule.

12. A copy of the instructions which may finally be issued under this Order should be submitted for the information of Government.

13. From paragraph 6 to the end of his letter Mr. Taylor discusses the mode of procedure to be adopted in regard to excess found in whole Inám villages in the Ganjam and Vizagapatam Districts, (1) in the Government Talooks and (2) in the Zamindary and private Estates. The excess in both cases seems to arise from precisely the same cause, viz., under-statement of the areas in the Public accounts. Encroachments of course are possible, but as a general rule the Commissioner is satisfied that no encroachments have been made. Neither in his opinion is the under-statement the fault of the Inámdars, it was the act of the Zamindars at the time of the Permanent Settlement, and its object "rather with the view of depreciating the value of their Estates than of favoring the Inámdars."

14. Notwithstanding their similarity in this respect the Commissioner proposes to treat them differently.

15. Did the original Inám Rule XXVII still hold good, there would be no difficulty. Under that rule "encroachments, or land in excess of the recorded extent, if proved to be of 'fifty years' standing will be dealt with as if it formed part of

"the original Inám," but the Secretary of State having expressed an opinion that the full assessment (a certain allowance first being made) should be charged on all excess, on the ground either that it must have resulted from fraudulent under-

statement in the Permanent Settlement accounts or from encroachments, Mr. Taylor presumes that the Government will not be prepared to recognize such enjoyment absolutely. Under the circumstances of the case he would not (for reasons given in paragraph 9) propose the application of the Secretary of State's order literally, i.e., he would not charge full assessment on all excess except what may equal the average excess found in Government villages adjacent, plus 10 per cent, but he

• "If it was not founded on fraud, and from length of possession appears entitled to consideration, it will be charged with the highest rate of quit-rent above provided for in Rule V, being one-half (½) of the assessment, and confirmed to the holder in perpetuity as freehold." would treat it as recent Inam under clause XVI • and charge the whole of it with half assessment, except where encroachments are clearly presumable, when full assessment would be charged. This compromise would, he thinks, be most favorable for the interest of Government, though doubtless the Inamdars will not apply only to whole Inam villages in view it with approbation. This proposal applies to whole Inam villages in Government talooks.

16. In considering the question as it refers to the *Zamindary* talooks, the Commissioner observes that other interests are involved besides those of the Government and of the Inamdars. It is true that the Zamindars' claims as regards excess are not so clear as has been generally imagined: it must be always a question in a case of this kind whether the right to levy quit-rent on excess in an Inam situated in a Zamindary belongs to Government or to the Zamindar, and if it were resolved to enforce the title of Government, the only mode of procedure would be to charge the excess for their benefit, leaving it to the Zamindars to establish their rights in the ordinary courts. This course, while hard on the Zamindar, would also be objectionable, inasmuch as every case would be liable to re-investigation, and the Government, if cast, would have to refund the quit-rent which might have been levied.

Paragraph 10. 17. To obviate all difficulties Mr. Taylor proposes, as a general rule, "to forego all special claims on account of excess in Inams situated in Zamindary estates, and make the settlement once for all upon the ordinary terms for the whole extent in the enjoyment of the Inamdars according to the most recent authentic accounts." This he considers preferable to adopting the old *under-stated* area as the basis for settlement.

18. The Commissioner had, in the first instance, contemplated applying to Inams in Zamindary estates the rule which he has now proposed to bring into operation in the Government talooks (*vide* paragraph 15 above). The subject came under discussion between himself and the Court of Wards in regard to the Inams in Purla Kimedi. The court had objected to the proceedings of the Commission in disposing of an excess of land held as Inam beyond the extent specified in the grant over and above a margin of 10 per cent., but on his explanation consented to the adoption of the rule sanctioned by the Secretary of State, viz., to allow the same proportion of excess as is found in Cirkar lands, plus 10 per cent.

19. Mr. Taylor, however, in paragraph 13 of his letter now under review explains that he has, on consideration, come to doubt the propriety of enforcing on behalf of the Zamindars, or of the Court of Wards in their capacity of guardians of minor proprietors, rights which have not been claimed for so long a period.

20. The Board again, to whom Mr. Taylor had furnished a copy of his present letter, remark † that the rule which they approved in relation to Purla Kimedi had reference, they thought, to *minor* Inams only. They see no reason why where whole Inam villages are concerned "the right of the Inamdars to the whole area comprised within the village boundaries should not be admitted, although the extent of area may be found to be greatly in excess of what the Zamindar stated it to be when furnishing the accounts of the estate to the Commissioners who framed the permanent Settlement."

"The intention of the Zamindars may have been to deceive the Commissioners as to the capabilities of their estates, and tant with this view the area of Sri villages and Inam villages alike was under-stated; but where the fact of the whole village having been granted as Inam is undisputed, then the court see no reason why the Inamdars should be punished for a mis-statement to which he was no party and which was directly opposed to his interest."

"His right to the whole village, whatever its extent, appears to the court to be indefeasible."

21. The Government agree with the Board. They do not, moreover, see any necessity for the distinction proposed to be observed in treating these villages in Government and *Zamindary* talooks. It appears to them that whole Inam villages in surveyed or unsurveyed districts, in Zamindaries or in reverted estates, where there is no reason to suspect encroachments, where the boundaries of the village are well defined and the village for aught that appears to the contrary has been held at its present area from time immemorial, should be settled in their entirety according to the Inam Rule rates. It must be remembered that the title under which such villages are held is long prescriptive enjoyment, of which the entry in the Government accounts 60 or 70 years ago is only a collateral proof; the tenure itself dating back from a much greater antiquity. As the Board of Revenue have observed, if any mis-statement in regard to these villages was made by the Zamindars that should not prejudice the Inamdars, who were neither cognizant of, nor participant in, such mis-statement. But in truth it is not at all clear that such erroneous returns did proceed from fraudulent motives. They very probably arose from ignorance or indifference, the Zamindars being careless as to close accuracy in respect to villages from which they were to derive no advantage. The Circuit Committees and other accounts of the assets of the northern Zamindaries were notoriously drawn up very loosely; land being set down without survey or measurement, by mere guess work or eye inspection. This would be more particularly so in the case of Inam villages paying little or no revenue to the Government or the Zamindar, or held on a lump Jodi bearing no reference to their extent or value.

22. The Government do not consider that the Secretary of State's Order about excess applies to villages thus situated. The chief point to look to in these cases is whether the boundaries have been overstepped. The area is of no consequence except when the grant and other records make it perfectly clear that Government intended to assign only a certain number of acres and was deceived as to the contents of the village.

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

10

Memo.

2 About this case the

Deputy Collector who en-
-quired into it observed

If the accounts alone
"were to settle the point, it
"would seem that a tract of
"land of about 26 Perches
"belonging to the Village
of

(copy in a letter to Crawford)
of the day of 15th of 1864

1. *Chromolaena odorata*

784

Q. admodum per me ordino

points connected with the
treatment of exophoria
C. Hand.

100

of Allogathumini originally
mentioned as jungle and
waste in the early 18th century
of that village was afterwards
and previous to 1830
conferred
as an
captain as I am under
the name of Turpentina
by illiterate hands
imitation, and that any
thing, in excess of that
fact is liable to be mistaken
as unauthorized evidence
merely impressions
from the whole of the
proceedings and documents
connected with the case
is that the manner of the
acquisition of the grant
was not particularly honest
that under an undefined
grant, if a grant was ever
really made, a large
extent of land has been
taken possession of. I would
not however advocate
measures

45
measures of any kind
by the Sudamdar had
been in possession for
upwards of fifty years
Sir Henry Montgomery
Commissioner, a high
authority, declared the
title good; and the author-
ities that succeeded him
have in a manner kept
the question open for the
long period of 17 years.
3. The Special Assist-
ant Sudam Commissioner
after noticing the suspi-
cious nature of the evi-
dence adduced in support
of the claim, observed "The
Sudam was further reputed
to be only 24 cuttas, whereas
it is now found to be 118
cuttas" "There has been
no doubt possession of 50
years, but the possession
was unauthorized and
even concealed for just
of the reputed area of 24
cuttas there are now 118
cuttas" "The whole tenure
is of a questionable character
no portion of it can be
considered

considered, not valid in
"Suam".
4. Finally the Suam
-missioners decided as fol-
lows. "Although as stated
by the Special Assistant
the tenure of the whole or any
portion of the Suam, is of
questionable validity, still
as the whole Suam had
been in the undisturbed
possession of the family
for more than 50 years, it
would be hard to claim
the high rate of one-half
"Quintus upon the entire
extent from the present
incumbent at this distance
of time, especially as the
title of the family to the
supposed extent of 24 Outis
was recognised as undeni-
able by a high Revenue
authority about eighteen
years ago. The charge of
one-eighth upon the 24
"Outis and of one-half
upon the remaining 24
land will be a fair
"compromise, and not
"too high a commutation
of

2
S.O. 20th February
1868, No 366-

25 12
of the doubtful
"terms. The entire
"Suam is confirm-
ed accordingly
"on a future quit-
"rent of 274 Rupees.
5. This case
the Government
considered to be
singularly defi-
-cient in claims
on indulgent con-
-sideration while
the decision upon
it they held to have
been in contra-
-vention of the
explicit orders
of the Home Go-
-vernment. The
decision,

decision, dated
25th April 1862, in
allowed a very
large excess, in a
questionable claim
to be commuted at
half assessment.
The despatch of
Her Majesty's Se-
cretary of State
dated 29th June 1860, No. 38,
directed full assess-
ment to be charged
on all excess be-
yond 10 per cent
found in the as-
sessment of Indians.
They asked for an
explanation.

Mr.

28 February 1863.
No. 9

Para 1.

The Commission
has been instructed
to examine the
assessments of
Indians in the
provinces of
Bengal, Oude,
Cachmir, &c., &c.,
and to report
thereon to the
Government.

13
Mr. Layton
Accordingly replied that it
does not seem necessary
here to enter into the rea-
sons which he adduced
for treating the case above
referred to as one not of
ordinary excess. The ques-
tion was, he considered,
one of little. To the spe-
cific inquiry of how
he answered that "the
instructions of the Secy
of State for the treatment
of excess in Indians 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 best lands in
addition to the ordinary
10 per cent and the results
of the measurement of the
latter were not known
when the Indian in question
was settled" and further, as
applicable to the other
Indians in the best lands
district generally, he took
the

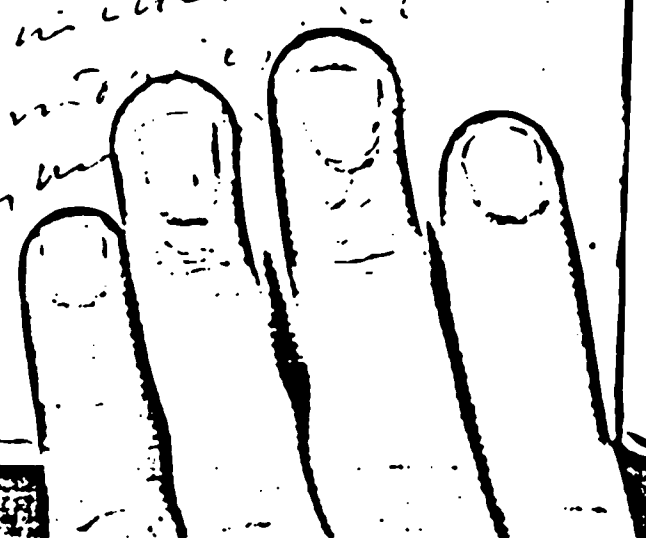
14 78
 "It is a sustained, whole
 "degree of excess exists
 "in lands which pay re-
 "venue - Ten per cent
 "is the margin, allowed
 "for the latter, and the
 "Secretary of State extends
 "this margin to Indians, when
 "no fraud is proved - But
 "all excess above 10 per
 "cent, whether fraudulent
 "encroachment be proved
 "or not, is to be, at once
 "assessed at full assess-
 "ment. Mr. Taylor was
 "therefore, not justified
 "in practically placing the
 "orders of the Home Govt.
 "in abeyance, if not setting
 "them wholly aside, in an
 "entire District, without in-
 "even informing the Govt.
 "of his intention, in this
 "respect." To illustrate
 "their view of the Secretary
 "of State's meaning they
 "took the case of the 24
 "Cutters. To this extent they
 "said, 10 per cent should
 "have been added for
 encroachment

of for unity of stating
 that the order of the Secy.
 of State regarding encroachment
 was not carried into effect
 by the Indian Department
 but was left to be enforced
 by the District authorities
 after the relative results
 of the measurement of
 Sirkar and Indian lands
 by the Survey Department
 were known, the usual
 extent alone being meas-
 ured and recorded by the
 Collectors.
 The Govt. considered
 the explanation furnished
 in regard to the particu-
 lar case unsatisfactory
 their interests having, they
 thought, been unduly sa-
 crificed. They resolved not
 without standing to have the
 settlement undisturbed.
 To the Commissioner's last
 remark however they un-
 derly demurred. "Mr. Taylor
 they said" has quite mis-
 understood the despatch
 of the Home Govt. in sup-
 posing that excess included
 cannot be dealt with, until
 it

20 July 1868, p. 124

introduction, and 26-4
but in all confirmed
leaving it to be settled
hereafter how many
acres were comprised
in that number of cutti-
They were unable to per-
ceive, they added, how
the Revenue authorities
could interfere when
the Commissioner's letter
specified the ex-
tent of land included
in the Suam, while, it
limited the demand on
which latter was com-
puted on the Cutti
containing 8 acres. In
such a case the hold-
er of the land, would
be entitled to have
so many cutti hand-
ed over, whatever the
extent of the Cutti may
prove to be, the sum
to be paid always re-
maining

he could only get the
land in question
to be handed over
to him



remaining the same
8. In the two letters
now before Govern-
ment first the
late Acting Com-
missioner Mr. Blair,
and now Mr. Taylor,
solicit a recon-
sideration of the
construction put
by Government
upon the Secre-
tary of State's or-
der.
9. In looking
at the correspond-
ence referred to
and which led
to the despatch
in question, it
appears

appears that when
the Commission
first commenced
operations in
the Kistna dis-
trict, considera-
ble apprehension
was expressed by
the Suamdaras as
to the course which
might be pursued.
Should an excess
over the area re-
corded in the ac-
counts be discover-
ed in their Suam
on survey. The

12 Oct/59

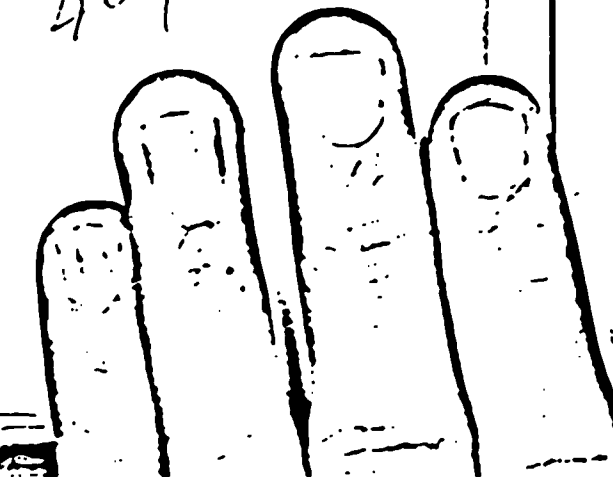
paras 10 & 11

20 16
The Commissioner
expressed his belief that
such excess would be found
but considered that as it
would be improper to
only to that discovered in
the Government lands and in
the entire area of the village
it would be an over-estimation
unless it could be shown
that the original limits of
the Suam had been exceeded.
It should hereafter
be found that the local in-
crease really contained half
as many acres again as
was supposed that would
be no reason for making an
additional charge on the
Suam. Mr. Taylor therefore
requested authority to advise
the Suamdaras that no extra
charge should be made for
such excess on the occasion
of the survey.
At the same time to
give a

21/10/59

guard against fraudulent
 encroachments the Com-
 missioner proposed that
 "when the surveyed area
 of the Zamindar should be
 found to exceed the re-
 corded area by more
 than 10 per cent above
 the proportion of excess
 discovered in the last
 round, the burden of
 proving such additional
 excess to be no encroach-
 ment shall rest with
 the Zamindar. Should
 he succeed in establish-
 ing his claim he will be
 charged the same rate which
 is paid for the rest of his
 estate; if he fails, it will
 be confirmed to him at one
 half the ordinary assessment
 of the land. According to this
 rule, supposing the average
 excess found in the area of
 the 4000 lands of the village
 to be 30 per cent the Zamindars
 will hereafter be charged, as
 above specified, for that portion
 of their holding which is over
 and above an excess amount-
 ing to 10 per cent. This ar-
 rangement will remove
 all apprehensions, and will
 at any rate, prevent further
 encroachments before the
 survey."

2. 20% provision for
 240000
 20000 + 10 over 10000
 20000 = 40000



12 The Government
 order in this proposal
 for dealing with excess
 found by the survey, and
 income provisionally
 settled by the Commis-
 sioner was as follows:
 "This question has
 arisen in Rajahmundry
 and Masulipatam, because
 in these Districts not only
 there is as yet no survey
 and no reliable record of
 the areas of fields or holdings,
 though in both Districts
 a survey is now in progress,
 but it is well known that
 the thousands recorded
 measurements, in Ma-
 sulipatam and still more
 in Rajahmundry are
 usually much below the
 truth."

G.O. 6 November
 1859. No. 1559.
 Lines 2-5

"truth, partly in consequence
 "of the actual value of the
 "local standard of measure
 "which varies from village
 "to village), being in reality
 "more than the official
 "value. The Commissioners
 "proceedings are therefore
 "provisionally, he will be, with
 "the standards on the sur-
 "vey, that their claims
 "agree in extent with the
 "admitted titles. The ques-
 "tion for decision is, how
 "is excess found on survey,
 "to be treated."

"Mr. Taylor argues
 "that where the excess in
 "claim is not greater in
 "proportion than the general
 "excess in the Govt. lands of
 "the village, it cannot be
 "regarded as an encroachment,
 "under

"unless it can be shown
 "that the original limits
 "of the claim have been
 "exceeded. This the Govt.
 "readily concedes."

"Mr. Taylor proposes
 "further, that no notice
 "shall be taken of the
 "excess, even, where it is
 "beyond that of the Govt.
 "land, provided it does
 "not exceed, ⁺ that by more

in the village
 - as in the
 Govt. - no notice
 taken in the

+ 1/2 of the value of Govt
 excess - 100%

"than two per cent. where
 "the excess is above two per
 "cent, he proposes that the
 "excess over that proportion
 "shall be treated as an
 "encroachment, and
 "charged with one half
 "of the full assessment,
 "under the 27th of the rules
 "approved by Govt. in the
 "order of August 9th 1857

10thly, unless the Secretary
shall be able to prove
that there is no encroachment.

The last appears
this proposal also, but
with the addition that if
it shall appear that the
persons holding the land
at the present time
shall be imposed

13 The Secretary of
State, however, when the
matter was brought to
his notice, expressed his
certain belief that the order
which had been passed
by the Court was illegal.
Some reasons follow.

De. Latch 129, June 1860
No. 38. para. 4. in 1859
C.C. - August 1860. No. 1312.

The manner in which
you propose to deal with
excess found in the extent
of. L. 1000, as reported in
your letter of the 21st Nov
(1859) 1859. Where the ex-
cess, as proved by actual
measurement, does not ex-
ceed that also found in the
North lands, it may reason-
ably be treated as part
of the original grant, and
I am willing to allow the
exemption to be extended
to any excess not beyond
ten per cent of the extent
of the grant. Any further
excess you propose to charge
with only one-half of the
full assessment, but it
appears to me that no suf-
ficient reason exists for
this indulgence. In such

"actual" actually, to
exist - but allowed

14 It is not of course
the same as the original
grant of 1000 acres
this must be taken into
account & the excess
found in the North
lands must be taken into
account.

This is
the 11th

"abeyance, if not setting them
 "wholly aside in view
 "the District without even
 "informing the Government
 "of his intention." etc.
 Taylor on the other hand
 refers to his original re-
 port, as showing that
 the rule which he proposed
 and which was with some
 modification sanctioned
 by the Secretary of State
 was never designed to be
 carried into effect during
 the present settlement,
 but was simply intended
 to assure the standards of
 the exact manner in which
 the excess would be ultimately
 dealt with on the completion
 of the survey measurements.
 The survey not having been
 completed whilst the Godavery
 and Krishna Districts were
 being settled it was manifestly
 impossible to bring the rule into
 operation then.

I think

para 3 letter dated
 31 Dec 1863. No. 54.

His Lord should
 have shown the name
 paper & the address like
 Excess.

see para 3 of his
 letter referred to
 above

I am not sure
 but I think
 the plan of
 recording
 the survey areas
 was not
 adhered to
 in the case of
 the "former" area
 was certainly
 not adopted there.

para 5. ditto ditto

x6. I think that Mrs
 Taylor is right also in this
 respect. But allowing
 such to be the case it is not
 clear how, if his plan of
 recording, in some "according
 to their former areas" when
 the survey areas were not
 attainable, was adhered to,
 a case like that of "Surpura
 Lanka" could have happened.
 The "former" area was cer-
 tainly not adopted there.
 Indeed this plan does not
 appear to have been general-
 ly adopted, for further on
 Mr Taylor states that
 "all claims to any larger
"extent than that entered
"in present accounts are
 enquired

enquired into and disposed of by the Deputy Collectors of this commission; and in another place, he describes the course usually followed in Taluqs not yet surveyed to be "to charge half a seer" in respect upon the difference between the areas entered in the old and present accounts without any allowance for difference of measurement.

17. Mr. Taylor goes on to say that so far from keeping the order referred to in abeyance it has been brought into effect in every District where it could be applied. In the Districts marginally noted

Mr. Taylor's letter to the S. D. of P. recorded in their Pro: 5 November 1852. No. 16.

31 Dec/53 No 54. 1. 4.

+ Bellary
Cuddapah
N. Arcot
S. Arcot
Bellare
Salem
Coimbatore
Madras
Pinnacelly
Madras
Kurnool

in the Taluqs of Bellary, Cuddapah, N. Arcot, S. Arcot, Bellare, Salem, Coimbatore, Madras, Pinnacelly, Madras, Kurnool.

The pt only referred to Godavery -

noted there is no ready reference dealt with, and the incriminated areas have been recorded according to the early survey accounts which have been long recognized. But in Trichinopoly, Tanjore, and the Government Taluqs of Ganjam and Vizagapatam where more recent surveys have taken place, provision has been made for the ease of rule being brought into effect and this apparently by the Deputy Collectors themselves at the time of the Settlement.

18. It would seem from this that only in the Godavery and Krishna Districts will it be the following

duty

duty, to carry out the orders of the Secretary of State in this respect. At the same time Mr. Taylor remarks "as regards the Districts in which the new survey is now in progress any exceptions found in it can only be settled as in the Godavery and Kistnah, by the District authorities." Under this view, as every District comes under survey, alterations will have to be made in the Drain Registers, notwithstanding that the exception rule may have already been

۱. در مورد این که در این کتاب
 ۲. در مورد این که در این کتاب
 ۳. در مورد این که در این کتاب
 ۴. در مورد این که در این کتاب

[illegible]

Is the Collector of
the Government and
his staff, in of his
strictly, generally, we
understand this
duty, some intima-
tion to that effect
much, I suppose
be made to them?

I think the 100 million can be
the 100 million is a small number
except for the 100 million
length 200 million the 100 million
may be allowed 100 million
addition 100 million - 100 million
from 100 million to 100 million
4,000 is the 120, and 120 is
may be added to it - 100

been brought into operation?

office until the Govern-
ment have decided on
whether his interpretation
of the Secretary of
State's order is correct.
May he be told with
reference to para 14 of
this Memorandum that
he has correctly defined
the

the rules? and how far
will Government modify
the order and illu-
stration referred to in para
7?

20. From para 6 to the
end of his letter Mr. Taylor
discusses the mode of procedure
to be adopted in regard to
excess found in whole & part
villages in the Ganjam
and Vizagapatnam Districts
(1) in the Government Taluqs
and (2) in the Zamindari and
private Estates. The excess in
both cases seems to arise from
precisely the same cause - viz
understatement of the areas
in the Public Accounts. En-
croachments of course are im-
possible, but as a general
rule

vide Separate
note -

vide the Commission is
satisfied that no encroach-
ments have been made. He is
therefore the under statement
the fault of the Inamdar.
it was the act of the Zamindars
at the time of the Per-
manent Settlement and
its object rather with the
view of depreciating the
value of their estates than
of favoring the Inamdar.

21. Notwithstanding
their similarity in this
respect the Commissioner
proposes to treat them dif-
ferently.

22. - Did the original
Bram Rule XXVII still
hold good, there would be
no

is a difficulty. Under that
 rule "encroachments, or
 land in excess of the recorded
 extent, if proved to be of
 "50 years' standing, will be
 "dealt with as if it formed
 "part of the original grant"
 but the Secretary of State
 having expressed an opinion
 that the full assessment
 (a certain allowance first
 being made) should be
 charged on all excess on
 the ground either that
 it must have resulted
 from fraudulent under-
 statement in the Ben-
 manent settlement
 accounts or from en-
 croachments

See note 29 June 1861
 already quoted

[Faint, mostly illegible text, possibly a list or table of contents]

I have been told
 that the Government
 will not charge full assess-
 ments on all excess ex-
 cept what may equal
 the average excess found
 in Government villages
 adjacent plus ten per
 cent

encroachments, the
 Taylor presumes that
 the Government will not
 be prepared to recognize
 such enjoyment absolute-
 ly. Under the circum-
 stances of the case he
 would not (for reasons ex-
 plained in para 9) propose
 the application of the
 Secretary of State's order
 literally: i.e. he would
 not charge full assess-
 ments on all excess ex-
 cept what may equal
 the average excess found
 in Government villages
 adjacent plus ten per
 cent

sent, but he would not
treat it as recent claim
under clause XVI and
charge the whole of it
with half assessment
except where encroach-
ments are clearly pre-
sumable, when full as-
sessment would be charged.

This compromise would,
he thinks, be most fa-
vorable for the interests
of Government, though
doubtless the Zamindars
will not view it with
approbation

If it was not founded
on fraud, and from
length of possession
appears entitled to
consideration, it will be charged
with the highest rate
of assessment above
provided for in Rule
V, being one-half ($\frac{1}{2}$)
of the assessment,
and conferred to the
holder in perpetuity
"as freehold."

para 10-

I have all
the papers
I have all
the papers
I have all
the papers

30 a b
approbation. This proposal
applies only to whole income
villages in Government Taluqs.
23. In considering
the question as it re-
fers to the Zamindari
Taluqs the Commissioner
observes that other in-
terests are involved be-
sides those of the Govern-
ment and of the
Zamindars. It is true
that the Zamindars claims
as regards excess are not
so clear as has been ge-
nerally imagined: it
must be always a
question in a case of

of this kind whether
the right to levy quit-
rent on except in an Indian
situated in a Zamindari
belongs to Govern-
ment, or to the Zamindar
and if it were resolved
to enforce the title of Gov-
ernment, the only mode
of procedure would be
to charge the excess for
their benefit, leaving it
to the Zamindars to establish
their rights in the ordinary
Courts. This course, while hard
on the Zamindar, would also
be objectionable inasmuch as
every case would be liable to re-
investigation by the Govt, if casts
would have to refund the quit-rent
which might have been levied.

para 12

31²⁷

24. To oblige all
possibilities Mr Taylor pro-
poses as a general rule
to forego all special claims
on account of excessive
prices, situated in Zamindari
lands, to be, and make
the settlement once for all
upon the ordinary terms
for the whole extent in the
enjoyment of the Indians
according to the most re-
cent authentic accounts.
This he considers preferable
to adopting the old under-
valued area as the basis
for settlement.

25. The Commission
had, in the first instance
contemplated applying to
revenue in Zamindari
states the rule, which
he has now proposed to
bring into operation in
the Govt. Taluqs. (Vide
para 24 above.) The subject

came

came under discussion
between himself and the
Court of Wards in regard
to the name in Purla
Kumedi. The Court had
objected to the proceedings
of the Commission in dis-
posing of an excess of land
held as Sine beyond
the extent specified in
the grant and above
a margin of 10 per cent
but on his explanation
connected to the adoption
of the rule sanctioned by
the Secretary of State
viz. to allow the same
proportion of excess as is
found in British lands,
plus ten per cent.

26. Mr. Taylor however
in para¹³ of his letter now
under review explains that
he has, on consideration,
come to doubt the propriety
of enforcing on the half of
the

see Sec. Pro: 11 November
1862. 2. 7429.

11 January 1864
No. 158.

25th
the individuals, or of their
Court of Wards in relation
capacity of Guardians of
minor proprietary rights
which have not been
claimed for so long a
period.
27. The Board again
to whom Mr. Taylor had
forwarded copy of his
present letter remarks
that, the rule which
they approved in relation
to Purla Kumedi had
reference, they thought
to minor Sine only.
They see no reason why
where whole Sine vil-
lages are concerned "the
right of the Sineholders
to the whole area com-
prised within the village
boundaries should not
be admitted altho, the
extent of area may be
found to be greatly in
excess

"view of what the Jangam
"dar stated it to be when
"furnishing the account
"of the facts to the Gov.
"commissioners who framed
"the Permanent Settlement."

"The intention of the
"Jemindars may have been
"to deceive the Commissioners
"as to the capabilities of the
"their estates and that their
"view, the area of Seri Vit.
"Lages and Inam Villages
"was understated,
"but where the fact of the
"whole Village having been
"granted as Inam is un-
"disputed, then, the Court
"see no reason why the
"Jemindar should be
"punished for a mistake.
"went, to which he was
"no party and which was
"directly opposed to his in-
"terest."

"His right to the whole
"Village, whatever its extent,
"appears to the Court to be
"indefeasible."

As against the
Jemindar.

28. The Board's argu-
ment seems fair enough.
But if admitted will
it not apply equally to
similar villages in Goum
ment Taluqs?

29. It will be ob-
served from paras. 6 and
7 of Mr. Taylor's letter
that the procedure recom-
mended in Ganjam and
Vizagapatam in regard to
Inam villages has not been
followed in other Districts.
Where the grants are for
entire villages within de-
fined boundaries without
any specification of extent
no detailed measurement
has been made in the

new survey and therefore
has therefore been no excess
to be dealt with. In Tanjore
only some increase was brought
to light but as it resulted
from the imperfect character
of previous measurements,
and as the grants were for
the entire villages the Com-
missioners saw no occasion
to question the excess.

30. On the whole, it would
seem the fairest to allow
the more liberal view to be
carried out equally in the
Govt. as in the Zamins.
dari Salugs.

Call
all!!

IN

1

Rev. Dept.

20

I do not see
that the order of Govt.
dated 7th July last is
open to Mr. Saylor's cri-
tiques. The first part
of para 5 certainly will
bear the interpretation
that he and Mr. Blair have
put upon it but the
illustration shows clearly
by that this interpreta-
tion is opposed to the
intention of Govt. Ten
percent is - as the order
states the margin for
"excess" but as the illus-
tration shows the ex-
cess here meant is
"allow."

the assets, they form no part
of the estate. With any
arrangement between Govt
and the Inamdar he has
no concern, simply because
the villages do not belong
to him.

The Inamdar seems
to me exactly in the same
position as the Inamdar
of a Govt village; and I do
not see that he has any
claim to be differently
treated.

It will be re-
collected that Sir W. Wood
gave his decision in the
following terms. "Either
the real extent of the grant
must have been fraudu-
lently understated in the
Permanent Settlement ac-
counts or the excess must
have been added by sub-
sneachment to the original
grant and in either case
the question is one of

same in the view
of the

33
opinion, that the full as-
sessment ought properly
to be charged. Mr Taylor
proposes to charge full
assessment when fraud
is apparent - in the other
cases, I think $\frac{1}{2}$ assessment
may fairly be allowed -
but it is for Govt to decide
whether the terms of Sir

Woods's despatch leave
any other course open to them.
I think, except this course
under the proposed rule,
Govt. will say to the

Inamdar. The village
granted in your name -
the boundaries of the
village being the chief
point to look to is whether
the boundaries have been
overstepped. - The area is
of no consequence except
when the grant & other
records make it perfectly
clear that Govt intended
to give only a certain
number of acres & was
deceived as to the content
of the village. - If
after charge you shall
assessment as a fair
compromise."

J. D.

The sub-~~ject~~ ^{land} is an
 - surveyed district, and
 - in respect to Indian claims
 - that is known, not con-
 - taining any village - when
 - the area of the claim is ascer-
 - tained by actual measure-
 - ment, except as the same is
 - entered in the District accounts
 - in the following, as proposed
 - by the Commission suppon-
 - ted by this fact - and sanc-
 - tioned by the Secretary of
 - State.

2 The Incumbent is to be
 allowed credit for so much of
 the excess as is in proportion
 to the excess of actual above
 recorded area in the ^{adjacent} lands
 when the former has been de-
 - termined by survey - He
 is also to be allowed one
 above this a further credit of 10%
 on his recorded area for
 variation of measurement
~~at the same time~~ ^{as above}

3 settled according to the
 Incumbent's ^{holding} for all ^{land} beyond
 this he is to be charged full
 assessment - In Taylor
 land proposed ^{half} ^{assessment}

but Mr. C. Wood decided that full assessment should be compulsory -

3 Then supposing that in the main which was entered in the District Account at 100 Cawies, but ^{found} out on actual measurement it was 150 - and supposing that on the survey of the District for lands taking place it was found that within the actual exceeded on an average the recorded area by 30% - Then the man who would be allowed 30 ^{Cawies} on his account - he would be allowed a further 10% on his recorded 100 Caw - $100 + 30 + 10 = 140$ C of his total - which would be settled accordingly - the man would be $\frac{1}{10} \times \frac{1}{4}$ assessment whatever it might be. For the remaining 10 Cawies he would have to pay full assessment -

4 Or to put it another way - supposing a man's land entered in the District Account at 10 Postles to be found on measurement 150 ^{Cawies} - and supposing that on the

survey of the District for lands, the Postles were found to be equal to 13 Cawies - Then the man would be allowed 130 Caw plus 10% or 13 Cawies, total 143 C and would be charged

full assessment
7 Cawies.

35

- 5 This rule suggested in many in the - very District in the order of "There is yet to be no reliable areas of fields although it is known - numerous - much on the - to wit, partly - of the actual - standard of - being from - being in - in official - some - - can be all - the above - and certain - and foreign

6 of the

Supposing a man's land entered in the District Account at 10 Postles to be found on measurement 150 Cawies - and supposing that on the survey of the District for lands, the Postles were found to be equal to 13 Cawies - Then the man would be allowed 130 Caw plus 10% or 13 Cawies, total 143 C and would be charged

and Mr. C. Wood decided that
full assessment should be
compared -

3 Then supposing that in
the account which was entered
with District Account at
100 Cawies, brought out on
actual measurement & com-
- 3000 150 - and supposing that
on the survey of the district from
fore-lands taking place it was
found that within the actual
exceeded on an average the
recorded area by 30% - Then
if I mean I would be charged
30 ^{Cawies} on this account - He
would be charged a further
10% on his recorded 100 Caw-
100 + 30 + 10 = 140 C of his land.
- his would be settled accord-
- ing to the mean value of 10. 1/4
assessment whatever it might
be. For the remaining 10 Caw-
he would have to pay, with ad-
- assessment -

4 Or to put it another way -
Supposing a man's land
entered with District Account
at 10 Pooties to be found on
actual measurement 150 ^{Cawies} -
and supposing that on the

100 - 150 = 50

full assessment made on the evening
7 January.

5 This rule book, originally
suggested in reference to a
man's in the district for
- very difficult should be related
in the order of fact - 6 Nov 1859 -
"There is yet no survey and
no reliable record of the
"area of fields or holdings,
"although it is known that the Com-
"mission recorded measure-
"ment on must be on the
"truth, partly in consequence
"of the actual value of the land
"standard of measure (the
"being from village to village)
"being in reality more than
"in official value" - The rule
"own value to be applied.
- call to all districts in which
the above conditions obtain -
and certify by the person
and the person.

6 If the above view be con-
- sidered I think that it should
be explicitly stated, for
it seems to me that on the
17 July last it was decided
- construction, and no part
of the same was to be
understood by the
Taylor & Mr. Allen. This
is put as because it was
affirmed by the fact that the
of the person with

The Treaty did not provide to
have settled according to the
excess value but specifically
must be on one merit.

7 It seems to follow from
the above that the complete
settlement of such claims
as those now referred to, can
only be made - that is the pre-
-payment of them which is to
be assigned to them and to
full assessment and inspection
- of course to be determined
until the Survey of the Dist.
in which they are situated
has taken place - for until
then it cannot be known
what is the value of the excess
of actual area recorded
area in the 2nd lot land - or
what practically is the real
value of a local standard
of measurement - Poorly
Barren -

6 And this bill only covers
the primary delay and it
- commission. As it should
and secondly the
- ^{of the District} must be ^{of the District} been
determined and set down in
the Survey of the District
- ^{of the District} determined by the Survey of the
- ^{of the District} poor village. They are the
- ^{of the District} instances as to how they are

would issue 10 or 7 cases
at full assessment. Then
- of the main would pay
the rate of land and
- by determination of the
Commission in the
the National Commission
of the Commission -
7. With regard to the main
village - in the village
unmarried district, in
Jemini district, a village
- and district, where there
is no reason to suspect
encroachment, when the
boundaries of the village
are well defined, and the
village is at least that is
- ^{of the District} appears to the contrary has
been held at its present
area from time immemo-
- rial, the village should
- ^{of the District} think to take as it stands
and be settled in its entire
- ^{of the District} by according to the main
and rate. It should be
remembered that the title
under which such village
are held is long leasehold
enjoyment of which the
entry in the first account
- ^{of the District} 30 or 40 years ago is only
a record of the present

cannot help feeling that
from a much greater authority
he cannot fairly be said
that if, when the person
with the most accurate
knowledge, the time has
been returned, it just might
not have been possible to
just as well have been
known, all the more, if
of the only person
which they are held. Talla-
-li, Phocaea, Co. Sligo
or what not. The Board
of Education have obtained
in any circumstances
because it is a village
very much like the
that should be prejudiced
the education and are
not ignorant of the
-light and in some
-the same. But what
it is not at all clear that
such measures will
improve the position

and being careful
not to lose accuracy in

respect to the
they are a serious
-case. The account
and the account of
-ality of the
-dence, as to the
them up any
being - it is
unlike a mean
is more
inspection. This would be
more particularly
even in the case of
with, in paying
no evidence to
to the mind - a
a lump of
no reference to
or Galen. ^{See Wood's order}
-ply to the
of the
Madras
has been
spirit of
true policy. I
say if it
-out in
any class
in a way
-have from
popularity
29/2/64

597-

Proceedings of the Madras Government
Under date 8th ~~March~~ ^{Apr.} 1864

Read the following Papers

From the Sg. Comm. (joined)

Submits, with reference
to the observations, within made, (Here enter 13 Aug 63 - 143)
reconsideration of the order of
Govt of 7th March, 1862, passing
remarks on the course pursued
in dealing with cases in
Sums -

From — do — do — do —

Submits for the
orders of Government, various (Here enter 31 Dec 63 - 54)
points connected with the
treatment of excesses in Sums

Wgts of the Court of Wards

Submitting the
Board's views, on a letter
from the ^{Sg. Comm.} Commissioner, on (Here enter 11 Aug 63 - 153)
the subject of the treatment
of excesses in Sum lands,
in the Mangalore and Vizagapatam Districts.

11. The correspondence, recorded above has
its origin in certain
remarks passed by
Government in review
of

MD

Ym

JP

of extension of the Indian
Commissioner relating
to the lands of Turpin,
-land at a point in the
Guadalupe District.

2 In the order in
question the mode of
dealing with excess in
maine comes under no-
-tion, and both Mr. Blair
and Mr. Taylor now
represent that the con-
struction which the
Government have put
on the dispatch of the
Secretary of State on
the subject is at vari-
-ance with the mean-
-ing, which it has hitherto
been understood and
acted upon by the
Indian Department in the
several Districts at
-ready settled.

3 The rule means
the Indian Commissioner
thinks

4 5
thinks that excess in
-maine equal to the
average excess found
in Government land
plus 10 per cent should
be allowed, any further
excess over and above
being chargeable with
full assessment.

4 The Government
gives concern is, this
view of the case, nor do
they see why there
should have been any
doubt about the matter.
The final part of para-
-graph 4 of 7th July 1868 5122
may indeed bear the
interpretation which
has been put on it by
the Indian Commissioner
but the illustration
shows clearly that this
interpretation is opposed
to the intention of Govt.
Ten per cent is - the order
states

of a
 Can. statement the margin paid
 to the "excess," but as the other
 - can. situation shows the excess
 has here, meant, is allowed
 2 encroachment and not
 give the excess of the local
 deal measure over its present
 value official equivalent.
 - ties, & In the instance
 and then under review the
 rep. Government remarked
 that the Indian Govt.
 Gov. "missioner, would have
 on, "acted correctly if he had
 seen "confined only 24 Pooties
 the "plus ten per cent. allowed
 - and "encroachment or 26th
 in, "Pooties in all, leaving
 been "it to be afterwards set
 action "the how many acres
 seen "were comprized in that
 seen "number of Pooties." Had
 read, the man in question
 3 been settled in accord.
 the - and with the excess
 rule this would doubt
 less

omit 81

but have been the cor-
 - rect course, for the ac-
 - tual extent of the poorly
 would have been after-
 wards ascertained when
 the average excess found
 in both lands had been
 discovered - and there was
 no reason to wait till
 that period for the as-
 - sessment of the assess-
 - ble encroachment. The
 exceptional treatment
 of the Timpulanka in-
 - stance does not affect the
 general question.
 6 To avoid further
 misapprehensions, how-
 - ever, it may be well to
 state clearly the course
 which should be fol-
 - lowed in surveyed
 Districts and in respect
 to minor changes - that
 is Indians not comprising
 a whole Village - when
 the

the area of the ~~land~~
as ascertained by actual
measurement exceeds the
area as entered in the
District accounts.

The ~~land~~ ^{land} owner
is to be allowed credit
for so much of the ex-
cess as is in proportion
to the excess of actual
above recorded area in
the adjacent ~~land~~ ^{land} ~~shall~~
when the former ~~shall~~
has been determined by sur-
vey. He is also to be
allowed over and above
this, a further credit
of 10% on his recorded
area for variations of
measurement. All
within these limits
is to be settled according
to the ~~land~~ ^{land} ~~owner~~
for all his holding
beyond this he is to be
charged full assessment.

Thus

2
thus, supposing the owner
has ~~land~~ ^{land} ~~owner~~
in the District accounts
at 100 ~~acres~~ ^{Pooties} ~~acres~~ ^{Pooties}
but on actual measure-
ment to contain 150,
and supposing on the
survey of the entire
grains Government
lands taking place it
be found that in
them the actual ex-
ceeds on an average,
the recorded area by
30%, then the ~~land~~ ^{land} ~~owner~~
would be allowed 30 ~~acres~~ ^{Pooties}
on this account.
He would be allowed
further 10% on his
recorded 100 ~~acres~~ ^{Pooties}
therefore $100 + 30 + 10 = 140$
~~acres~~ ^{Pooties} of his hold-
ing would be settled
according

according to the Indian
Rule at $\frac{1}{2}$, but $\frac{1}{4}$ only
assessment on
whatever it might
be. For the remain-
ing 10 ^{Pootes} ~~acres~~ he
must have to pay
full assessment.

The rule was
originally suggested
in reference to the
Inams in the Krishna
and Godavari Districts
whereas stated in
the order of 16th
November 1859 "there
is as yet no survey
and no reliable record
of the areas of fields,
or holdings" altho'
it is known that
the

3
The best way to decide
in accordance to the
officially much below
the truth, partly as
consequence of the
actual value of the
local standard of
measure (which varies
from village to village)
being in reality more
than its official
value". The rule, it
however, is applicable
to all Districts in
which the same
conditions obtain.

Where the
extent of land occu-
pied, as Inam, is ob-
viously in excess
of the extent entered
in the accounts this
the

the duty of the Drain
Department to in-
clude the 10% ex-
cessible ex-
cess as already
directed in G. O.
7th July 1863.

10 But as a general
rule the Drain
Department can
do nothing more
than register the
extent entered in
the present accounts
leaving it to the
District authori-
ties to charge excess
after the completion
of the survey and
in

46
in order that the
different collectors
may not neglect this
duty it is advisable
that the Board should
issue some simple
rules on the subject
for their guidance.

It must first
be decided in what
Districts the excess
rule is hereafter to
be enforced. It is
apparent from para
4 of Mr. Taylor's
letter dated 31 Decr
1863 No 84 that the
rule has been carried
into effect in
Trichinopoly

Trichinopoly, Tanjore,
and in the General
ment Taluqs of
Gangaim and Viragapa-
tam. Trichinopoly
however is again re-
ferred to at the close of,
para 5 as to come under
subsequent revision, and
the allowance to be made
in Districts "Once re-
gularly surveyed - such
as Salem &c" is recom-
mended to be 10% merely
without taking into account
the average excess found
in Govt lands as in Dis-
tricts like Godaverry
and Krishna where
there has been no survey. The
Board will be good enough
in communication
with

with the ⁴⁵ ~~acting~~ ^{acting}
Income Commissioner
to decide which are
to be considered surveyed
and which unsurveyed
Districts in reference
to this proposition so
that no difficulty
may be experienced by
the Collectors in pro-
ceeding to apply the
excess rule.

12. A copy of the
instructions which
may finally be issued
under this order should
be submitted for the
information of Govern-
ment.

13. From para 6 to
the end of his letter
Mr Taylor discusses
the

the mode of procedure
to be adopted in regard
to excess found in the
whole Irian villages
in the Gungaim and
Vizagapatam Districts
(1) in the Government
Talucs and (2) in the
zamindari and private
estates. The excess in
both cases seems to
arise from precisely
the same cause, viz.
under statement of the
areas in the Public
accounts. Encroachments
of course are possible
but as a general rule
the Commissioner
is satisfied that no
encroachments have
been made. Neither
in

415
in his opinion is the
under statement the fault
of the Zamindars. It was
the act of the zamindars
at the time of the
Permanent Settlement,
and its object rather
"with the view of
depreciating the
value of their es-
tates than of
favoring the Irian-
dars."

14. Notwithstanding
their similarity
in this respect the
Commissioner
proposes to treat
them differently.

15. Did the original
Irian Rule XXVII
still

still not good, there
must be no difficulty.
Under that rule en-
croachments, or land in
excess of the re-
corded extent, if
proved to be of 50
years standing, or
will be dealt with
as if it formed part
of the original Inam
but the Secretary
of State having ex-
pressed an opinion
that the full assess-
ment (a certain ex-
cessance first
being made) should
be charged on all
excess on the ground
either

* Despatch 29th June 1860
already quoted.

47
either that it must have
resulted from fraudulent
understatement in the
Permanent Settlement or
accounts or from encroach-
ments, Mr Taylor pre-
sumes that the Govt will not
be prepared to recognize
such enjoyment absolutely.
Under the circumstances of
the case he would not
(for reasons given in para-
2) propose the application
of the Secretary of State's
order literally - i.e. he
would not charge full
assessment on all excess
except what may equal
the average excess found
in

in Government villages in
adjacent plus ten per cent,
but he would treat it as
recent Inam under clause

XVI and change the whole
of it with half assessments.

Government, except where
encroachments are clearly
presumable, when full
assessments would be
charged. This compromise

would he thinks, be the
most favorable for the
interests of Government,
though doubtless the

Inamdar will not view
it with approbation.

This proposal applies
only to whole inam
villages.

"If it was not founded
on fraud, and from any of
the provisions, which are entitled
to consideration, it will be
charged with the highest
rate of suit rent above
provided in Rule V,
being one half (1/2) of the
assessments, and confirmed
to the holder in perpetuity
as free hold."

para: 10

villages in ^{the} Government
Talugs. In considering
the question as it refers
to the Jamindari Talugs
the Commissioner observes
that other interests are
involved besides those of
the Government and of the
Inamdar. It is true
that the Jamindars claim
as regards excesses are not
so clear as has been
generally imagined: it
must be always a question
in a case of this kind
whether the right to levy
quitrent or excess in an
Inam situated in a
Jamindari

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Zamindari belongs to Government or to the Zamindar and if it were resolved to enforce the title of Government, the only mode of procedure would be to charge the excess for their benefit, leaving it to the Zamindars to establish their rights in the ordinary courts. This course, while hard on the Zamindar, would also be objectionable inasmuch as every case would be liable to reinvestigation and the Government, if exact, would have to refund the quit rent which might have been levied.

para 12

49
17 To obviate all difficulties Mr Taylor proposes as a general rule to forego all special claims "on account of excess in" "manns situated in Zamindari Estates, and make the settlement once for all upon the ordinary terms for the whole extent in the enjoyment of the Zamindars according to the most recent authentic accounts." This he considers preferable to adopting the old understated area as the basis for settlement.

18 The Commissioner had

had in the first instance
contemplated applying
to grants in Zamindari
Estates the rule which
he has now proposed to
bring into operation in
the Permanent Taluk
(vide para 2^d above). The
subject came under dis-
cussion between himself
and the Court of Wards in
regard to the grants in
Purla Kherdi. The
Court had objected to the
proceedings of the Commission
in disposing of an excess
of land held as Grant
beyond the extent specified
in the grant over and
above

20 (19) 11 12 1862
107427.

which have not been
claimed for so long a
period.

20. The Board again to
whom Mr Taylor had
furnished a copy of his
present letter remarks
that the rule which they
approved in relation.

to Purla Kinnedi had
reference; they thought,
to union. In name only.

There are no reason
why where whole in
Inam Villages are
concerned "the right
of the Inamdar to
the whole area com-
prised within the
Village

+ 11th January 1864
E 1858.

57
"village boundaries -
"should not be admit-
"ted altho the extent
"of area may be found
"to be greatly in excess
"of what the Zamindar
"stated it to be when
"furnishing the accounts
"of the Estate to the Com-
"missioners who
"framed the permanent
"Settlement."

"The intention
"of the Zamindars may
"have been to deceive the
"Commissioners as to the
"capabilities of their
"Estates and that with
"this view the area of
Seri

"Seri Villages and Inam
"Villages alike was under-
"stated, but where the
"fact of the whole Village
"having been granted as
"Inam is undisputed,
"then the Court see no
"reason why the Inam-
"dar should be punished
"for a misstatement to
"which he was no party
"and which was directly
"opposed to his interest."

"This right to
"the whole Village, what-
"ever its extent, ap-
"pears to the Court
"to be indefeasible"

The

21. The Government
agree with the Board.
They do not moreover
see any necessity
for the distinction
proposed to be observed
in treating these vil-
lages in Government
and zamindari taluqs.
It appears to them
that whole Inam
Villages in surveyed
or unsurveyed Districts,
in zamindaris or in
reverted estates, where
there is no reason to
suspect encroachments,
where the boundaries
of the village are
well defined and the
village for aught that
appears

appears to the contrary,
has been held at its
present area from
time immemorial,
should be settled in
their entirety according
to the Inam Rules.
It must be remembered
that the title under
which such villages
are held is long pres-
criptive enjoyment
of which the entry
in the Government
accounts 60 or 70 years
ago is only a collateral
proof; the tenure itself,
dating back from a
much greater antiquity
as the Board of
Revenue have observed
if

53
if any misstatement
in regard to these
villages was made
by the Zamindars
that should not pre-
judice the Inamdar
who were neither cog-
nizant of, nor par-
ticipant in, such mis-
statement. But in
truth it is not at
all clear that such
erroneous returns
did proceed from
fraudulent motives.
They very probably
arose from ignorance
or indifference, the
Zamindars being
careless as to close

accuracy

accuracy in respect
to villages from which
they were to derive
no advantage. The
Circar Committee
and other accounts
of the assets of the
northern zamindaris
were notoriously
drawn up very loosely;
land being set down
without survey or
measurement, by
mere guess work,
or eye-inspection.
This would be more
particularly so in
the case of Imam
villages paying little
or no Revenue to the
Government on the
zamindar

34
zamindar in which in
the last hearing,
no reference to their
extent or value.

22. The Government
do not consider that
the Secretary of State
order about excess
~~used to be~~ applied to
villages thus situated.
The chief point to look
to in these cases is
whether the boundaries
have been overstepped.
The area is of no conse-
quence except when
the grant and other
records make it
perfectly clear that
Government intended
to

to design villages as
 certain number of
 acres and was decided
 as to the contents of
 the village. -

14 Copies of the Part of the Report of April
 11. - In the Envelope with 2 Envelopes

J. A. S.

I provide to add

"The fut. Disfigure
 of the tone & style
 of Mr. Blair's letter
 and warn him of
 the consequences of
 again addressing them
 in such a style"

LDS

There is an off hand
 impertinence in the
 letter - especially
 in the latter part -
 which should, I
 think, be expunged.

- On reading again
 Mr Blair's letter of 13th Augth
 last, I am sorry
 it was unnoticed
 J. A. S.

Copy in a Letter to Original
27 May 1861

2-5-✓
20-1-03
4 4-03
16-7-04
15/11/11

Revenue 1864 Deft
P.O. of Govt for April
C. 597

P.O. of the Madras Govt
28 April 1864

22-4-14

2-4-23 II ✓

Pro No. 1559
16-11-59

70-71
7-8-60

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11-3-62

91
5-4-62

647
14-3-62

142-143
7-7-63

The late Madras Commission
22 April 1864 to 1. 1863

Pro Board of Revenue
24 Aug 64 C. 229

5-7-64
2-4-64

Papers on the subject
of the treatment of caceps
in Nam lands, with
orders thereon -

N. 161 @ 164

@ 21 March 1864 R.L. 11/11/11

MEMORANDUM
Requested for reference the undermentioned papers on the subject of
2 Enam 1752 - this Enam - 1861/62
Enam - 1752 - 1861/62 - 1752

REVENUE BOARD OFFICE
26/5/64 1864

The Registrar of the
Enam Office

49/12/54