M.R.O. 14 - 5,450—29-10-25.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 3486	Press ~~Mis.~~
463-64	
Dated 22nd December 1866.	

Not to be folded or roughly handled

3486/65

No. 463. Read the following Proceedings of the Board of Revenue, dated 21st November 1866, No. 8,390 :—

Read endorsement of Government, dated 18th June 1866, referring to the Board, for remarks, a letter from the Officiating Inám Commissioner, dated 16th June 1866, submitting certain remarks on the provisions contained in Clause 4, Section 8 of the Draft Bill regarding Ináms.

From the Officiating Inám Commissioner, to the Acting Secretary to Government, Revenue Department, dated Coimbatore, 16th June 1866, No. 46.

1. In January 1863, Mr. Taylor submitted, for the consideration of Government, a Draft Bill embodying the various points on which legislation was deemed necessary in regard to Ináms, together with a Memorandum explanatory of its provisions. Copies of these papers are herewith submitted.

Vide Proceedings of the Board of Revenue, 28th January 1863, in Government Order, 13th May 1863, No. 859.

2. The Board of Revenue generally approved of the draft, but the Government considered any legislation regarding Ináms unnecessary, observing that the Bill, which has subsequently passed into law, for the recovery of "rent," would remove the difficulties brought to the notice of Government.

Act VIII. of 1865.

3. There is, however, one point in the Draft Bill, which still requires the consideration of Government, *i. e.*, the provisions contained in Clause 4, Section 8, on the subject of collecting quit-rent from the holders of Inám villages on which a lump quit-rent has been imposed.

4. The Government are aware that a large number of Inám villages has been confirmed by the Commission as the joint property of the holders, either because that was the state in which they were found at the time of settlement, or because the division of the lands, where it had taken place, was not recorded in the public accounts.

5. I have received petitions from the holders of several of the villages complaining of the hardship of the whole villages being rendered liable to sale for the default of one or two sharers in the village, who sometimes purposely fall into arrears with the object of annoying their co-sharers.

6. Though, no doubt, under the strict principle of a joint settlement, the sale of the whole or *any* portion of the village for the default of *any* sharer to pay the quit-rent, is perfectly legal, still it is undesirable that the private rights of the landholders should be subjected to greater risk and restriction than are absolutely necessary for the protection of the Government revenue.

7. I have consulted the wishes of many Inámdars, and they consider the provisions of Clause 4, Section 8 of the Draft Bill are well adapted to meet the difficulty. If the share of the defaulter were put up to sale on the existing tenure of joint responsibility, as provided for in the draft rules, it would be the interest of the other sharers, to purchase it themselves; as, in the event of there being no bidder, the whole village would be sold with reference to the joint responsibility of all the parties to pay the arrears of the quit-rent.

8. I am doubtful whether a legislative enactment is necessary for the purpose of authorizing Collectors to sell the defaulter's share on the *existing tenure*, prior to enforcing the joint responsibility of other sharers to pay the balance that may be due, or whether an order of Government to that effect would be sufficient.

9. I agree with Mr. Taylor that it would be hardly possible to effect sub-divisions of land in every case of default prior to its being sold for arrears, if such a step should be considered unavoidable under the law.

Referred to the Board of Revenue for their remarks.

(Signed) W. HUDLESTON,
Acting Secretary to Government, Revenue Department.

18*th June* 1866.

ENCLOSURE No. 1.—Draft Bill.

ENCLOSURE No 2.—Memorandum.

1. The Inám Commissioner points out that the Act for the realization of arrears of revenue does not provide for the cases of Inám villages held on joint tenure, and in which the default of one sharer may lead to the attachment and sale of the whole village, unless the other sharers accept the responsibility for the defaulter; and he proposes that provision should be made to meet the case in the terms of Clause 4, Section 8 of the Bill drawn by Mr. Taylor, and submitted to Government with the Board's Proceedings, dated 28th January 1863, No. 566.

2. This Section provided that where a regular sub-division of an Inám has not been carried out by the Commissioner, it shall be the duty of the Collector to register, at the request of the parties concerned, their separate shares, with the amount of quit-rent payable by each according to their own private arrangement, but without thereby relieving them from the joint liability of the whole estate for the payment of quit-rent; that parties dissatisfied with such registered distribution may bring a suit to modify it; that the Collector shall be guided by the register in collecting the quit-rent according to the registered distribution; and that on default of a sharer, the Collector shall first sell the share on its existing tenure, and only if that be inadequate for the purpose, shall proceed to enforce the joint liability of the other sharers. Clause 1 of the Section provided that no sub-division of quit-rent shall be carried below two annas.

3. The object of the proposal is to enforce the equitable liability of each sharer for his share of the quit-rent, and to prevent him from evading his responsibilities and throwing them on others. The question is raised, whether a legislative enactment is required to allow of such sale of a share on its existing tenure before enforcing the joint liability, or whether an order of Government will be sufficient for the purpose. It is declared to be in many cases hardly possible to effect an actual sub-division of land to represent the share of the defaulter.

4. The Board are of opinion that the proposed arrangement is very suitable and desirable, but they doubt whether it can be carried out without a legislative

enactment. In the first place, it would be necessary to relieve the Collector from liability to be sued for a modification of the registered distribution. The Collector does not make the distribution. He merely registers what he is told is the voluntary arrangement made among themselves by the sharers.

5. The Board consider that an order of Government would suffice to ensure that the Collector should first sell the defaulter's share of the land, if it could be pointed out and sub-divided, because he is bound not to sell *more* property in any case than is sufficient to cover the arrear, and it would be quite competent to him to select and sell the defaulter's particular share, and it would be for the other sharer to exclude him from the remainder.

6. But when this sub-division cannot be made, and what is sold is *the right* to a share in a joint tenure conveying certain privileges and advantages, then the Board doubt whether, without a legal enactment, this separation of individual interests could be enforced, and this kind of right made the subject of sale for arrears.

7. The defaulter might insist upon the joint liability, and decline to be a party to any such distribution, and the Board do not see how this plea could be resisted.

8. Moreover it seems doubtful whether such an individual right and interest could be brought within the purview of Section 5, Madras Act II. of 1864, which provides for the recovery of arrears "by the sale of the defaulter's moveable and immoveable property," or by execution against his person.

9. It is possible that the Government Law Officers might not attach any importance to this last objection; but the Board do not see how the difficulty in the way of changing a joint to a several tenure and liability, without the consent of every one of the sharers, and to the certain and immediate detriment of any defaulter among them, can be got over without a legislative enactment.

10. A very short law would suffice for the purpose. It appears to the Board that it need only provide that any one shareholder in a joint tenure may require the Collector to register the distribution of the quit-rent among the sharers;

that such sub-divided share shall not go below a certain minimum amount;

that an appeal shall lie to the Civil Courts by regular suit for the modification of such distribution;

that the Collector shall not be liable to be sued in such cases;

that he shall be guided by the settled and registered distribution in collecting the Government dues;

that the individual right and interest of a defaulting shareholder in a joint tenure may be sold with its share of the liability in realization of the arrears;

that his personal property shall further be liable before the joint liability is enforced on the non-defaulting sharers;

that execution against his person shall not be barred by the realization of his arrear from the other sharers;

that the purchaser of the share shall succeed to all the advantages and immunities attaching to its original holder;

Proceedings of the Madras Government, Revenue Department,
22nd December 1866.

that the defaulter shall have no claim to any share in the advantages remaining to the non-defaulting sharers.

No. 464. ORDER THEREON, 22nd December 1866, No. 3,486.

Land Revenue.

The Inám Commissioner will submit a statement shewing the number of Inám villages held on joint tenure in each district, and the quit-rent payable on and the number of sharers in each village.

(True Extract.)

Secretary to Government.

To the Officiating Inám Commissioner.
,, the Board of Revenue.

Exd. S. T. Augustin.

Draft of a Bill to provide for the collection of quit rent upon enfranchised Ináms and for other matters connected therewith.

Preamble.

Whereas, under the Rules sanctioned by Government, under date the 9th August 1859, the Inám lands of this Presidency are enfranchised – that is to say the reversionary rights of Government are surrendered to the Inámdars in consideration of an equivalent annual quit rent, and the Inám lands are placed in the same position as other descriptions of landed property, in regard to their future succession and transmission: and whereas it is necessary to frame rules for the collection of the said quit rent or other tax leviable upon such enfranchised Ináms and for the regulation of other matters connected therewith it is hereby enacted as follows.

Settlement of the Inám Commissioner binding upon the future holders of the Inám and to be recognized by the Courts of Civil Judicature.

I The settlement made by the Inám Commissioner with the present holders of Inám lands under the said rules of the 9th August 1859 shall, as regards the rights of

of Government to levy the quit rents imposed upon such Inam lands, be binding upon such holders, their heirs, and assigns, or any other persons who may be possessed of, or may hereafter acquire an interest in, the said Inam lands and it shall not be competent for any Court of Civil Judicature to question the settlement as made, so far as the nature and conditions of the tenures, as well as the rights and liability to pension thereby created, are concerned.

II. The settlement made by the Inam Commissioners is an adjustment of the claims of Government to the land revenue, and shall not affect any cess, fine, or levy, not being the ordinary land revenue, or any other contingent charge to which the Inam lands are, or may be hereafter, liable, in common with other descriptions of landed property, under any regulations or rules which have been, or may hereafter be, framed by Government except in so far as such extra charge may have been expressly provided for in the said settlement.

The settlement is an adjustment of the claims of Land Revenue and not of other Cess or Tax.

III. The quit rent or other tax, leviable upon enfranchised Inam lands shall be collected under the rules, and in the manner provided in Act XXXIX of 1858 or any other Regulation which may hereafter be enacted by Government, for the collection of the ordinary Land Revenue.

Act XXXIX of 1858 to be applicable for collection of the rent.

IV. Wherein no express Kistbandi is provided for the payment of the quit rent or other tax upon the said Inam lands, the ordinary Ryotwari Kistbandi of the District will be held applicable, and any arrears of quit rent or other tax which may remain unpaid shall be chargeable with interest in the manner provided for in the said Act XXXIX of 1858.

Kistbandi how to be regulated. Charge of interest on arrears provided for.

V. It shall be competent to Government to transfer the right of collecting the quit rent or other tax upon the enfranchised Inam lands to any Zemindars or other land holders within the limits of whose Estates the Inam lands are situated: and where the right is so transferred, such Zemindars or land holders shall be vested with the same powers, and shall be subject to the same rules

The right to the quit rent can be transferred to Zamindars.

and restrictions as are provided, for the Collection of the ordinary Land Revenue or rent by Land holders, in Regulation XXVIII of 1802 and other Regulations which have been or may hereafter be enacted by Government.

Powers for the summary recovery of rent from Sub-tenants extended to Zemindars.

VI. The powers conferred upon Proprietors of land by the Regulations of this Presidency for the summary recovery of arrears of rent or revenue from under-renters, tenants or Ryots, are hereby extended to all land holders and their under-farmers, whether such land pays an assessment or quit rent to Government or not.

Owners of Unpermanented Zemindaries to be at liberty to transfer the whole or any part of such Zemindaries.

VII. Owners of Unpermanented Zemindaries shall be at liberty to transfer, without the previous consent of the Government or of any other authority, in whatsoever they think proper, by sale, gift or otherwise, their right in the whole or in any part of their Zemindaries; such transfers of the Zemindaries shall be valid and shall be respected by the Courts of Judicature and by the Officers of Government, provided they shall not be repugnant to

the laws regulating succession to landed property amongst the parties. But in the case of Zemindaries charged with a quit rent, unless such sale, gift or transfer shall have been regularly registered at the Office of the Collector and unless the quit rent shall have been previously determined & fixed on such separated portions of the Zemindary by the Collector, the whole Zemindary shall continue to be answerable for the total quit rent.

Subdivision of Zemindaries how to be made.

VIII. Whenever an Unpermanented Zemindary charged with a quit rent may be required to be sub-divided, whether in consequence of private transfers of portions thereof by the Zemindars or for the purpose of the public sale of such separated portions for the discharge of arrears of revenue, or in pursuance of a decree of Court, it shall be the duty of the Collector to apportion the quit rent thereof on such sub-division under the rules hereinafter laid down.

Subdivision of Minor Zemindaries.

Clause 1st. Where the Zemindary consists of small plots of land within

within a Village, it shall be allowed to be sub-divided in portions consisting of one or more entire revenue fields or numbers & the quit rent on such sub-divisions shall be fixed by the Collector in proportion to their assessment or value; provided that the quit rent so fixed shall, in no case, be less than 2 annas. Where the fields are large, it will be at the discretion of the Board of Revenue to sanction their sub-division into smaller fields.

Clause 2d. Where the shares in question Sub-division of shares of one or more Entire Villages, Hamlets in entire Villages.
or Pandrigas, or of shares of such Villages, Hamlets or Pandrigas, no sub-division of them shall be valid without the sanction of the Board of Revenue, which sanction it will be in the power of the Board either to grant or to withhold. The quit rent upon such sub-divisions shall be fixed with reference to their respective value, ascertained by such Survey and classification as may be deemed necessary, which are to be made at the expense of the Sharers. Every sub-division

so made shall be separately answerable for the quit rent charged upon it, but shall be subject to such rules and regulations as may be framed by Government from time to time for the preservation or repair of the works of irrigation and for the management generally of the common concerns of the Village.

Procedure in case of appeals against the apportionment of quit rent.

Clause 3d. No appeal against the correctness of the apportionment of the quit rent made under the preceding two clauses shall lie except to the Board of Revenue whose decision thereon shall be final. The appeal shall not be entertained by the Board of Revenue unless it shall be presented to them or lodged with the Collector for transmission to them within two months after such apportionment of the quit rent shall have been duly notified.

Section VIIth.
Registration of shares not regularly sub-divided

Clause 4th When a regular sub-division is not carried out, it shall nevertheless be the duty of the Collector to register, at the request of the parties concerned, the separate and divided rights enjoyed by them in the Lands, with the amount of quit rent payable by each according to their res-

pective

private arrangements; without however, relieving
them of the joint liability of the whole Parish
for the payment of the quit rent charged
upon it. Any parties dissatisfied with
the Corrections of each registration shall be
at liberty to bring a suit within the ordinary
period of limitation to obtain a modification
of such registry. The Collector, in making
the collection of the quit rent, shall be guided
by the above registration and shall collect
the quit rent on each divided share separately.
He shall call the shares, if necessary, in
the existing Tenure and thus only enforce
the joint responsibility of the other shares
to pay whatever balance may still remain
against it. Lastly as, however, the Collector
shall in the first instance and as far as
practicable, hold that portion of the Estate
answerable out of which the share in default
was last sub-divided. The registry shall
be made under such rules as may be laid
down by Government and a fee of [illegible]
shall be levied for every share so registered
to meet the charges of keeping the Register,
And

and unless such fee is previously paid
the registration shall be refused. The
registry of the shares made by the Inam
Commission shall be taken as a part
of the Register to be kept by the Collector
under this clause.

This Act to embrace all enfranchised Inams but not applicable to unenfranchised personal Inams & Inams enjoyed for the support of religious and charitable Institutions and for the maintenance of Village & other servants.

IX. The provisions of this Act and of Act No XX of 1862, shall embrace all Inams enfranchised by the Inam Commission whether they were previously personal, or service, grants; but, with the exception of the provisions of section VI of this Act, they shall not extend to unenfranchised Personal Inams, or to Inams enjoyed for the support of religious and charitable Institutions or for the maintenance of the hereditary Village and other officers, which will generally be contracted by the existing regulations applicable to them.

(Signed) G. St. Taylor.
Inam Commissioner

(True Copy)
A. St. Vrain
Offg Inam Commissioner

Compd D.J.

Memorandum

1 The necessity for this act arises from the altered position in which Inám lands are placed by their enfranchisement. So long as they were removed from the cognizance of the Civil Courts, all matters relating to them were regulated by the orders of the Board of Revenue and Government. But now that they are brought under a permanent settlement, and restored to the jurisdiction of the ordinary Civil Courts under Act IX of 1862, it becomes necessary that their future relation towards the Government as regards Revenue should be defined by a legislative enactment.

2. Section I of the proposed Bill declares the permanent character of the Inám settlement which has now been made, and requires that the Civil Courts should recognize without question the nature, the rights and liabilities of the new tenures which have been created thereby; and this is only just and fair because these rights and liabilities are the express terms upon which the Inám lands, which have been hitherto held subject to the pleasure of Government, are now converted into independent properties

properties and placed under the cognizance of the Courts.

3. Section II is intended to remove all doubts in regard to the liability of the holders of enfranchised Ináms, in common with the owners of other descriptions of lands, to the payment of fees for the remuneration of the Village servants, to contributions in money or labor for the repair of the irrigation works, to a water rate for any new irrigation supplied by Government or by private Companies, and to an income tax on their surplus profits and to other municipal cesses or taxes not being the ordinary land Revenue. Such an express declaration by the Legislature of the nature of the settlement in this respect has been deemed advisable in consequence of the discussions which the imposition of the income tax on the proprietors of the permanently settled estates lately called forth. A few cesses of a purely local character prevailing in some Talugs of one or two Districts have been excluded in the quit rent charged on the Ináms; but these are invariably shewn in the Registers prepared by the Commissioner.

4. Section III. In regard to the mode of collecting the quit rent upon the enfranchised Ináms, it has been considered

considered sufficient simply to extend the provisions of the existing Regulations for this purpose, for though these latter may stand in need of improvement in certain respects, such alterations will be better considered in revising the general Land Revenue Code. Enfranchised Ináms are not of the nature of Rayatwári lands, but the simpler provisions contained in Act XXXIX of 1858 for the collection of the ordinary land Revenue from Rayatwári lands appear better suited to the Inám lands than the more intricate Regulations of 1802 framed with special reference to the permanently settled Estates held under the sanad Istimrár.

5 No Kistbands being laid down in the Title Deeds issued to the holders of enfranchised Ináms, an express provision on the subject appeared desirable. This, as well as the charge of interest on arrears of quit rent, which may not be sufficiently embraced by the term "manner of collection" used in the previous Section are provided for in Section IV. It must be remembered that where the quit rent is small, such as 2 or 4 Annas or generally under 1 Rupee, it would be inconvenient to divide it into a number of instalments - but, in such cases, it will be within the power of Government to order that the quit rent be collected by a single instalment at the last Kist, such relaxation of the rights of Government not requiring a legislative provision.

6. Section V is necessary to enable Government to make over to Zamindárs the quit rent upon enfranchised Ináms situated in their estates and to enable such Zamindárs to collect the same in the same manner as the ordinary land Revenue. The competency of Government to transfer to others engagements entered into with them by the Inámdárs may be questioned without such an express provision. The Regulations applicable to the collection of land Revenue or rent by landholders specially stand in need of improvement; but whatever alterations may be hereafter made in this respect will be equally applicable to the Ináms.

7. It has been held with reference to the Preamble of Regulation XXVIII of 1802 that the provisions of that Regulation are applicable only to the holders of lands paying a Revenue or quit rent to Government. Doubts might therefore arise as to whether the above Regulation can be applied to the Inamdars or other landholders who may redeem the quit rent or assessment charged upon their lands by the payment once for all of 20 times its amount and who may have to pay no rent hereafter to Government. It would be impolitic not to extend to such landholders the benefits of the above Regulation. Neither does it seem fair to draw an unfavorable distinction as respects the holders of any description of Inám lands, all of which, were without exception lands, once subject to Revenue and simply exempted therefrom, by an act of the present or former Governments, often in recognition of valuable services. To deny to the holder of a large rent-free Jaghire conferred by the State in recognition of valuable services the powers of summary distraint which are exercised by the smallest Mutadárs, seems to be a distinction which cannot justly be maintained. The fairest course is to place all landholders in the same position, in this respect and this would seem to have been the intention of the framers of the Land Revenue Code which has been for the present postponed. Section VI in the present draft act is framed with this view. Should it however be deemed inexpedient to enter at present into a consideration of the general question, it will be necessary to modify the above section so as to include only the holders of Inám lands who have redeemed, or may hereafter redeem, the quit rent charged upon the Ináms.

8 It must be remarked that the powers conferred

Vide Regs 1802 137 Board Comm Order Book Vol. 1.

Vide Act XXXV.

confined by Regulation XXVIII of 1802 are subject to the provisions of Regulation XXX of 1802 which would seem to embrace those Landholders who claim a defined land assessment or quit rent, and not a variable private rent, and would therefore exclude all petty Landholders as well as Inámdárs subrenting their own lands to temporary cultivators upon rents fixed by themselves at their own option, without any appeal to the Collector, as provided for by Section IX of the above Regulation.-

9. The next two sections in the draft act relate to the future subdivision of enfranchised Inám lands. The provisions made on this subject by Regulation XXV of 1802 and Regulation I of 1819 in regard to permanently settled Estates held under the Sanad Istimrár are not altogether applicable to the enfranchised Inám lands, which are of smaller extent consisting either of detached plots of land within a Village, or of single Villages or shares of such Villages. Looking to the permanent character now given to these Ináms, it becomes necessary that the matter should be provided for by

by a legislative enactment.-

10. Of the rules laid down on this subject under Section VIII of the Draft Act, the first is that which is ordinarely followed as regards Rayatwári lands. The restriction of the quit rent to the minimum of 2 Annas is in conformity with the provision of clause 2 of the eighth of the Rules of August 1859 and will be no inconvenience to the Inámdárs, as in such cases it can be easily redeemed.-

11. By rule 2 the subdivision of entire Villages and shares of Villages is left to the discretion of the Board of Revenue because such partition cannot be carried out as a matter of course without leading to fraud in the apportionment of the quit-rent, or without affecting the interests of other parties who may hold the lands in their own right whilst the Inámdárs possess a right only to the revenue.

12. By rule 3 the question of the apportionment of the quit rent is placed beyond the cognizance of the Civil Courts, no appeal from it being allowed except to the Board of Revenue. It seems desirable that the apportionment of the quit rent should not be

be kept in suspense indefinitely. Two months' time for its revision seems — sufficient considering that the interests of Government which are involved in the matter are of a far less important character than in the case of Zamindaris, and especially as the apportionment of the quit rent in the case of the sub-division of entire ri Cages, in which alone errors are likely to arise, is by rule 2 subject to the sanction of the Board of Revenue and is therefore likely to be well con= =sidered in the first instance.—

13. Rule 6 contains the only novel provision of any importance in the act. I may here question for the consideration of Government whether it is more expedient to insert it in the act or to issue it, for the present, simply as an order of Government to the Collectors of the several Districts. It seems desirable, however, that in one shape or other it should be made the rule for the guidance of the Revenue authorities in the collection of the quit-rent from the numerous joint holders of Ináms, whose interests might otherwise suffer in consequence of the default of any of the sharers. Inám lands, and especially Inám Villages, have been conferred by ... the Commission generally as joint property, that being the state in which they are found at present. As remarked in a previous — communication from this office, the Inám Commission, in the course of its summary — Settlement, could not without risk of error and injury to some of the sharers, undertake to make a new division or to confirm any arrangement entered into by the sharers amongst themselves which has not been recognized by the public accounts. It is on every account desirable that the future subdivision of these Ináms by the district authorities should be facilitated as provided for in the previous rules 1, 2 and 3. As explained, however, in Para 8 of my letter to Government dated 24th October 1862 — No. 514, there will be cases in which it may not be expedient to sanction a subdi= =vision, and other cases may arise in which the subdivision may be postponed, or not carried out, owing to disagreement amongst the parties. Yet in these cases it would be desirable that the interests and rights of the sharers should not be exposed.

exposed to needless risk. The rule proposed, if sanctioned, will afford sufficient protection in all such cases. I have dwelt at length on this subject in para 8 of my letter just referred to.

11th. Act IX of 1862 relates only to personal Ináms enfranchised by the Commission, but it is necessary to extend the provisions of that, as well as of the present, Act to the service Ináms of the Ceded Districts which are now enfranchised, and to all similar Ináms which, whatever may have been their previous tenure, will, after their enfranchisement, be held upon the same terms as permanent personal property.

The last Section of the Draft Act (Section IX) is intended to meet this object.

It further declares that personal Ináms remaining unenfranchised and Ináms confirmed for the support of religious and charitable institutions and for the maintenance of Village and other offices will continue to be controlled by the existing Regulations. It has not been deemed necessary to quote the regulations in question in the act. The principal of them are Regulation X of 1831 applicable to unenfranchised personal Ináms, Regulation VII of 1817 to Ináms held for the support of religious and charitable institutions, and Regulation VI of 1831 to Village service Ináms, while sections XII and XIII of Regulation XXV of 1802 relate to such of them as are situated in Zamindáris. The common feature of all these Ináms is that they cannot be resumed or alienated without the sanction of Government and are held more or less subject to their orders and not as independent property, so that no legislative provisions are necessary regarding them.

[Signed] G. A. Taylor
Inám Commissioner.

(True Copy)
W. Wilson
Offg Inám Commissioner

Compd. D.S.

1866 Department

In a letter from the Office of
Indian Commissioner dated
16th June 1866, No. 46, to the
Rt Hon. Secretary of State for
Colonies Department,
Fort Saint George.

Encl: 1 to 2

Rec: 17th 3/66

Answered

Sent to Madras

Pros: 22nd December 1866.
No. 46

the holders either because that any the date in which they were found at the time of settlement, or because the division of the lands, where it had before place, was not recorded in the public accounts.

6. I have received petitions from the holders of several of those villages complaining of the hardship of the whole villages being rendered liable to make for the default of one or two sharers in the village, who sometimes purposely fall into arrears with the object of annoying their Co-sharers.

7. Though, no doubt under the strict principle of a joint settlement the debt of the whole or any portion of the village for the default of any sharer to pay the quit rent, is perfectly legal, still it is undeniable that the private rights of the land-holders should be subjected to greater risk and restriction than are absolutely necessary for the protection of the Government revenue.

8. I have consulted the wishes of many Inamdars, and they consider that the provisions of clause 4 section VIII of the Draft Bill are well adapted to meet the difficulty. If the shares of the defaulter were first up to sale on the existing tenure of joint responsibility, as provided for in the draft rules, it would be the interest of the other sharers, to purchase it themselves, as in the event of there being no bidder the whole village would be sold with reference to the joint responsibility of all the parties to pay the arrears of the quit rent.

8. I am doubtful whether a legislative enactment is necessary for the purpose of enforcing Co-sharers to sell the defaulter's share on the existing tenure prior to enforcing the joint responsibility of the other sharers to pay the balance that may be due, or whether an order of Government to that effect would be sufficient.

9. I agree with Mr. Taylor that it would be hardly possible to attach sub-divisions of land in every case of default prior to its being sold for arrears, if such a step should be considered necessary under the law.

I have the honor to be
Sir
Your most obedient Servant
W. W. [illegible]
Offg. Sain Commissioner.

Compd D.J.

Rev: 1866 Department
W. 1743.

From
The Off. Salem
Commissioner.

To
The Ag. Secretary to
Government
Revenue Department
Fort Saint George

Dated 16th June 1866.

Received 18th
W. to Dy. Sy.
No. 46.

Enclosing for
Favorable Consideration
Dr. of Bill and a Memo already
submitted to Government by
Mr. Taylor with his letter of
January 1863, and make certain
proposals in regard to the pro-
visions contained in Clause
4 Section VIII, on the subject
of collecting quit rent from
Inam villages with the view to
which object that clause has been
effected by that Department.

Report from the Dy.
Sy. for Revenue Consult.
Collector
Assistant C.D.
18. June 1866

Report 20th June 1866
Consultation 23rd

Ag. Secretary.
No. 46.

C. 13 Consultation

him and which does otherwise encourage him to bestow his assiduity and attention on the land. I think the Government ought to help the little Share holder to a more satisfactory position. I would give by legislation to the Majority of the Share holders in each Town the power of calling upon the Collector to promote the subdivision of the Town and to the apportionment of the Government Rent (with a minimum due by each. after such apportionment the principle of joint liability should disappear absolutely and entirely forever. Here a half measure would be useless. The subdivision, apportionment and subsequent collection would give trouble, to the functionaries of Government

exist for such purposes and the trouble & Authority would be nothing compared with the Satisfaction which would be afforded to a poor order of industrious men. Such the employer, besides a superficial one, which I have derived from the perusal of these papers but before advising any distinct course of action I wish for more accurate information. I beg to suggest that the Board of Revenue be requested to furnish Govt. with a return of the Village Lands held in joint tenure specifying the number of holdings in each and the amount of collection rent due by each to Government. When possessed of these particulars we shall be better able to measure the extent of the landlord evil under consideration. N.

For Orders.

The Lucan Comrs. to the Bd. of Revs. recommend that a law should be enacted by which any shareholder in a joint tenure subject to assessment, by [illegible] of the tenure.

The Lucan Comrs. state that "a large number of Lucan villages, has been circumscribed by the Comrs. as the joint property of the holders, either because that was the state in which they were found at the time of the allotment or because the division of the lands, where it had to be first made, was not recorded in the public accounts, and that at the

The Comrs. also suggest the enactment by which any shareholder in a joint tenure subject to assessment, by [illegible] of the tenure.

The Comrs. always befound a record of these divisions in what is called the "Grama Kaccuri" - a register kept by the village Community

received petitions from the Inhabitants of several such villages complaining of the hardships of their villages being liable to be held, in consequence of the default of some of the Shareholders.

It seems to me very expedient that provision should be made by special legislation in the case of these private Companies which are part of their creation. There is no thing to prevent the non-defaulting Co-Shareholders from paying up the defaulters shares

Certified thereupon to be legislation — W. H.

True — the original grant contemplated the ready realization for sale of a small fee-simple on the land obtained. If the grantee a pauper — should [illegible] into [illegible] [illegible] the [illegible] of new Entrepreneurs [illegible] [illegible] of the attendance of minute [illegible] of the settlement. The [illegible] should [illegible] the public treasury as a stockholder must always have been intended —

June 28

The a deed of this kind, the Colonist must be a self-denying enthusiast and not be educated. Now I should make the powers of the Council to order division of an estate of this kind or more under-valued — [illegible] [illegible] Colonist objected, [illegible] [illegible] [illegible]

Lord Lauderdale

I am sorry to be obliged to differ in any one point from a noble Lord for whose opinions I entertain the highest respect, but I cannot agree with him in the propriety of the Bill now before the House. I am ready to admit that the Bill is founded on principles of justice, and that it is calculated to remedy many evils which have been complained of in the Scotch system of Entail; but I am of opinion that the Bill is not sufficiently extensive in its operation to remedy all the evils which have been complained of, and that it will not afford a sufficient remedy for those which it does profess to remedy. I am sorry to be obliged to differ from the noble Lord who has moved the second reading of the Bill, but I cannot agree with him in the propriety of the principle on which it is founded. I am sorry to be obliged to differ from the noble Lord who has moved the second reading of the Bill, but I cannot agree with him in the propriety of the principle on which it is founded.

claim but little weight
claim for it that
it has misled
Mr Justice Neil
Mr Justice Neil
to hold
to be decisive
entitled the plaintiff
to a declaration
that the
plaintiff
was entitled to
a share in the
property - such
share to be
ascertained by the
Master - which
would be carried
into effect
by the Master
making all the
necessary parties
to the suit
parties thereto, & by
them, & by
the Master allotting
to each party
such part of the
property as
would represent
his share
- in value.

I do not think the decision in this original suit was decisive

I do not think it could decide anything on the
terms, at least so as to be binding on us, a dimin
* the joint & several liability of all the holders to the full pur
- ent - I would not suggest anything on this head, but
advert to it as it might be found on the Bill's proceedings

G.O.

---

* I beg to explain that in saying that the Court could decide division, I assumed that we would be a con-
-senting party. Their interest is limited to a fair
apportionment of the assessment on the subdivisions.
The Act cannot prevent any number of persons acquiring
an interest in a village originally granted to one individual,
and a right to share in its profits - this being the case,
is it not better to recognise such shares and give them
the advantages of separate proprietorship and responsibility
than saddle them with liability for the default of those
over whom he has not control? This individual ownership
and responsibility did one of the leading principles
of the Ryotwary system.

G.O.

(2)

No. 3486.

The Inam Commissioner will submit a statement showing the number of Watan Inam Villages held on joint tenure in the District and the Quit charges and the number of Shares in each Village

No. 1 of 1866

22nd December 1866

Inam Commissioner

6 copies to the Govt Inam Commissioner & 1 to each of the Collectors

4 - Mr Reeves

1/4

Recd 28th Dec 1866.

28-4-02

27-6-12

30 1 18

16-5-48

From the Offg Inam Comr.
No. 1 of 1866 dated 22nd December 1866

Inam Commissioner to submit particulars regarding villages held on Joint tenure in each District with reference to the Legislation in regard to Inams.

A.1,63×464

No. 1 of 1866 Submitted
Fee of Govt for December

A. 3486

Fee of the Madras Govt
dated 22nd December 1866.