M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2 s-88	Press Mis-
138—39 Dated	7-10-	19 1868

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th October 1868.

No. 138. Read the following letter from the Officiating Inam Commissioner, to the Acting Secretary to Government, Revenue Department, Fort St. George, dated Madras, 17th September, 1868, No. 55 :—

1. I have the honor to submit the following observations for the consideration of Government, with reference to their Order, dated 10th September, 1868, No. 2,354.

2. Mr. Norton considers the reissue of Title Deeds in a new and legal form to be necessary, on the ground that the title of Inamdars may at any time be questioned by third parties, inasmuch as the Title Deeds in the form in which they have hitherto been issued can convey no valid title. From his putting the case on this ground, Mr. Norton appears to have been led, by the ill-chosen phraseology of the Title Deed, to believe that the Title Deed issued by the Inam Commissioner was intended to convey a valid title to the Inamdar, not only as against Government but also as against all third parties. This, however, is not the case. The Title Deed is not intended to be conclusive evidence of the title of the person to whom it is granted, and the Courts are quite competent to declare that the person holding the Title Deed has no title whatever to the Inam, but that it vests in a third party. The Title Deed is, in fact, nothing more than a certificate intended to relieve the Inam from the operation of Regulation IV. of 1831, and to place it in the position of ordinary private property.

3. The above is also the opinion of the High Court, as will be seen from their decisions in Special Appeal No. 448 of 1864 and Special Appeal No. 451 of 1864, (pages 327 and 341 of Part III. Volume 2, Madras High Court Reports)

4. Under this view of the force of the Inam Title Deed, I think it is clear that the Title Deed cannot in any way affect the title of third parties, who are competent to prove their title in spite of the Inam Title Deed.

5. The point requiring Mr. Norton's consideration appears to me to be whether the Title Deed, in the form in which it has been issued, can be admitted in Courts as evidence of enfranchisement. If it cannot be admitted as evidence of enfranchisement, the Inam cannot be considered as having been exempted from the operation of Regulation IV. of 1831, and hence the necessity of issuing some document which would be admissible as evidence. On the other hand, if the Courts cannot question the validity of the enfranchisement, excepting in suits between the Government and the Inamdars, and if the Courts be considered to be bound to accept the Title Deed as evidence of enfranchisement without inquiring whether there has been a valid enfranchisement or not, then the necessity for the issue of a fresh Title Deed ceases.

6. I may also here observe that I cannot conceive any objection to the extract from the Inam Commissioner's Register being admitted in Courts as legal evidence of enfranchisement. This, however, cannot supersede the necessity of issuing fresh Title Deeds, as the Inamdars might justly complain of the hardship of being compelled to take extracts from the Registers on account of a mistake for which they are in no way responsible. The extracts were only intended to serve as evidence of enfranchisement in those cases where the Title Deeds were lost or otherwise not forthcoming.

7. There is one more point which I should not omit to notice here. I gather from Mr. Norton's letter that the Title Deeds in the new form should be issued in the names of the *present* holders, and not in the names of those with whom the settle-

ment was concluded. This measure involves a certain amount of further inquiry in the districts, and alteration of the Registers, which it is desirable to avoid if possible. There is no doubt that many of the Inamdars with whom the settlement was concluded are not now alive, and it would certainly be absurd to issue Title Deeds in the names of deceased persons. This difficulty can perhaps be met by so framing the Title Deed as to make it simply a certificate of enfranchisement without mentioning the name of the existing holder.

No. 139. ORDER THEREON, 7th October, 1868, No. 2,586.

Land Revenue.

Referred to the Advocate General for any observations he may desire to make.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Advocate General.
,, the Officiating Inam Commissioner.
,, the Board of Revenue.

Exd. F. R. Bartleman

Govt. of (1868) Madras.

To REVENUE.

THE ADVOCATE GENERAL.

&c., &c., &c.

Dated October, 7th.

Recd. Encl.

C. O., 7th October 1868, No. 2,586.

OCTOBER.

Nos. 138-139.

Inam Title Deeds.—Inam Commissioner's observations regarding the reissue of Inam Title Deeds, referred to the Advocate General for report.

implicitly on these judgments.
They were quick to
reference to enfranchised
Jews only - Now there
are a very large class
of Jewish Religious Service,
few which cannot be
enfranchised, and the
enfranchisement of
personal Jews was
in many cases optional
so that the Title Deed in
these cases cannot be
"merely evidence of
enfranchisement"
In these cases the
document is apparently
evidence that the Govt.
have given up their
right to the full assessment
of certain land, and
if that document is
found to be in the wrong
form for effecting
this, it is certainly the
duty

duty of Govt. to remedy
this defect - The Jews
might be seriously
injured if this were not
done - For instance
a Service Jew
whose tenant refuses
to pay rent - decrees
to see him, and fibs
his Title Deed in Court
as proof that he is the
Jew but the
Court cannot admit
the document as it is
not in proper form.
And even in
regard to enfranchised
Jews - though the
document may not
be conclusive evidence
of title, it must be
considered as subsidiary
evidence, and as such
if in an inadmissible
form, an injury will
be

Sept 1868 Nos 128-129

10/11/68
4-11-27 III

17/Sept/Rev

No 1384/39

Rev = 1868 Department
Nos of Grant for October
From No. 2990.
The Offg Inam Commr
To
The Actg Secretary to Govt,
Revenue department
Fort Saint George

Dated 17th September 1868
Received 17th do

No. 55.
Ref No 2686. 7th Sept
With reference to the
Order of Government dated
10th September 1868, No 2354,
submits certain observations
regarding the re-issue of
Inam Title Deeds.

M. Venkayya

Letter from
Collr

No 2986.

Submit the documents
pertaining to inam
title of Sriramulu
Reddy, resident
of Chittoor Taluk
for issue of Sanad
in favour of the
Claimant.

Sd/ [illegible]
for Secy

To
The Collr of Chittoor
Board's Rev

Honble Sir,

I have the honor to submit herewith the documents pertaining to the Inam title deed of Sriramulu Reddy, resident of Chittoor Taluk for issue of Sanad in favour of the Claimant.

I have the honor to be,
Honble Sir,
Your most obedient
humble servant
Sd/ [illegible]
Collr

25th Sept 1868.

Rec 28th Sept 1868

C28 Sept 1868