

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.

139

Press

Mis.

282-83

Dated 25-1-1870

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
25th January 1870.*

No. 282. Read the following letter from the Officiating Inam Commissioner, to the Acting Secretary to Government, Revenue Department, Fort Saint George, dated Madras, 1st November 1869, No. 57 :—

I HAVE the honour to submit the following question for the consideration and orders of Government.

2. In 1861 the Hissa Shrotriems in the district of Bellary were settled by this department and converted into Kayem Jodi villages under the Order of Government, dated 22nd March 1861, No. 677, and Title-deeds were granted to the Inamdars, confirming the entire villages to them, subject to a fixed quit-rent.

3. The Collector of the district has since raised the question whether, under the settlement made by this department, the Inamdars are entitled to the produce of the jungles, topes, and date-trees in their villages, or whether their right is limited to the mere cultivation of the *lands*.

4. This question does not appear to have come under consideration at the time when the villages were settled, and the annual productive value of the trees was not therefore taken into account in fixing the quit-rents on the villages.

5. Prior to the settlement of this department no revenue was ever raised

Names of the Hissa villages.	Amount of Rental.
	RS.
Ittighi	1
Devasamudram	1
Kakabal	6
Kondinayakanahalli	2
Bannihatti	1
Kudaradevu	2
Rangapuram	2
Harivibasapuram	1
Kambhattrahalli	18
Raelanarri	8
Hosahalli	20
Braminpalli	5
Gangalakunta	1
Rallapalli	5
Duradakunta	1
Subbaranpeta	38
Challupalli	1
Venkatapuram	1
Roddakampalli	2
Munisamudram	1
Hulikeradevarapalli	1
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by Government, either from the jungles or the date-trees. The topes, however, were rented out by Government, and the whole of the proceeds credited to Government, without any share being allowed to the Inamdars. The average amount of collections made by Government on the topes in the several villages amounts to Rupees 119, as detailed in the margin.

6. Although no revenue was raised by Government on the date-trees, still I should not omit to mention that the Abkarry Renter was allowed to have free use of the trees, and that he drew toddy from them without paying anything to the Inamdars. This, however, is not the case in the Kayem Jodi and Sarva Inam

villages, in which the trees are under the control of the Inamdars.

7. From the above it is clear that the district authorities considered that in these Hissa villages the Inamdars had only a right to the *lands* of their villages, but not to the trees standing thereon. I have not been able to ascertain why they were considered not to have any right to the trees, while their right to the land on which the trees stand was undoubted. There is nothing to show the state of things in these villages before the Hissa-system was introduced; but I imagine that the trees were in the possession of the Inamdars in the same manner as in any other

Kayem Jodi villages, and that the present anomalous system of regarding the trees as the exclusive property of Government is only due to some erroneous view taken by the subordinate revenue-authorities of by-gone days. In the district of Salem, the Inamdars of similar villages are allowed to share in the revenue raised on the trees as well as in that derived from the land.

8. The area entered in the Title-deeds, issued by this department for these villages, includes the land covered by the jungles, topes, and date-trees; a reasonable quit-rent having been charged thereon, with reference to the prospect of its being brought under cultivation hereafter, and the documents convey no reservation whatever in regard either to the trees or the jungles.

9. The question I have to submit for the consideration and orders of Government is, whether, under the above circumstances, the topes and date-trees in the villages should be now made over to the Inamdars; and if so, whether the quit-rents of the villages should be raised on account of the trees, on the ground that their value was not included in the assets on which the quit-rent was calculated. As for the jungles, I have no doubt that they belong to the Inamdars, and the question regarding them is nearly the same as that disposed of by Government in their Order, dated 17th September 1868, No. 2,403, Revenue Department.

10. Having, by the terms of our Title-deeds, made the Inamdars absolute owners of the land, it would be anomalous for the Government to assert and maintain a right to, and control over, the trees standing thereon; and I have therefore no hesitation in recommending that they should be made over to the Inamdars. My only doubt is, whether the quit-rents charged on the villages should be raised on account of these trees which have now to be declared to be the property of the Inamdars, or whether they should be simply so-declared free of further charge, since the settlement was made once for all without any reservation of the Government right in these trees.

11. At first I was of opinion that the quit-rents should be revised, as the annual value of the produce of the trees was not included in the assets on which the quit-rent was calculated; but on further consideration, I came to the conclusion that the trees should be made over to the Inamdars free of any further charge, because any alterations in the quit-rents once fixed would have the effect of shaking the confidence of the Inamdars in the finality of the settlement made by this department on behalf of Government.

12. I shall now show the sacrifice of quit-rent that will result from making over the trees to the Inamdars free of further charge.

13. The average annual rental of the topes is Rupees 119. This sum, *minus* the quit-rent of about Rupees 10, which has been charged on account of the land on which the topes stand, must be considered as a loss to the Government. As regards the date-trees, it is impossible to say whether there would be any real loss, and if any, what its amount would be. The Government derived no direct revenue whatever from the trees, and there is no reason to suppose that the Abkarry revenue would suffer from making over the trees to the Inamdars. The Collector of the district has, at my suggestion, excluded the trees from the current Abkarry lease, notwithstanding which the Abkarry revenue has risen.

14. Although the date-trees in the Hissa villages have been excluded from the current Abkarry lease, still the Abkarry renters appear to continue to use the trees without paying anything to the Inamdars, excepting in one or two villages, and they are of course opposed to transferring the trees to the Inamdars. Their objections, however, are not entitled to any consideration, since they have no right to the trees under the terms of their contract.

15. Should the Government decide on revising the quit-rents on account of the trees now to be declared the property of the Inamdars, the charge can only be determined, in communication with the Collector, at so much per thousand trees, with reference to the probable future income of the Inamdars. It is extremely difficult, if not impossible, to fix a proper rate of charge. There are no means of ascertaining what would be the future income of the Inamdars from these trees. On the whole, however, I do not think the profit will ever be very large, since the Inamdars cannot dispose of toddy to any body but to the Abkarry renter, who can thus dictate his own terms. The consumption of sweet toddy must, generally speaking, be too small to affect the interests of the Abkarry renter. I once thought that the difficulty might be met by adding to the quit-rents the full assessment of the land on which trees stand, *minus* the sum already charged thereon, and most of the Inamdars agreed to this mode of settlement; but the Government will observe from the accompanying Statement that the charge would be very unequal, owing to the trees growing densely in some villages and being much scattered in others.

*Proceedings of the Madras Government, Revenue Department,
25th January 1870.*

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25th January 1870.*

(Signed) W. T. BLAIR,
Offg. Inam Commissioner.

MADRAS,
1st November 1869.

*Proceedings of the Madras Government, Revenue Department,
25th January 1870.*

No. 283. ORDER THEREON, 25th January 1870, No. 139.

Land Revenue.

THE Right Honourable the Governor in Council is of opinion that the interests involved are so trifling that it would be decidedly inexpedient to shake the confidence of the Inamdars in the finality of the Inam settlement by re-considering the quit-rents fixed on the Hissa Shrotriems of the Bellary District, in view to taking into account the profits to be hereafter derived by the Inamdars from topes, jungles, and date-trees.

2. His Lordship in Council is of opinion that the estimate of the assets of the Inams, referred to in paragraph 8 of the Acting Inam Commissioner's letter, must be taken to have included all profits of every description derivable from waste land; and he accordingly authorizes the Board of Revenue to issue instructions to the Collector in accordance with this view.

3. The present decision is strictly in accordance with the spirit of the order passed regarding the Hissa Shrotriems of the Salem District, which is referred to at the close of paragraph 9 of the Acting Inam Commissioner's letter.

(True Extract.)

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

To the Inam Commissioner.
,, the Board of Revenue.

Proceedings of the Inam Commission
Dated Vellore 27th May 1864

The AG Commissioner has had under review the Registrar's Report in which the Deputy Collector has recommended a separate settlement with, and recommended a separate share to be given to each sharer. This being contrary to the AG Commissioner desires to lay down the following rule on the subject:-

the subject. -

2. Main grants of entire Villages may be in two classes; those made to a single individual or "Srotrium" Villages, and those called "Agraharam" community of Brahmins consisting of several distinct shares or Vuttis. The former held in a number of divided shares or Vuttis. The former, however, have not unfrequently been divided amongst the grantees and held in separate shares, while the Agraharams have likewise undergone many such changes have been made in the allotment of the latter case has the Government recognized the divisions as separate property. On the contrary, the shares in each Agraharam or Srotrium, have been jointly responsible for the jote to which the Village is attached. There are generally no records of the fields or shares, and Government have never been a party to alterations of the shares which may have from time to time taken place. Even where the cultivated fields are divided, the date of the grant held in divided shares, the waste, Promboke & other common property

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able to be derived by the Indians from 1798, and date-trees on whom not to be subjected to the same.

3. Next as regards the terms of enfranchisement it is observed that by Circular of the Commissioners N^o 2 of 1860 it was directed that where a single settlement is made of an Inam under Para 885 of the Inam Rules, all the shares in it should be enfranchised on one & the same rate, & by another Circular N^o 22 of 1860 it was explained that the above order was intended to embrace only members of the same family. These instructions seem sufficient to provide for the case under notice. Where an Inam Village is held by members of the same family or by descendants of the original grantee though in divided shares, it will be properly treated & enfranchised as one estate being however, held jointly & undivided for the good. But where the shares are held by families totally unconnected with each other, the members of one family cannot be regarded as rightful claimants of the share held by another, and such share in default of heirs ought to lapse to Government though there may have existed a joint responsibility as regards the good Government, however, have sometimes proceeded even further in advancing their rights of reversion and resumed shares of Inam Villages tho' there were divided members of the family living. These resumptions being made upon grounds which were then considered sufficient, cannot be now disturbed.

3^{rdly} That where shares of the Village are held & families distinct & unconnected with each other, either having been

5. The above instructions do not supersede the registration of the separate titles, shares of Quilt divided shares in the Village as heretofore which part of the work of the Commission, such registration valid to the Grantees as well as to the Government in future collection of Quilt Rent and the settlement of Quilt claims, however, to the proposal of one of the Acting Commissioners to issue a separate Ticket to each share in an Act. Acting Commissioner observes that no more Tickets will be issued. The share-holders are at liberty to extract of the Register on Stamp paper, with them all the information necessary in regard to their and interests in the Village.

6 There is one more point which the A. deems to notice. Agrabarams have been formerly
treated as stakeable and transferable property. Shares
under this view alienated by sale, gift or bequeath
to others who can not be ^{legally} regarded as heirs, or free
heirless persons without any consciousness of defect.
Sometimes vacant shares have been taken possession of
holders interested in the Agrabaram or been

go into the hands of strangers with their tacit consent. In all these cases it appears to the Acting Commissioner that the past title of the alienees who acquired their shares before the passing of the Inam Rules of 1848 and in accordance with the then prevailing usage of Agraharams cannot now fairly be questioned. Such shares will therefore be now franchised with reference to the position of the alienees in regard to them.

W. W. Wain
Ag Inam Commissioner

Deputy Collector
Inam Commission

Rev's Department
No. 139.
Proceedings of the Madras Government
Under date the 25 January 1870.

Read the following
letter from the Offg Inam
Commissioner

Subs for the concideration
of the Govt on a question raised
by the Collr of Bellary as to whether
under the settlement made by them
except the holders of *Tepa* & *Thotriene*
are entitled to the produce of the
jungle, *Tepa* & *datatree* in
their villages.

(H. E. 1st Nov. 69, p. 57)

The Right Honble
the Governor and Council
is of opinion that the in-
terests involved are so
trifling, that it would be
decidedly inexpedient

A. A.
W. E.

to shake the confidence of the Inamdars in the finality of the Inam settlement by reconsidering the quit rents fixed on the Rissa Shotreems of the Bellary District, in view to taking into account the profits to be hereafter derived by the Inamdars from Sopra, jungle and Date trees.

2. His Lordship in Council is of opinion that the estimate of the assets of the Inam referred to in para 8 of the Chf. Inam Commr's letter must be taken to

have included all profits of every description derivable from waste lands, and he accordingly authorizes the Board of Revenue to issue instructions to the Collector in accordance with this view.

3. The present decision is strictly in accordance with the spirit of the order passed regarding the Rissa Shotreems of the Salem District, which is referred to at the close of para 9 of the Acting Commissioner's letter.

8 To the Inam Commissioner dated 26/11/14 — 27 of Dec 14

H. D. S.

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Made the record
of the history
of the city, 1854

Chas. A. Smith
Ry.