M.R.O. 14—10,000—21-6-2

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 152 — Press ~~Mis.~~

302-303

Dated 22—1—1861.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 22nd January 1861.

No. 302. Read the following Proceedings of the Board of Revenue, dated 15th December 1860 No. 5,904:—

Read again letter, dated 22nd September 1860, No. 255, from the Collector of Ganjam, suggesting the restoration of certain Ináms to the heirs of their proprietors.

(In Cons. 2nd October 1860, No. 4,957.)

Read also letter, dated 8th November 1860, No. 293, submitting further explanation on the above Ináms, as required in Board's Proceedings of 19th October 1860, No. 4,788.

(In Cons. 17th November 1860, No. 5,955.)

1. Resolved that the letters above recorded be submitted for the orders of the Honorable the Governor in Council.

Recorded in Proceedings of Government, No. 356, *dated* 6*th, in Cons.* 7*th March* 1860, *No.* 1,076.

2. In the Despatch from the Home Government, dated 9th September 1859, No. 10, the Secretary of State remarked on certain Ináms included in the tabular report of the Ganjam District for the first quarter of 1853; and with reference to Cases Nos. 116, 117, 118, 124 and 125, observed that they had been resumed in the belief that they had been surreptitiously obtained, but that no grounds had been stated for this opinion; that the first three and the last are found in the Fasli accounts of 1226 (1816-17), and the fourth in those of 1229 (1819-20); and that unless the presumptive evidence of fraud was very strong, indulgence should be shown by continuing them.

Paragraphs 72 *and* 73.

Paragraph 95.

In another case, No. 114, it was also observed that as the alienation of it from the family of the original grantee, took place in 1825, or more than 20 years before its late lapse, it fell under the terms of the Circular Order of the 15th August 1853, and the share of the deceased holder should have been continued to his next heir subject to report on further lapse.

3. The Government directed the Board to take up anew the consideration of the five cases first mentioned, and to report on the last case.

4. From the papers recorded at the head of these Proceedings, it appears that the grounds which led the late Collector to suppose that the Ináms Nos. 116, 117, 118 and 124 had been "surreptitiously obtained," were that the granter's name could not be traced; that no deeds existed to support the claim; and that there were no entries in the Register of Ináms.

5. The Board do not consider that these reasons afford any such presumptive evidence of fraud as is contemplated by the Secretary of State, and adverting to the fact that the title based on uninterrupted possession for a series of years, began to be recognised about the time the lapses in question occurred, the Board would recommend that the Ináms referred to be restored to the heirs of the late proprietors, with the understanding that the validity of their titles will be subject for inquiry hereafter by the Inám Commissioner.

6. For similar reasons, the Board think that the Inám, No. 125, should be restored, the mere absence of documentary proof of title not being sufficient reason to warrant the presumption of fraud.

7. With regard to No. 114, the Board concur in opinion with the Secretary of State that under Circular Order of 15th August 1853, the alienation from the family of the original grantee having taken place more than 20 years before its lapse, the Inám ought to have been continued to the heir of the last holder, and recommend its restoration accordingly.

Circular Order Book, 2nd Volume, page 163.

8. The lapse was reported on 1st April 1853, but the decision of the Commissioner and the Government were not passed till long after the Circular Order came into force.

(A true Extract.)

(Signed) W. HUDLESTON, *Acting Secretary.*

No. 303. ORDER THEREON, 22nd January 1861, No. 152.

The Government grant authority for the several Ináms referred to in these Proceedings being restored to the heirs of the late proprietors, on the condition that the validity of their titles shall be investigated hereafter by the Inám Commissioner in the ordinary course.

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

In Con. 2nd October 1860, No. 4,957.

From G. S. FORBES, Esq., Collector of GANJAM,
dated Chetterpore, 22nd September 1860, No. 255.

With reference to paragraphs 72, 73 and 95 of a despatch from Her Majesty's Secretary of State, dated the 9th September 1859, No. 10, communicated with the Board's Proceedings, dated the 18th May last, No. 2,409, I have the honor to observe that in consideration of the principles on which it has been determined to conduct the Inam Commission, and the similar view taken by the Secretary of State, of the cases now under reference, in respect of the long period during which the inams had been enjoyed by the deceased's family, I think the inams, Nos. 116, 117, 118, 124, and 125 may be restored to the heirs of their late proprietors. K. Sooranah, co-sharer and undivided brother of Chendranah, late holder of inam No. 114, has since deceased, and I recommend that this inam may be continued to K. Ramasastry and Voopanah, sons of K. Chendranah.

Exd. J. Tulloch.

Exd. J. Tulloch.

1860 Septr 12

Enclosure in Proceedings of the Board of Revenue to the Acting Chief Secretary to Government, dated 15th December 1860 No. 5904.

No. 3225/65

Letter from the Collector of Ganjam to the Board of Revenue dated 22nd September 1860 No. 255, regarding certain Inams.

3

In Con. 17th November 1860, No. 5,955.

From G. S. FORBES, Esq., Collector of GANJAM,
dated Chetterpore, 8th November 1860, No. 293.

With reference to the Board's Proceedings, dated the 19th ultimo, No. 4,788, I have the honor to state that the grounds which led Mr. Knox to suppose that the inams Nos. 116, 117, 118 and 124 were surreptitiously obtained, seem to be as follows:—

1st. The granter's name cannot be traced.
2nd. There are no deeds to support the grant.
3rd. There are no entries in the Register of Inams.

2. The first three inams are entered in the accounts of Fasli 1226, and the last in those of Fasli 1229.

3. With regard to the inam No. 125, the then Commissioner of Northern Circars seems to have been of opinion that the mere entry in the accounts of Fasli 1226, and oral evidence to the effect that the purposes for which the inam was granted are still carried out, did not form sufficient grounds for continuing the inam in the absence of documents, though the late Acting Collector recommended its continuance.

4. The inam 114 finds a place both in the Register of Inams and the accounts of Fasli 1226, but on the ground that the deceased holder was not a descendant of the original grantee (but had obtained the inam by gift from the widow of the grantee), its resumption was recommended.

5. The Board desire me to state my opinion; there seems, however, no room for an opinion in the case. If the rules applied at that time to the settlement of claims of this nature, are acted upon, the inams cannot be restored. But if any case still open to consideration is entitled to settlement on the principles of the Inam Commission, these inams should be reserved for disposal by the Commissioner, or at once restored.

Exd. J. Tulloch.

Enclosure 2 in Proceedings
of the Board of Revenue
No. 5,904, dated 15th December
1860. Department

Letter from the
Collector of Ganjam
to the Board of Revenue
dated 8th November 1860
No. 293, requesting
certain Inams

No. 3025/60.

P. 5,904.

Dated 15th December 1860.

No. 5,904.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 15th December 1860.

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1. Resolved that the letters above recorded be submitted for the orders of the Honorable the Governor in Council.

Recorded in Proceedings of Government, No. 356, dated 6th, in Cons. 7th March 1860, No. 1,076.

2. In the Despatch from the Home Government, dated 9th September 1859, No. 10, the Secretary of State remarked on certain Inams included in the tabular report of the Ganjam District for the first quarter of 1853; and with reference to Cases Nos. 116, 117, 118, 124 and 125, observed that they had been resumed in the belief that they had been surreptitiously obtained, but that no grounds had been stated for this opinion; that the first three and the last are found in the Fasli accounts of 1226 (1816-17), and the fourth in those of 1229 (1819-20); and that unless the presumptive evidence of fraud was very strong, indulgence should be shown by continuing them. In another case, No. 114, it was also observed that as the alienation of it from the family of the original grantee, took place in 1825, or more than 20 years before its late lapse, it fell under the terms of the Circular Order of the 15th August 1853, and the share of the deceased holder should have been continued to his next heir subject to report on further lapse.

Paragraphs 72 and 73.

Paragraph 95.

3. The Government directed the Board to take up anew the consideration of the five cases first mentioned, and to report on the last case.

4. From the papers recorded at the head of these Proceedings, it appears that the grounds which led the late Collector to suppose that the Inams Nos. 116, 117, 118 and 124 had been "surreptitiously obtained," were that the grantor's name could not be traced; that no deeds existed to support the claim; and that there were no entries in the Register of Inams.

5. The Board do not consider that these reasons afford any such presumptive evidence of fraud as is contemplated by the Secretary of State, and adverting to the fact that the title based on uninterrupted possession for a series of years, began to be recognised about the time the lapses in question occurred, the Board would recommend that the Inams referred to be restored to the heirs of the late proprietors, with the understanding that the validity of their titles will be subject for inquiry hereafter by the Inam Commissioner.

6. For similar reasons, the Board think that the Inam, No. 125, should be restored, the mere absence of documentary proof of title not being sufficient reason to warrant the presumption of fraud.

7. With regard to No. 114, the Board concur in opinion with the Secretary of State that under Circular Order of 15th August 1853, the alienation from the family of the original grantee having taken place more than 20 years before its lapse, the Inam ought to have been continued to the heir of the last holder, and recommend its restoration accordingly.

Circular Order Book, 2nd volume, page 163.

8. The lapse was reported on 1st April 1853, but the decision of the Commissioner and the Government were not passed till long after the Circular Order came into force.

(A true Extract.)

Acting Secretary.

To J. D. Sim, Esq., Acting Secretary to Government, R. D.

Copy to G. S. Forbes, Esq., Collector of Ganjam.

Exd. J. Wright.

21-6-22

Rec. 29th Augt 1848 Ins. 12-13-
- 26. July 1853 Ins. 7-
- 5. March 1860 Ins. 62-

Rev. 1861 Dept. Pros: of Govt for January 1861

No. 3025

Proceedings of the Board of Revenue

Dated 15th
Desp. 20th } December
Rec'd 21st } 1860
Encls 2-

No. 5904

Submitting with the Board's Recommendation letters from the Collector of Ganjam suggesting the Restoration of certain Inams to the heirs of their proprietors.

For Sec. Govt
22nd Jany 1861.

13 Copies
Board of Rev. Desp. 23rd
20 Inam Encls

No. 152. 22nd January
Written Order

No. 302 & 303.

5 Jany 1861

No. 152

The Government grant authority for the several inams referred to in these proceedings being restored to the heirs of the late proprietors, on the condition that the validity of their titles shall be investigated hereafter by the Inam Commissioner in the ordinary course.