

Political (1896) Department.

ORDINARY MS.

G.O., No. 609

DATED 7-9-96

INDEXED.

[Despatch Abstract.]

Comm. to the Res. in T & C proceedings,
Reve. Dept., passing orders on Board's
proceedings submitting letter from the
Com. of Malabar recommending the
exclusion of the Anjengo & Tangasseri farms
from the scheme of escheat
operations sanctioned in G.O. No. 21,
of 6th April 1896.

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Order No. 609, 17th September 1896.

Communicated to the Resid. in Travancore & Cochin who will take the necessary action on para 7 of the proceedings.

C.S.
5.9.96

2/9/96

Anjengo and Tangasseri Farms.

Passing orders on Board's Proceedings submitting Malabar Collector's letter recommending the exclusion from the scheme of escheat operations sanctioned in G.O., No. 264, dated 6th April 1886.

Recd in TRO (cc. 10). 10/9/96

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 1481, dated 21st March 1895 :—

Read—the following letter from H. MOBERLY, Esq., Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 23rd February 1895, Ref. on C. No. 374-R :—

I have the honour to submit herewith, for the orders of the Board and Gov-

1. Collector's letter, dated 29th October 1893, Ref. on C. Nos. 1488 and 1671-R.
2. Resident's letter, dated 3rd May 1894, Ref. on C. No. 1201.
3. Dewan's letter, dated 17th March 1894, Ref. on C. No. 1144-330-R.
4. Collector's letter, dated 22nd May 1894, Ref. on C. No. 1914-R.
5. Dewan's letter, dated 24th October 1894, No. 5267-1222-R.
6. Resident's letter, dated 31st October 1894, Ref. on C. No. 3414.

ernment, copies of the marginally-noted correspondence on the subject of charging quit-rent or janmabhogam on Government janmam lands in Anjengo and Tangasséri and of the agency by which it is to be collected.

2. Just before the escheat establishment was wound up, the Deputy Collector in charge of escheats solicited instructions regarding the agency by which the quit-rent proposed to be charged at Anjengo and Tangasséri is to be collected. He wrote :—

“ The land revenue of these places is, as you are aware, farmed out to the Travancore Sircar which pays a certain stipulated amount annually. The understanding is, as far as I am aware, that the lessee is to collect from the ryots the dues that the British authorities have previously determined and fixed in the case of each and *nothing more*. As a fact, however, it has been brought to my notice in the course of the present escheat settlement operations, that in more than one instance, the sircar has, subsequent to the date of the existing lease, imposed of its own accord rent or assessment on land newly taken up and occupied and is actually collecting such impost, without at the same time, making a corresponding increase in the rent payable by itself. I bring this fact to notice in order that, in the event of the right of collecting the quit-rent being hereafter leased to the sircar, it may at least be distinctly stipulated in the agreement that the Travancore Government has no power to enhance such quit-rent.

“ For my part, I think it, infinitely preferable that the Deputy Tahsildars, Tangasséri and Anjengo, should be employed in making the collection. They have ample leisure at their disposal. Both of them already have likewise collections, disbursements and remittances to make as stamp vendors, sub-registrars, &c.

“ In case the right is to be leased to Travancore, some provision will, of course, have to be made for the receipt by the sircar of the capitalized value of quit-rents which parties may from time to time tender hereafter and for the payments of such amounts to us.”

3. Though in the ordinary course the quit-rent would be collected by our officers at Anjengo and Tangasséri, still as action taken in this direction without due notice might have been regarded by the Travancore Sircar as an infringement of the rights conferred by the lease of the settlements, the British Resident was requested to inform that Government of the matter and obtain its views.

4. In his reply, dated 3rd May 1894, the Resident enquired at the instance of the Dewan whether the quit-rent proposed to be collected fell within the stipulated collection under the lease of the settlement to the sircar or formed an independent charge outside the lease. In reply the British Resident was informed (*vide* letter, dated 22nd May 1894) that the quit-rent was charged on the principles laid down by Government for the settlement of escheat and other lands in the district and that it was not covered by the lease referred to. The Dewan observes in his letter, dated 24th October 1894, that the question of the proprietary or janmam right over these settlements was once fully discussed in 1870 in connection with the proposal regarding the exchange of territory between the Madras and Travancore Governments, and as it was then agreed that the janmam right should be waived by both Governments in favour of the tenants, the question arises whether the present proposal to charge quit-rent or janmabhogam would be justifiable.

5. The correspondence on the subject of the exchange of territories referred to by the Dewan is embodied in the orders of Government noted in the margin. In the enquiries then made, the lands were arranged under three classes—A, B and C. In submitting the proposals of the then Deputy Collector (Mr. Kanaren), Mr. Ballard in his letter, dated 3rd October 1868, printed in the first Government Order quoted in the margin, wrote as follows regarding each of these classes of lands:—

Class A.—"There are lands the proprietary right in which is acknowledged as belonging to Government and which pay a long customary tribute composed of assessment and landlord's rental though the proportion of these dues is not shown in our revenue accounts."

Class B.—"There are lands the proprietary right in which appears certainly to belong to Government although the occupants now pay neither rental nor revenue upon them and do not appear to have paid either at any time. The occupancy seems to have been comparatively recent, that is, since the British acquisition of the territories. In some cases, the holdings are claimed as gifts from the Residents or other authorities though nothing is produced in support. Many of the occupants are probably simple squatters whose only claim is the length of their unchallenged possession."

Class C.—"There are lands which seem to have been in immemorial possession of their occupants as their private property thus differing from the last mentioned which would appear to have been squatted upon since British acquisition. These also pay no revenue and apparently have never done so at least since they have been under us."

6. With regard to the lands falling under classes B and C, Mr. Ballard made the following recommendations in paragraph 15 of his letter:—

"With regard to the lands in statement B, paragraph 4, there seems no reason to doubt that they are the property of Government and may be assessed. This can only be determined by further enquiry. If this does not show gift of the lands and immunity from assessment as clearly conferred on the occupants, I would assess. But if assessment is determined on, I would recommend the demand to be introduced gradually and levied one-fourth only the first year, half the second, three-fourths the third, and the full demand in and after the fourth year.

"With regard to the lands in statement C, paragraph 4, unless information is obtained in the Resident's office to induce a contrary opinion, I would recommend that the prescriptive claim to freedom of demand be admitted and would not attempt to impose any assessment. A quit-rent might perhaps be levied under the inam rules as suggested by the Deputy Collector if sufficient cause is shown by any information obtained in the Resident's office; but I do not think this likely to be the case myself."

7. The adoption of Mr. Ballard's recommendations was accordingly sanctioned by Government.

8. It will be observed from the papers printed with G.O., No. 1590, dated 19th October 1870, that the majority of the occupants of the lands under classes A and B agreed to redeem the *pattam* on the terms proposed by the Deputy Collector and in the case of lands falling under class C, the claims of the occupants to exemption from

taxation were proposed to be allowed and the lands treated as rent-free inams. The Board recommended that the proposed settlement should be sanctioned, but before passing final orders the Government resolved to transmit copies of the papers to the Resident in order that the views of the Travancore Government on the terms proposed might be ascertained.

9. The views of the Travancore Government are contained in the Dewan's letters printed in G.O., No. 171, dated 25th January 1871. The Dewan was of opinion that "the janmam right does not belong to the British Government, as the Deputy Collector assumed, for it does not appear that the Government ever acquired it."

"The sircar claims the janmam right in the lands excepting in those of Tangasséri. The sircar, while claiming this right, is prepared to waive it for the advantage of the ryots either for a whole generation or in perpetuity as the Madras Government may wish."

10. The British Resident replied to the Dewan in the following terms:—

Paragraph 7.—"With reference to the second point advanced in your letters under reply, the Government are not desirous to press a claim on the validity of which they feel that your arguments have thrown some doubt. Appreciating the benevolent views brought forward in paragraph 24 of your letter of the 8th November, the Madras Government accede to the proposal that the janmam right should be waived by both States for the benefit of the ryots and are willing to carry out the principle in Tangasséri also where you have conceded that the janmam rights are vested in the Madras Government."

11. In passing orders in the matter, the Government without expressing any opinion as to the validity or otherwise of the claim to janmam right, instructed the Collector of Tinnevely to select from the Travancore Territory adjoining his district such lands as he might deem most desirable for the British Government to obtain in exchange. At the same time, the Collector of Malabar was instructed "to inform the residents at Anjengo and Tangasséri in the tract proposed to be ceded that the janmam right in the lands they hold under Government will be ceded to them in complete proprietary right as an element in the transfer from British to Travancore Territory."

12. In 1873, however, the Government, on full consideration of the question, resolved to proceed no further with regard to the proposed exchange of territory and matters were allowed to remain on their previous footing.

13. In the case of the lands falling under class C mentioned above, some of the inhabitants of Tangasséri having claimed exemption of their lands from taxation of any kind, the matter was reported to the Board by Mr. Bradley in his letter, dated 29th October 1893, and the Board in its Proceedings, Mis. No. 7032, dated 9th December 1893, forwarded the papers to the Special Settlement-officer for consideration when submitting his scheme for the tract in question.

14. Government has already directed the exemption of a piece of land falling under class C from assessment and janmabhogam in G.O., No. 1959, dated 29th May 1893, communicated in Board's Proceedings, Mis. No. 3435, dated 7th June 1893.

15. The question for consideration is "Have we any proprietary janmam as distinguished from sovereign rights in Anjengo and Tangasséri?"

16. As regards Tangasséri, Sir T. Madhava Rao said that he had no remarks to offer. Tangasséri was granted to the Portuguese before Travancore had anything to do with it and he had no means of ascertaining on what terms exactly the grant took place (*vide* paragraph 15 of the Dewan's letter, dated 8th November 1870, No. 4427-1270-R. in G.O., No. 171, dated 25th January 1871).

17. The facts connected with the grant of Anjengo are stated in paragraphs 18 to 21 of the same letter and in the subsequent letter, dated 10th November 1870, No. 4503-1289-R.

18. But, as pointed by the present Resident in his letter, dated 31st October 1894, the Government did not enter into the question at all. The Dewan's arguments it was conceded threw some doubt on the validity of the rights claimed. The Resident's pointed reference to the engagement at pages 18 and 19 of Vol. III of Mr. Logan's Malabar, is sufficient to refuse the arguments above referred to.

19. Anjengo as now constituted consists of—

(1) The northern portion known as the Cottadilly farm, and (2) the southern portion known as Vadikkakam or Anjengo proper with Púttúra at the southern extremity.

Palatadi at page 19 of Vol. III of Malabar is described in the Index and Glossary thereto as a "paramba or garden included in the Cottadilly farm to the north of Anjengo." But the Deputy Tahsildar reports that there is no land which bears that name to-day and that "Palatadi" is likely to have been the name under which "Vadikkakam" was known formerly, more especially when it is remembered that to the east of the fort in Vadikkakam there was a *Pala* tree *Echites Scholaris* from which the ferry there derived the name of "Palatadi" or *Pálakkadavú*.

20. If, as admitted by Sir T. Madhava Rao, the Maharaja of Travancore forebore to claim his dues on account of Anjengo about 1810 when there was great political commotion, it is clear that we have acquired a prescriptive right the validity of which cannot be impeached now.

In view of the circumstances under which the grant of 1731 was made, a detailed examination of the arguments advanced by the Travancore Government becomes unnecessary.

21. In G.O., No. 264-R., dated 6th April 1886, and the papers which led thereto, while the general scheme for the settlement of escheat throughout the district was discussed and sanctioned, the question of our janmam rights over the lands at Anjengo and Tangasséri was not specifically brought under discussion and decided on its merits. Having regard to the views of the Travancore Government, to the opinion of the British Resident (Mr. Grigg), to the avowal by the British Government in 1871—73 of its intention to concede absolute proprietary rights to the inhabitants, and to the fact that a notice setting forth the above intention was published in successive issues of the District Gazette at the time, it seems to me that Anjengo and Tangasséri may be excluded from the purview of G.O., No. 264-R., dated 6th April 1886. This will leave the question of assessment alone to be disposed of hereafter.

ENCLOSURES.

From H. BRADLEY, Esq., Acting Collector of Malabar, to the British Resident in Travancore and Cochin, Trivandrum, dated Calicut, 29th October 1893, Ref. on C. Nos. 1488 and 1671-R.

I have the honour to request you will be good enough to favour me with the views of the Travancore Government on the following questions connected with the lease and administration of the settlements of Anjengo and Tangasséri.

2. In the course of escheat operations, the Deputy Collector in charge of escheat settlement brought to my notice the existence of a narrow strip of land in Anjengo. The following is an extract from his letter:—

"In olden days when Anjengo had a garrison, there was a contagious disease shed at Cottadilly and the narrow strip of land under reference appears to have been a foot-path leading to that building from the public road. The shed is no longer in existence while the foot-path to judge from its present condition has been considerably encroached upon in many places by the owners of the adjoining lands. There is no necessity for reserving what remains of the foot-path, while, on the other hand, there is great demand and keen competition for the ground. I would, in the circumstances, recommend that the land be disposed of."

3. One of the applicants for the land claims to be in possession under a lease from Travancore Government. When called upon to substantiate his claim, he produced copies of kychits executed before the village officials of Katakavur amsam by him as well as by certain *Tatastans* (village *Mukhiastans* or arbitrators). Copies of the kychits are enclosed. He has been put in occupation of the land on his undertaking to pay an annual rent of 8 annas and any additional assessment which may be imposed when the land is fully planted up and the trees come to bearing. I am doubtful whether the Travancore Government is competent, under the terms of the lease of Cottadilly, to do anything more than collect the dues that this Government has fixed or assigned to it and the British Government is bound by the terms of the occupancy lease considering that the lease of Anjengo to the Travancore Government is now only annual.

4. Another question which has been raised is what is the agency by which the quit-rent or janmabhogam (landlord's share) charged on the lands at Anjengo and Tangasséri is to be collected. Under the orders of Government quit-rent or janmabhogam has been charged

on all lands of which the Government is the janmi or landlord and the tenants are at liberty to redeem the said quit-rent at twenty years' purchase. The collection of quit-rent annually or in one lump sum is a work which, in the ordinary course, would devolve upon the Deputy Tahsildars of Anjengo and Tangasséri. But lest any action taken in this direction without due notice be viewed as an infringement of the rights conferred by the lease of the settlements to Travancore, I have the honour to request that you will be good enough to inform the Travancore Government of the matter and communicate its views to me. It is desirable to proceed with the collection of the quit-rent at once.

From H. B. GRIGG, Esq., Resident in Travancore and Cochin, to the Collector of Malabar, dated Peermaad, 3rd May 1894, Ref. on C. No. 1201-94.

With reference to your letter, Ref. on C. Nos. 1488 and 1671 of the 29th October last, I have the honour to forward herewith for your information and remarks a communication No. 1144-R.—330, dated 17th March 1894, received from the Dewan of Travancore in which he requests to be informed whether the quit-rent now proposed to be collected on lands in Anjengo and Tangasséri falls within the stipulated collection or forms an independent item outside the lease to Travancore. I have no doubt that it forms an independent item but before informing the Dewan to this effect I should like to be in possession of your views in the matter. The return of the Dewan's original letter is requested.

From DEWAN SANKARASUBBA IYER, to the British Resident in Travancore and Cochin, dated Trivandrum, 17th March 1894, No. 1144-R.—330.

I have the honour to acknowledge the receipt of your Ref. on C. No. 2429-93, dated 10th November last, forwarding for my remarks a letter from the Collector of Malabar with enclosures on certain questions raised by him in connection with Anjengo and Tangasséri.

2. As regards the piece of land said to have been granted by this Government to one Vairavan Krishnan on his application, I have the Peishcar's report in reply to my reference, in which he states that the application was rejected, and the land, a public path-way, was decided to be left undisturbed. The enclosures of the Collector's letter are statements taken by the local *Pravartikar* in pursuance of the application but they have been set aside by the Peishcar.

3. The Travancore Government has not done anything more than what it could legitimately do under the terms of the lease of Cottadilly and no doubts need be entertained on this score. As the Collector points out all that this Government is competent to do is to collect the dues fixed by the lease, this right involving, of course, the sub-letting of what areas may be left unoccupied.

4. On the question of quit-rent or janmabhogam raised in the third paragraph of the Collector's letter, I am unable to express any decided opinion in the absence of full particulars. In Anjengo and Tangasséri under the terms of the lease Travancore has undertaken to collect revenue due on the lands to the British Government and to pay a fixed amount to the latter. It is not stated whether the quit-rent referred to falls within the stipulated collection or forms an independent item outside the lease. In the latter case, the question need not have been raised at all and the fact that it is so raised would make it appear as if the arrangement is intended to be made now for the first time. If the quit-rent is covered by the agreement under which Travancore has stipulated to pay its annual rent to the British Government and forms part of the dues now collected by Travancore, the measure proposed by the Collector would disturb the existing stipulation putting it out of the power of this Government to levy the assigned rent and satisfy the conditions of the lease. The land-holders might refuse the demands of Travancore on the plea of direct payment to the British authorities.

5. I would therefore request the favour of more detailed information on this point so as to enable me to form a definite idea of the arrangement proposed to be carried out.

From H. BRADLEY, Esq., Acting Collector of Malabar, to the British Resident in Travancore and Cochin, Trivandrum, dated Calicut, 22nd May 1894, Ref. on C. No. 1914-R.—94.

I have the honour to reply to your letter, dated 3rd instant, Ref. on C. No. 1201-94. The two points raised in my letter, dated 29th October 1893, Ref. on C. Nos. 1488 and 1671-R.—1893, are referred to in the Dewan's communication received with your letter under reply and returned herewith.

2. Although there is no necessity for any further action in respect of the land applied for by one Vairavan Krishnan whose application has been rejected by the Dewan Peishcar, I think it necessary to point out that the right of the Sircar to sub-let is restricted to the period of the lease and that every case of sub-letting should terminate with the lease.

3. As regards the second point, your view that the quit-rent referred to is an independent item not covered by the leases of Anjengo and Tangasséri is correct. The Madras Government

has sanctioned a scheme of settlement in the case of lands to which it has a proprietary title in this district by escheat or otherwise. The janmam right is sold by Government for a value fixed on certain well-recognized principles. The purchase money is collected at once and the purchaser succeeds to the janmam title or where the purchaser is not in a position to pay up the janmam value all at once, he is allowed to pay an annual rent equivalent to $\frac{1}{20}$ of the janmam value. This payment is called the janmabhogam or quit-rent. The reference to the Travancore Government was made with a view to avoid misapprehension and to give due notice of the action proposed to be taken.

From DEWAN SANKARASUBBA IYER, to the British Resident in Travancore and Cochin, dated Trivandrum, 24th October 1894, No. 5267-R.—1222.

I have the honour to reply to your Reference on C. No. 1557, dated 19th June, forwarding copy of a letter from the Malabar Collector on the question of the quit-rent or janmabhogam proposed to be collected in Anjengo and Tangasséri.

2. This question, I find, is not a novel one. The correspondence marginally noted would show that it underwent a full and exhaustive discussion. I have been going through the papers carefully. The then Dewan, the late Raja Sir T. Madhava Row, in his letter to the Resident, No. 4427-R.—1270, dated 8th

From Acting Resident, No. 778, dated 28th October 1870.
To Acting Resident, No. 4427-R.—1270, dated 8th November 1870.

From Acting Resident, No. 888, dated 13th December 1870.

November 1870, claimed for Travancore the janmam right in respect of Anjengo and the four gardens known as "pattoms," and demonstrated that this right was inherent, that it was never alienated and that the British Government not having acquired it could not sell it. At the same time he expressed the readiness of this Government to waive this janmam right for the benefit of the ryots. The Madras Government acceded to the Dewan's proposal that the janmam right should be waived by both States in favour of the ryots and declared its willingness to carry out the principle in Tangasséri (*vide* paragraph 7 of the Resident's reply No. 888, dated 13th December 1870).

3. I believe the janmabhogam or quit-rent referred to in the Collector's letter is precisely the same as that dealt with in the above correspondence, so far as the lands in Anjengo and Tangasséri are concerned. If this belief is correct, the question arises whether the proposed sale of the janmam right or the levy of an annual quit-rent equivalent to $\frac{1}{20}$ of the janmam value would be justifiable. I do not forget that the understanding came to between the two Governments was with reference to the negotiation opened at the time for a territorial exchange. Although the negotiation failed, the principle enunciated and accepted as regards the janmam title cannot in my humble opinion be set aside.

4. This view is entitled to weight all the more considering the possibility in the near future of reviving the negotiation for the transfer of Anjengo and Tangasséri to Travancore. As pointed out by Sir T. Madhava Row in his letter already quoted the incidence of land-tax in these tracts is comparatively heavy and the additional demand of quit-rent must make the burden still heavier. The effect would be a proportionate depreciation of the property value and the complication of any subsequent scheme of settlement.

5. Apart from this consideration, the fact remains that Travancore's claim to the janmam right in Anjengo has not been altogether denied by the British Government. At any rate, the arguments adduced by Travancore were admitted to have thrown some doubt on the validity of the claim of British Government to the janmam right in that tract. To carry out the proposed measure, therefore, would be to ignore the position of Travancore and to go behind the recorded avowal by the Madras Government of the doubtful character of its own proprietary right.

6. There is yet another point which appears to me to deserve consideration. The lease which Travancore holds has reference only to the tax now payable to the British Government. The quit-rent as representing the proprietary right, if it comes to be levied, would admittedly be outside the normal land assessment. Where the ryot feels the hardship of the extra charge, the realisation of the demand covered by the lease cannot present as smooth a course as hitherto. Though the interests affected in this direction are not of a far-reaching character but concern only the temporary relation of Travancore as a lessee, they may claim some significance in connection with the measure in question.

From H. B. GRIGG, Esq., Resident in Travancore and Cochin, to the Collector of Malabar, dated Trivandrum, 31st October 1894, Ref. on C. No. 3414-94.

In reply to your letters noted in the margin, on the subject of the quit-rent proposed to

Reference on C. Nos. 1488 and 1871 of the 29th October 1893.

Reference on C. No. 1914, dated 22nd May 1894.

be levied in Anjengo and Tangasséri, I have the honour to forward herewith copy of a letter No. 5267-R.—1222 of the 24th instant from the Dewan of Travancore and also a copy of paragraph 7 of the Resident's (Mr. Minchin's) letter to the Dewan of the 13th December 1870.

From the Dewan's letter it will be seen that he is adverse to the collection of the rent. The late Sir T. Madhava Row's letter No. 4427-R.—1270 of the 8th November 1870 referred to therein is printed in G.O., No. 171, Revenue, dated 25th January 1871, but from paragraph 7 of Mr. Minchin's letter, No. 888, dated 13th December 1870, also printed in that Government Order you will observe that the Government never admitted the claim of the Travancore Sircar. In fact it seems to me that the Government did not go into the question, all that was stated having been that Sir Madhava Row's arguments threw some doubt into the position taken up by Government. So far as janmam rights in certain portions of Anjengo are concerned I would observe that as from No. XX of the engagements printed on page 12 of the treaties, &c., relating to British affairs in Malabar, it appears that the Sircar gave up the "revenues" and "all other privileges" in Palatadi and Cottadilli to the East India Company. It may be inferred that the janmam rights were also included. I am accordingly informing the Dewan to this effect, but at the same time in all the circumstances of the case I am disposed to deprecate the treatment of janmam lands in Tangasséri and the *Pattams* in the manner sanctioned by the Madras Government for the settlement of lands in Malabar to which they have the proprietary title by escheat or otherwise.

Resolution—Mis. No. 1481, dated 21st March 1895.

Submitted for the orders of Government with the Board's concurrence in the views expressed by the Collector in the concluding paragraph of his letter.

(True Copies and Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Secretary to Government, Revenue Department,
with letter and six enclosures (to be returned).

ORDER—No. 407, Revenue, dated 12th August 1896.

Miscellaneous.

With the Proceedings read above the Board of Revenue submits for the orders of Government a letter from the Collector of Malabar forwarding certain correspondence that has taken place between him and the Dewan of Travancore regarding the levy of quit-rent on Government janmam lands in the settlements of Anjengo and Tangasséri, and containing a recommendation that in view of the arguments adduced by the Travancore Government it will be expedient to exclude these settlements from the scheme of escheat operations sanctioned in G.O., No. 261, dated 6th April 1886. The Board supports the Collector's recommendation.

2. Anjengo and Tangasséri are two small settlements measuring 449 acres in all belonging to the British Government, and forming part of the district of Malabar for purposes of civil and criminal administration, but situated on the Travancore coast in the midst of Travancore territory. The revenues of the settlements are leased out to the Travancore Government for the convenience of the latter which pays an annual rental to Government. There are also four small scattered gardens in Travancore called "pattoms" belonging to the British Government measuring acres 57 in all; these form part of what are called Dutch escheats, *i.e.*, Dutch territories which became the property of the British on the taking of the town of Cochin in 1795, and the janmam right in which has been exercised by the British Government ever since.

3. In 1860, the Government called the attention of the Resident in Travancore and Cochin to the question of arranging the exchange of Anjengo and Tangasséri and the "pattoms" for convenient pieces of Travancore territory, and in 1862 and subsequent years there was correspondence between the Travancore and the British Government in view to making such an arrangement in connection with the Tiunevelly boundary, mainly in the neighbourhood of Shencottah where Travancore protrudes into British territory in an extremely irregular fashion. In the course of this correspondence orders were issued for a correct valuation of the British assets in the two settlements and it was ascertained that there were certain classes of lands in the settlements the janmam right in which belonged to Government. On a representation, however, from the Dewan of Travancore the Government agreed to waive this janmam

right in favour of the ryots, as it was considered that such a step would render their proposed transfer to foreign rule more acceptable to them. But the contemplated transfer never took place as the Government decided finally in 1873 to proceed no further with the negotiations. The "Escheat Deputy Collector," Malabar, now proposes to deal with the Government jannam lands in the settlements in accordance with the instructions issued in G.O., No. 264, dated 6th April 1886, and the correspondence that is now submitted for the orders of Government has arisen in connection with this proposal.

4. The Government remarks in the first place that the Collector appears to have gone beyond his province in referring to the Durbar the general question regarding the levy and redemption of quit-rent. Considering that the Travancore Government holds a lease of the revenues of the settlements, it might have been an act of courtesy on his part to have informed the Durbar of the proposed levy of quit-rent on Government jannam lands, but this quit-rent is certainly outside the stipulations of the lease and there was no necessity to raise the general question at all. If any reference to the Durbar was considered necessary, the Collector should have taken the orders of Government.

5. The main argument that is adduced in support of the recommendation not to levy jannam quit-rent in the farms is the avowal of the Madras Government in the years 1870-73 of its intention to waive its right to jannabhogam; but this was part of the negotiations then on foot for an exchange of territory which was never carried out, and the Government sees no reasons why the people of these settlements should be treated differently from their fellow-subjects in Malabar.

6. As to the claim by Travancore of jannam right in Anjengo, it is a point which the Government declines to discuss with the Durbar. Such a claim is inconsistent with the undisputed sovereignty of the British Government in Anjengo, and the Durbar itself admits that the right has never been claimed for more than 85 years. The same remark applies to the "pattoms" which came into the possession of the British in 1795.

7. On a review of all the correspondence that has taken place on the subject in the past, the Government is of opinion that it will be desirable, in the interests of the British Government as well as of Travancore, to revive the question of an exchange of territory. The negotiations were dropped in 1873 mainly on the ground that the proposed exchange involved the transfer of British subjects to foreign rule. The question next came up in connection with the Periyár lease, but the proposal was negatived on this occasion by the Secretary of State who was unwilling to give his sanction to the exchange in the face of the opposition of the inhabitants of Tangasséri who protested against being transferred to the Travancore administration. Much confusion, however, arises from these little isolated spots as regards customs, excise, salt and police, and the Government is of opinion that the question of exchange of territory should not be lost sight of. The Resident will be instructed in the Political Department to sound the Durbar on the subject; but he will at the same time be informed that in any negotiations on the subject the initiative should come from the Travancore Durbar.

(True Extract.)

[Signature]
for Ag. Secretary to Government.

To the Board of Revenue and Revenue (paragraphs 1 to 6 only).
the Political Department.

Ed. C. M. Neilson.

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