Records Department

Minutes of Consultation

1st to 10th June 1859

Book No 60 & 61

Order No. 767 of 9th June 1859.

267

Proceedings of the Madras Government, Revenue Department, from 1st to 10th June 1859.

No. 60. Read the following Extract from the Proceedings of the Board of Revenue, dated 11th April 1859, No. 1274.

Read letter from the Acting Collector of Malabar, dated 9th March 1859, No. 40.

(In Con. 21st March 1859, No. 1164.)

The Board resolve to submit the above letter for the orders of Government with their recommendation that the Acting Collector's proposition be sanctioned.

2. The property of the Cotcote Rajah of Malabar was forfeited for rebellion in 1808-9. The gardens referred to by the Acting Collector were escheated by the late Sub-Collector, Mr. Chatfield, in 1844 and 1850-51, on the ground that they were included in the list of the Rajah's lands and the landlord's share has ever since been collected from the party in possession, who disputes the justice of the proceeding and produces documents to show that they were not part of the Rajah's property.

3. An interval of 36 and 40 years had thus elapsed between the forfeiture of the Rajah's property and the resumption of the jenm of these gardens, which meanwhile had passed to different hands and been improved by the outlay of private capital. The Board are of opinion that under these circumstances Government should renounce its doubtful claim to the jenm right of these lands, and refund the sums already collected which amount to Rupees 159-12-0. The lands will still remain subject to payment of assessment which is distinct from the jenm right.

(A true Extract.)

(Signed) J. D. SIM, *Secretary.*

No. 61. ORDER THEREON, 9th June 1859, No. 767.

Under the circumstances represented in these Proceedings, the Government sanction the refund of the collections on account of landlord's share made on certain gardens in Malabar, amounting to Rupees (159-12-0) one hundred and fifty-nine and annas twelve.

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

Rev. 650

Mem.

Mem.

This matter is connected with the general subject of the redistribution of Wyoming, on which I forwarded a memo a few days ago - whatever decision is arrived at in that case must be the guide in this case also -

I hope this week

In Con. 21st March 1859, No. 1164.

From P. GRANT, Esq., Acting Collector of MALABAR,

dated Pyolly, 9th March 1859, No. 40.

In 1844 and 1850-1, two gardens, situated in Oollyil Deshom of Velliambra Umshom of Cotiote Talook, were escheated to Government under the orders of Mr. Chatfield the Sub Collector at that time. The land lord's share on both gardens amounting to Rupees 21–12–0 per annum has been regularly collected.

2. The party in possession of the Gardens has ever since appealed against Mr. Chatfield's decision, which seems to have been grounded on the fact that the name of one Garden appears in a list of escheats of the Cotiote Rajah's property drawn up in 1828–29, and that the other garden formed in reality a portion of it (the escheated Garden.)

3. This Rajah's property was declared to be Government property in 985. 1808-9.

4. Petitioner declares that the gardens are distinct and produces documents to show, that he holds them on Koodima Jemom from the heirs of certain rebels. There is nothing to show what their rights were-the original documents, it is said, were burnt or lost in troublous times.

5. It was after an unquestioned enjoyment of 20 years that the gardens were entered in the list of escheats and after further periods of about 16 and 20 years that they were escheated, having in the interim† passed to different hands and undergone various improvements.

†36 and 40 years respectively.

There may be grounds to doubt the evidence put forward by Petitioner to substantiate his claims, but the Government would have little chance of rebutting them in a civil action.

6. In some cases of a similar nature in Mr. Conolly's time, actions were brought against Government, but quashed on his recommendation, and the money that had been collected restored to the parties in possession.

7. Such is the course I recommend in the present instance, and request that I be allowed to disburse to Petitioner Rupees 159-12-0, which has been collected as Landlord's share, and carried to account.

No. 1274.

EXTRACT from the PROCEEDINGS of the BOARD of REVENUE, dated 11th April 1859.

Read letter from the Acting Collector of Malabar, dated 9th March 1859, No. 40.

(In Con. 21st March 1859, No. 1164.)

The Board resolve to submit the above letter for the orders of Government with their recommendation that the Acting Collector's proposition be sanctioned.

2. The property of the Cotcote Rajah of Malabar was forfeited for rebellion in 1808-9. The gardens referred to by the Acting Collector were escheated by the late Sub Collector, Mr. Chatfield, in 1844 and 1850-51, on the ground that they were included in the list of the Rajah's lands and the landlord's share has ever since been collected from the party in possession, who disputes the justice of the proceeding and produces documents to show that they were not part of the Rajah's property.

3. An interval of 36 and 40 years had thus elapsed between the forfeiture of the Rajah's property and the resumption of the jenm of these gardens, which meanwhile had passed to different hands and been improved by the outlay of private capital. The Board are of opinion that under these circumstances Government should renounce its doubtful claim to the jenm right of these lands, and refund the sums already collected which amount to Rupees 159-12-0. The lands will still remain subject to payment of assessment which is distinct from the jenm right.

(A true Extract.)

Secretary.

To

J. D. BOURDILLON, Esq., Secretary to Government, R. D.

Copy to Acting Collector of Malabar.

Revenue 1859 Departt
Consultations
No 630

Extract from the Proceedings of the Board of Revenue.

Dated 11th
Rec'd 15th } April 1859.

1 Encls. No 1274

Submitting a letter from the Collector of Malabar requesting to be allowed to refund the land lord's share collected on two gardens escheated to Govt under the orders of the late Sub Collr Mr Chatfield and recommending that the required sanction be accorded.

No 767. 9th June 1869.
With an order

No 60 & 61.

767

No 767

Under the circumstances represented in these Proceedings the Government sanction the refund of the collections on account of landlord's share made on certain Gardens in Malabar, amounting to Rupees 159-12-0 (One hundred and fifty nine and annas twelve).

For Sr. Geo. Q
9 June 1859

3 Copies to the Bd of Revl Dispd 10th
1 — a Accountt Genl
1 — a Gumlandr