M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 822 Press Mis.

Dated 24th June 1858.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, from 18th to 24th June 1859.

No. 3. Read the following Extract from the Proceedings of the Board of Revenue, dated 2nd October 1858, No. 3686.

In Con. 20th Sep. 1858. Read letter from the Acting Collector of Malabar, dated 22nd August 1857, reporting on the lands and Forests tracts of Wynaad.

(Here enter No. 133.)

In Do. do. From do. do. 9th November 1857.

(Here enter No. 173.)

In Do. do. From do. do. 4th June 1858.

(Here enter No. 90 A.)

Resolved that the above recorded letters be forwarded for the information of the Right Honorable the Governor in Council.

1. The above interesting and elaborate reports of Mr. Robinson, the late Acting Collector of Malabar, on the condition of the land tenure in the Wynaad talook with especial reference to the Coffee lands and Forests, have been furnished in reply to four distinct communications from the Board of Revenue.

Proceedings to Collector 15*th January* 1856.
" 10*th Decr.* "
" 20*th April* 1857.
" 23*rd Sept.* "

2. In the first communication they referred for Mr. Clarke's report (as directed by Government) Extract Minutes Consultation No. 2, Revenue Department dated 3rd January 1856, passing orders on Mr. Williams' letter communicating the results of his visit to the Wynaad Forests.

Board's Proceedings dated 15*th Jany.* 1856.
In Consultation 15*th January* 1856.

It was then deemed desirable to have the Collector's general opinion on the extent of, and best means of conserving those Forests, and the right of Government to them in succession to the Pychee Rajah.

3. The second reference to the Collector was founded on Mr. Read's application for 15,000 Acres of Coffee land when the Board called for sufficient information to enable them to frame rules for leasing out the Coffee lands in Malabar; on the third occasion the requisition of the Bombay Government to be furnished with the rates and conditions on which Coffee lands may be leased in Wynaad, and the

E. M. C. No. 1265, *R. D. dated 29th Nov. in Con.* 10*th Dec.* 1856.
Board's Proceedings dated 10*th December* 1856.

E. M. C. No. 306, *R. D. dated* 30*th March in Con* 20*th April* 1857.
Board's Proceedings 20*th April* 1857.

quantity already in occupation was forwarded to Mr. Robinson; and lastly, he was called upon to report on the right of Government to the Forests in Wynaad, as well as that particular tract of forest land obtained by the Nellumboor Rajah from the Numbalacode Warriar family.

4. In the first report Mr. Robinson does not touch the subject of forest conservation, but the other points of reference are all noticed the information afforded having been, in a great measure, acquired by a personal tour through every part of the talook during which he visited most of the Coffee Estates.

The third report contains a list of each Forest and detailed information materially bearing on the important question under consideration.

The second letter treats of the Nellumboor Rajah's claims in the Numbalcottah Amshom of Wynaad.

5. To convey a clear understanding of the position of Government with reference to the Pychee Rajah's escheats, Mr. Robinson traces the past history of Wynaad of which the Board will here give a brief summary.

6. The Talook appears to have been usurped several centuries ago by Malabar Princes from Canarese tribes. Since then Malabar tenures and customs seem to have prevailed with no material or permanent interruption, the lands being considered hereditary and the proprietors held to be Jenmy or fee simple owners of it. The right to escheates and other royal perogatives were apparently vested in the Kottyote Rajah's family, but probably no public land tax was paid to them under Hindoo rule.

* *Rajah of Kottyote, the various branches of his family, and of the kindred families of Pychee Kartanaad, and Coormenaad and other Nair and Namboory families.*

7. In 1787 Tippoo forcibly annexed Wynaad to the Mysore dominions, but his sovereignty was continually, and in a great measure, successfully disputed by the Malabar Rajahs and population; so that this power does not appear to have ever been completely established throughout the Province, and his Government probably confined its revenue operations to the teak forests on the Eastern side of the talook. If any system of Mahomedan revenue administration was ever in force in Wynaad, no trace of it appears at present.

8. At the time the treaty of Seringapatam was concluded (1799) this Province was in nominal possession of Tippoo and was given up to the Company who re-annexed it to Malabar; and the right of jenmies and others who re-occupied their several properties on the ordinary Malabar tenures has never been questioned, although in calculating the Malikanah (or $\frac{1}{9}$ of the revenues) allowed to the Regent Princes of Malabar Proper, in 1792, the revenues of this Province were not taken to account.

9. From 1802 to 1806 the Pychee Rajah, assisted by part of the population of Wynaad, was in open rebellion against the British Government, and prevented any general settlement of the country. The rebellion was at length put down and the property of the rebels declared escheated; but from the very imperfect information then before Mr. Baber, the Sub-Collector, the forfeiture consisted mainly of the Paddy lands then in cultivation. The Hills, Cardamom jungles and wastes intended to be escheated could not be ascertained or brought to account, and were in a great measure usurped in alleged fee simple by their tenants and mortgagees or by the Kottyote, Coormenaad and other families, who did not join in the rebellion.

10. In 1824 the Principal Collector Mr. Vaughan officially proclaimed the right of Government (which however has never been fully proved) over 24 Hills and Forests (and "no more") in Wynaad, but these compose a very small part of the Forest tracts and are mostly occupied by private parties.

11. It is clear, as Mr. Robinson states, that we must look to a thorough survey settlement alone for any improvement in the present unsatisfactory Revenue system of the talook, especially in respect to the doubtful titles under which many Forest lands are held, and that even when a survey is accomplished and many worthless titles and public lands are discovered (as doubtless they will be), it will be extremely difficult to deal with cases which have on their side 50 years' prescriptive right, and may be supported by Deeds though of a doubtful character. He is of opinion that the only valid titles under which Government can now assert a fee simple right to any of the Forests or lands owned by private parties are in default of heirs or rightful owners, (in which condition most of the Forest lands in the East remain) or as escheats by a former rebel possessor, and that although it will be difficult to substantiate the claims of Government in the latter class of cases, it may be done if systematic measures be adopted based upon a survey.

From Acting Collector of Malabar 22d Augt. 1857, in Con. 20th September 1858, para. 25.

12. The Government rates of assessment in Wynaad were introduced by Mr. Baber in 1806. They *apply only to rice lands* and were nominally based on the principle of taking one half the gross produce. The intention of fixing so high a demand was, however, defeated by the people withholding much cultivation from the returns and greatly understating the gross produce of the rest. The result was a reasonable land tax averaging Rupees 2-7 per acre. But, it appears that this cannot be said to be really in force, as Mr. Robinson describes the assessment as being "in the greatest confusion. Accounts are lost, and a great deal of land enjoys immunity from taxation while the rest is subject to (a nominal) annual inspection with a view "to ascertaining the gross produce."

13. Mr. Robinson considers this system so faulty as to require early revision, an opinion in which the Board entirely coincide. They also agree with him in thinking that, to render a revision effective, a general survey is required and would be remunerative at present, and highly advantageous to the Public Revenue at a future period.

The following Abstract shews the quinquennial average of the revenue of Wynaad for the past thirty years, and is framed from a Statement enclosed in the Acting Collector's Report.

Years.	Land Revenue.	Quit-rent on Coffee land (public) at 4 Annas per Cawny.	Moturpha.	Abkarry.	Cardamom.	Gold dust.	Upland Hill farm and Hill produce.	Total Revenue.
1827 to 1831	33,336	...	438	3,532	27,987	1,198	1,852	68,345 Rs.
1832 to 1836	32,331	...	396	2,787	19,860	1,226	1,177	57,778 ,,
1837 to 1841	33,489	...	362	1,934	21,679	1,058	1,632	60,156 ,,
1842 to 1846	34,381	...	370	2,252	6,505	1,008	1,499	46,016 ,,
1847 to 1851	33,384	...	387	4,184	13,005	1,008	1,049	53,017 ,,
1852 to 1856	30,834	47	337	4,767	18,775	896	552	56,201 ,,

14. The decline apparent in every item of revenue except Abkarry is attributed in a measure to the emancipation of the slaves and hill tribes, and their emigration to Coorg and likewise to Coffee cultivation which, as will be seen hereafter, has hitherto been untaxed. The Cardamom produce, which it is observed has fallen the most in point of revenue since 1841, will be still further affected by the extension of Coffee cultivation. The Cardamom forms a Government monopoly and the recent exports have been larger than in former years, plainly shewing that the production of this article has increased; but the monopoly is in a precarious state owing to the greater ease with which smuggling may be now carried on through an increased population, and the influx of dependants and coolies of European Planters. The Board have now under consideration claims advanced by the renters to remission of their rents.

15. It will be convenient if the Board next noticed those matters on which the Bombay Government have asked for information.

16. Wynaad is of oblong form running North West, and South East, and measuring in breadth from West to South East 60 miles and about 30 miles in the centre, and contains 1,160 square miles of which 106½ square miles are rice lands, one fifth of the talook waste and marshy (though wholly cultivated at one time) and the remainder low ridges of Hills. The talook is naturally a continuation of the Table land of Mysore by which it is bounded on the East, and where the country is open and flat. It rises gradually from this extremity (the central parts consisting of ranges of low hills of easy slopes, covered with grass and bamboo jungle) until it approaches the Western ghaut where the country is rugged and broken and much above the general level of the low country. On the North it is separated from Coorg by the Bramagherry Hills, and on the South East it is connected with the Neilgherries a portion of which highland plateau belongs to it as a part of Nambalakode.

17. Wynaad is a Proprietary Talook like the rest of the District, and its land tenure has the same peculiarity, that the fee simple or proprietary right in the soil is distinct from the Government right of levying a land tax as will be more fully explained hereafter.

18. The extent of Coffee land over which Government have an undisputed fee simple right is at present very limited, the rest is claimed by private parties.

19. The fee at present paid by Planters to Government is 4 Annas per Cawny, but the principle on which it was calculated cannot be ascertained. Mr. Robinson has no means of reporting on what terms private lands have been obtained by Planters.

20. No general assessment has been as yet fixed or demanded on either Government or private Coffee land in Wynaad, but this has not arisen from any defect in the public title to such demand which is fully admitted, and in general operation throughout the rest of Malabar.

21. Coffee Plantations in Wynaad were first undertaken about 17 years ago, when their results proved discouraging, owing partly to the inexperience of the speculators, and partly to

the difficulty of getting good titles to land, want of roads and ghauts, &c., and Estates bought for a trifle and free from assessment were thrown up and others kept on at a loss. Later experiments have, however, proved that this Talook is admirably adapted for the culture of Coffee and that a finer field could scarcely be pointed to but for the existence of certain drawbacks which may be altogether removed, or to a great extent met to the advantage of future speculators by corrective measures based upon a Revenue Survey and Settlement of which the talook has not yet had the benefit.

22. The jungle land along the ghaut ranges and the slope of the Neilgherries have been preferred by Planters, and the remainder of this limited extent will probably be first taken up by future planters, but the speculation has succeeded in bamboo jungle land, and even more open localities as appears from Messrs. Parry and Co.'s Estate at Calpetta,* which is the most productive in Wynaad, yielding probably 18 to 20 cwt. per acre, and the mature condition of a native estate near Sultan's Battery.† Mr. Robinson therefore estimates the gross extent of land fit for Coffee in Wynaad at more than $\frac{1}{3}$ of the area of the Talook, or upwards of two hundred and forty thousand acres.

* *South West Division.*
† *South East Division.*
Entire area of Wynaad. 1,160 *square miles or* 725,000 *acres.*

23. From the marginal Statement in para. 35 of the Report, it appears that there were in February last 18 Estates in the South West Division of the District, and that on a rough estimate which does not greatly differ from the estimates of the Planters themselves, they contained 8,900 acres, of which 1,911 had been cleared and opened, and 431 were in bearing.

Belonging to old Estates about 3,300 *acres.*
Do. new do. do. 5,600 *do.*

	Acres.
Old Estates	2,600
New do	200
No remark	600
Old Estates	10,100
New do	1,500
No remark	600

24. In the North Division there were nine Estates estimated to contain 3,400 acres, of which 1,454 acres were cleared and 900 in bearing.

25. In the South East Division also there were nine Estates comprizing 12,200 acres, of which 1,360 acres were cleared, and 560 bearing.

26. There were thus in all 36 Estates (inclusive of such as belong to natives) aggregating 24,500 acres with but a small proportion of this extent cleared and planted out, namely about $\frac{1}{6}$ or acres 4,725, of which acres 1,891 were in bearing, and the rest for the most part in their second and third years, and rapidly arriving at maturity.

27. Besides the planted extent shewn above, there are 1,500 acres in the hands of Natives which makes in all upwards of 6,000 acres of plantation, and Mr. Robinson adds that a vast quantity of land is in a fair way to become converted into Coffee Estates by Europeans and Natives chiefly on private land.

28. With the exception of 265 Cawnies which belong to Government and pay a total fee of Rupees 66-4-0, the whole of the Estates now existing have also been formed on private lands.

29. An Estate takes five years to come into full bearing, but with proper attention it may bear in its third year, and probably pay its expenses for the year in the fourth.

30. An acre contains from 1,000 to 1,200 plants and its produce would be worth 120 to 150 Rupees if an average yield of 7 or 8 cwt. (which Mr. Robinson assumes as reasonable) were obtained; but even the more experienced planters have not arrived at a proper average in Wynaad, and many of the Estates being badly managed the present average cannot be assumed as the proper one. The average of Ceylon Mr. Robinson states is variously reported at 5 to $8\frac{3}{4}$ cwt. per acre.

31. Labourers are not numerous in the Talook, but they are procurable easily and at reasonable rates from Mysore by considerate managers, and the cost of Estates in their early as well as late stages is much less than it is in Ceylon. The value in Wynaad of an average Estate in bearing is given at 100 to 200 Rupees per acre.

32. The Coffee is carried on bullocks to the place of exportation which, on an average, is 50 miles distant from the Estates, at a cost much below that of Ceylon. The mode of carriage however seriously affects the produce; but the condition of the roads has since received the attention of Government.

33. No export duty is charged in Ceylon on this article, but here it is subject to a duty of 3 per cent on a tariff value of 50 Rupees per candy of 500lb. which only amounts to Annas 3-1½ per cwt.

34. The market value, however, is very considerably higher at the ports of shipment, than the tariff value, as appears from the statement given in the margin of para. 34 of Mr. Robinson's report. The average price per cwt. of the four ports shewn in the margin for the years 1853 to 1857, gives a general average for the five years of Rupees 19-4-10 per cwt. which is 8 Rupees more than the tariff value§ per cwt., so that the substitution of a more correct value would at once nearly double the revenue from this source.

Cannanore, Tellicherry, Calicut and Cochin.

Rupees	11	3	3
§*Average of* 1857.			
Market value Rs.	22	11	6
Tariff ,,	11	3	3

35. No export duty is paid on Coffee sent to Bombay, Cochin, &c., for shipment. The Statement copied in the margin from Mr. Robinson's report, shews the quantity of Wynaad Coffee exported from Calicut and Tellicherry with the duty realized thereon, from which it will be observed that considerable progress has been made in the cultivation of Coffee in Wynaad, since the speculation first engaged attention.

Average of 4 *years.*	*Quantity.* Cwt.	*Duty.* Rs.
1840–41 *to* 43–44	54½	175
1844–45	399	177
1845–46	1,696	1,164
1846–47	927	672
1847–48	3,465	1,467
1848–49	7,286	2,716
1849–50	4,957	393
1850–51	8,713	1,670
1851–52	7,229	1,702
1852–53	8,223	1,639
1853–54	15,540	2,720
1854–55	13,855	390
1855–56	23,041	2,814
1856–57	20,946	4,054

36. The chief obstacle to the rapid and extensive settlement of European Planters in Wynaad, is the difficulty of obtaining land from Native Proprietors in whose hands thousands of Acres well adapted for European speculation, are lying waste and free from any public tax. The European settler is generally disliked by the Native Proprietor, and such Planters as succeed in obtaining land are obliged in nine cases out of ten to be satisfied with irregular and defective titles to their Estates. In a tract of country where the rights of Government itself have not yet been properly ascertained and asserted, very little aid (if any) can be given by its officers towards either obtaining private lands or securing good titles to them.

37. The Board will now proceed to the consideration of Mr. Robinson's various propositions in regard to the tenure, &c. of Coffee land, and for the sake of clearness they will first note his suggestions, and then proceed to their discussion.

38. One very important point noticed is the absence of any Survey and proper settlement of the lands in the talook. Mr. Robinson is of opinion, and the Board concur, that this deficiency ought be supplied as soon as circumstances permit. He estimates the cost of a Survey (embracing the registering of titles, the valuing, assessing and fixing the fee simple of lands, and laying them out in convenient revenue lots) at Rupees 40,000 and thinks this work will occupy two seasons. He expects that a large increase to the revenue will follow, and that the income will soon be doubled if a better system than that now in force were introduced.

39. The question whether any public tax (besides the Jenm fee) should be imposed upon Coffee lands, Mr. Robinson thinks ought now to be decided in the affirmative, as circumstances no longer render further forbearance in this respect necessary; but he recommends that the greatest care to be taken to fix light rates, and to encourage in every way possible the inve-

ment of European capital in the culture of Coffee, and that to do this effectually such measures should be avoided as will tend to place Wynaad in a disadvantageous position compared with Ceylon, the Shevaroys, Mysore, &c.

40. With reference to the fee simple title on which land is now held in Wynaad, Mr. Robinson thinks that, the prosperous state of Ceylon in the production of Coffee is owing in a great degree to the ease with which lands are obtained there on good titles, and that although with regard to private lands in Wynaad the local evil is hard to remove, the conditions on which public lands are now available should be revised.

41. He suggests that whenever land of which Government possess the Jenm or fee simple is applied for, its value (independent of the Jenm fee) should be estimated, and the applicant allowed the option of either purchasing the Jenm and making the land at once his own (free of any other tax except the general land tax) by paying up that value, or of holding the land by the payment of a landlord's fee of 5 per cent. on the valuation, to be redeemed by a payment of the principal within 21 years, but that failing this last condition, the land may be re-valued and a fresh fee fixed for another period.

42. The object of the latter alternative in the proposition is to encourage small capitalists to engage in the speculation.

43. A fair upset price for the next three years would, Mr. Robinson thinks, be five to eight Rupees per acre, good private lands having been sold during 1857 for, from three to five Rupees. Mr. Robinson is of opinion that most speculators would, for the present, rather pay a fee from two to four annas per acre than pay the Jemn value.

44. On the subject of assessment, Mr. Robinson is, for various reasons, opposed to a rate of one Rupee per acre on a planter's entire holding as suggested by the Board. He points out that the principle of taxing uncultivated land is new to the district, and states that the European settler objects to its harsh and partial application to himself, as while his estates are being highly cultivated, the Native landholder is withholding his lands from improvement, free of all tax.

45. The estates in existence comprise upwards of 25,000 acres, of which a very small portion is cultivated, and Messrs. Ouchterlony's estate alone contains 10,000 acres of which not $\frac{1}{16}$ has been cleared and opened out, so that Mr. Robinson argues it would be ruinous to apply the rate in his case, and very hard generally in that of the other planters. He thinks the abandonment of much land would ensue, which, reverting to their former native proprietors, would not be more available to new comers; so that if the object of the rule be to prevent jobbing and the keeping waste of good land, it will not in his view gain its object but rather put the European settler more in the power of the Native land-holder, and the former has been found more willing to part with his lands by retail to strangers than the Native proprietor.

46. There are also no means at present of ascertaining on what terms and to what extent private land is now held by individual planters, and it would be almost impracticable, Mr. Robinson considers, to levy any general rate on the jungle tracts in this talook where no revenue survey has been made, and the proprietors are averse to being taxed.

47. Another consideration mentioned is that, the lands in Malabar are not obtained on clear and good titles as on the Shervaroys, &c., where Government guarantee the title and no burden is probably borne by the Planter beyond the rate of one Rupee per acre. The land in Malabar is taken on unsatisfactory titles, and the bad with the good; the Planter in many cases having to pay an annual rent. Mr. Robinson is therefore of opinion that a uniform rate of 1 Rupee per acre would keep the country from being opened for many years.

48. Three modes are suggested, by one or other of which, the Coffee tracts now lying waste in the hands of Native proprietors may be made more available to European enterprise.

First,—to oblige the owners to sell their lands at a fair valuation, which Mr. Robinson thinks the most effectual but the least practicable course, or

Second,—to compel them to make their lands over in perpetuity to parties desirous of purchasing, at a fixed or renewable quit rent, or

Thirdly,—to fix an agreeable assessment on all lands, which would be claimable from their respective proprietors in the event of their refusing to give their lands up to parties competent to cultivate them and pay the tax.

49. With respect to the question of fixing an assessment on the Coffee lands without waiting for a survey, Mr. Robinson thinks that, every planter should be consulted as to whether he would prefer a low uniform rate on his entire estate, or a higher assessment on the cultivated portion only. In case of the first being chosen, Mr. Robinson would fix the rate at $\frac{1}{2}$ to $\frac{3}{4}$ of a Rupee, and in case of the second, he would adopt the rates prevailing in the different Umshoms for rice lands which range from Rupees 1-3-7 to Rupees 2-14-0 per acre, or the average of the whole talook which is Rupees 2-1-0 per acre. He would, however, encourage the election of the first condition and give the parties under it as good a cowle as if they had preferred the second mode. The Jenm fee would be exacted independently of this tax both on Government and private lands.

50. In order not to cripple the means of new speculators, Mr. Robinson proposes allowing fresh applicants the enjoyment of their lands free for five years, before which an estate is not likely to pay its expenses, and to bring the rate up to its maximum by two instalments, as an estate pays as well in the fifth and sixth years as ever afterwards; and inasmuch as the assessment rules will effect lands already in cultivation, he proposes postponing the demand for a further period of three years in the cases of such proprietors as give in their adhesion at once, and in all others levying the tax as soon as the extent of cultivation can be ascertained.

51. The details already given will show that it is a matter of considerable difficulty to deal with the tenure of land in Wynaad.

52. In Malabar as will be shewn in a subsequent part of these proceedings, a proprietary right or Jenm is universally recognized and is vested either in private individuals or Government according to circumstances. Where this right or "Jenm" belongs as it generally does to private parties, the rights of the State are restricted to the levy of assessment on land brought under cultivation.

53. The Jenm fee and assessment are quite distinct and where the former belongs to Government it is generally sold to the occupant as is now being done in the Betutnaad escheat.

54. This state of things raises the first difficulty in the way of the European Settler. Government can give the Jenm or proprietary right only when it belongs to them. When it belongs to a private person the settler must make his own terms with him before he can occupy the land, though there may be abundance of it waste. In the Ryotwar districts of the Presidency, the proprietary right to land depends on payment of the assessment on it, and when land is left waste and thus yields no assessment it becomes available for occupation by new parties. On the other hand, an occupant cannot be ejected by Government so long as he pays the land tax, and he has the right of transferring his land in any way he pleases or subletting it, so that he is absolute owner of the land subject to the condition of paying the tax on it, or if the expression is preferred he has a perpetual and transferrible lease. In Malabar the proprietary right claimed is more absolute, as the owner while liable to assessment only when the land is cultivated, may apparently at his pleasure retain it waste for ever without impairing his title.

55. The Board remark however that in a letter dated 9th January 1846, Mr. Conolly states that, by the usage of the District, "If a landholder will not cultivate his waste, the Government consider themselves at liberty to get some one who will, reserving always to the said landlord the share of the produce which his right as proprietor entitles him to." The Board have failed to trace any recorded instance of this right being exercised, and if it exists in regard to Forest tracts, it is certainly very strange that it should have entirely escaped Mr. Robinson, not merely when collecting materials for his reports, but also on the various occasions on which his aid in procuring land was sought by and afforded to Planters. If this right exists and under it Government can give a permanent and secure title for occupancy, the difficulties now experienced would be removed. All that would be necessary then would be for a settler to apply for the waste land he required and the proprietor would be left the option of giving it or paying the Government assessment himself. Although proof of Mr. Conolly's assertion is not supplied by

the Board's records, the right may exist notwithstanding for established usage in Malabar is readily acquiesced in and disputes on such questions would be settled in the District without appeal to the Board. This point however requires elucidation from the local officers, and supposing it to be established, precise information should be afforded as to whether Government under it grant a title of occupancy in perpetuity, or only for the current season, or for any other definite term, as to how the assessment is to be determined, and what rights of re-entry, &c. the proprietor retains.

56. If, on the other hand, Mr. Conolly's views be found incorrect, it will be necessary to determine whether recourse should be had to any of the remedies suggested by Mr. Robinson.

57. This subject will deserve very serious consideration. It is always a difficult matter to determine how far a Government may interfere with private rights on the plea of advancing the general good, and such interposition should evidently be avoided until not only its expediency, but also its necessity, is established. Legislation on this principle would not be easily comprehended by the people, and the landowners would be apt to see in it only a novel and undue interference with rights of ancient origin, prevailing throughout the district, and frequently sold by Government itself. If it should ultimately be determined to adopt a course of this character, the Board would strongly urge the most liberal consideration to the pecuniary claims of the proprietors, the Government being mainly satisfied with making the forest lands available for cultivation, and with the indirect advantages which would follow from the introduction of European capital and enterprise. These objects are of far higher importance than a mere addition to the local land revenue, and the Board are inclined to hope that they might by care be obtained without leaving any colorable pretext for questioning the good faith and impartiality of Government.

58. The step however which must precede measures of this nature is the Survey of the country, the titles of occupants being scrutinized as it proceeds. The Government would then know what land indubitably belongs to them and could at once deal with it, leaving for after consideration the measures to be adopted in cases where the proprietary right evidently belongs to others or is doubtful. Moreover, in these two last cases, a revenue could be raised at once on *cultivated* land, in accordance with usage—forbearance being shewn where necessary, but the right being nevertheless asserted. What this assessment should be, must, as in other Districts, depend on local circumstances and the existing rates of payment.

59. The Board recently suggested the organization of a survey party for the Western Coast, and if this measure is carried out, they would strongly recommend that the Deputy Superintendent, to whom the detailed management of the settlement will be entrusted, should proceed to Malabar in sufficient time, to become familiar with the language, usages and tenures of the District, before his active duties commence.

60. The Board will now pass to the question of the disposal of the Jenm or fee simple, where that may be found to belong to Government.

61. Mr. Robinson recommends that it should be valued and that the settler should be allowed the option of purchasing it at once, or of paying an annual "Landlord's fee of 5 per cent. on its value, redeemable by payment of the principal within a fixed period, the Jenm if not so redeemed to be revalued after that period," which he would fix at 21 years.

62. This arrangement he proposes as likely to suit the large capitalist desirous of commuting the payment at once, and the settler of limited resources who would find it easier to meet a small annual charge than to provide the means of commutation.

63. The latter part of the plan (if it be adpoted) might, the Board think, be improved by making the annual payment such that at the end of a given period, principal and interest would be made good and the Jenm become the property of the settler. This would obviate the second valuation of the Jenm which would generally result in enhancement of its value, owing to the land having been improved by the occupant.

64. The actual value of the Jenm must of course vary in different Estates, but Mr. Robinson thinks from 5 to 8 Rupees per acre, would be a fair upset price for the next three years, good *private* land having changed hands at 3 to 5 Rupees per Acre during the year. The higher rate

suggested for Government land is, the Board presume, owing to its better title. Most of the settlers he thinks would prefer an annual payment of from 2 to 4 Annas per acre. The Board are not quite sure whether Mr. Robinson contemplates the levy of the Jenm fee on all land in a person's occupation or only on the cultivated portion, but they presume the former is the case as the fee represents the proprietary right or that of permanent possession.

65. At present only three Estates occupying 265 Cawnies on land undoubtedly belonging to Government, and they pay a Jemn fee of four annas per cawny or 4½*d.* per acre. Mr. Robinson has not been able to ascertain on what principle this tax has been fixed; but he mentions that these properties pay no land assessment beyond this sum.

66. The sale of the Jemn is universal in Malabar, but the Board recommend a more liberal measure in regard to Government lands for Coffee plantations.

67. The purchase of the Jemn does not affect the liability of the land to assessment, and in fact merely secures the right of occupation which is as secure under a puttah or grant, and in every other district is freely accorded. It in reality amounts to no more than a commutation of a portion of the land tax, the great bulk of which remains an annual charge on the land. The effect of the sale is clearly shewn by the proposal of Mr. Robinson to levy it also, at the option of the occupant, by an annual charge, and his impression that this plan would be most acceptable to settlers generally. Taking the lowest rate named by Mr. Robinson, it will be seen that Mr. Ouchterlony, if his Estate were on Government land, could not commute the Jenm for less than 50,000 Rupees if it be payable on the entire extent of land occupied, or Rupees 3,500 if it be levied on the cultivated portion at first, and his Estate would still be liable to annual assessment.

68. Again, the lowest sum named by Mr. Robinson is just half the entire average price of land in Ceylon according to his statement.

69. Of course the annual assessment must be lower than it would otherwise be whenever a portion of it is thus forestalled, and it seems to the Board that the simplest and best plan would be to merge the Jenm in it, and if commutation be allowed at all, to permit the whole assessment to be commuted the land thereafter being held free of all payment.

70. They are satisfied that English capitalists will not resort freely to this country on such terms as Mr. Robinson proposes, and that they will not appreciate the plan of purchasing the proprietary right at from 10 to 16*s.* per acre, and still paying annually from 2 to 5*s.* per acre on their cultivation. In regard to lands on the Neilgherries, however, Government would not accede to the Board's proposal to grant lands on perpetual leases and to abolish the system of purchase by auction which, like the sale of the Jenm, in no way affects the obligation to pay rent. They presume therefore that Government would not consent to a different course in Wynaad, and under such circumstaces it would, they think, be more acceptable to European settlers to purchase the proprietary right at a reasonable price and pay assessment on their cultivation, or in other words to adhere to the prescriptive usage of the district, than to have only a lease for 30 years as on the Neilgherries.

71. Supposing Government to adhere to the usage of the District, the next question is the assessment to be levied independent of the Jenm. This is discussed in paras 44 to 53 of the Report,* but under the misapprehension that the Board's proposal of a fixed assessment on all land under occupation (and not solely on the cultivated portion) was intended to apply to private as well as public lands, and also apparently that it was in addition to the Jenm fee.

* *From Collector 22d April, in Con. 23d April* 1858.

72. Where the lands have been purchased from private parties the rule of the District must, under existing circumstances, be adhered to, unless the holders consent to the alteration and persons now in possession of Estates on Government lands should also in justice be allowed the option of selecting the system to be followed in future; but in all future cases, Government have an undoubted right to impose their own terms on the occupation of public lands.

73. The imposition of any tax would evidently be unpalatable to the present settlers who have hitherto paid none, but the right of Government to its assessment is unquestionable, and is enforced throughout the district.

74. The Board think, however, that the actual facts stated by Mr. Robinson, shew the advantages, if not the necessity, of a tax on all land occupied. It will be seen (para. 35) that 22 proprietors hold 24,500 acres, of which only 4,725 or less than ⅓ are under cultivation. One gentleman, however, holds no less than 10,000 acres, of which 700 are cultivated.

75. A tax on all land would evidently be the best means of preventing the appropriation of such large tracts by a single individual, and applied as the Board intended *prospectively* to Government lands, would not be unjust.

76. The Board consider it impossible to prevent such monopolies, which are nearly akin to the monopolies of the Native proprietors, by rules; the best plan they think is to tax all land and leave it to the parties concerned to consult their own interests as to the extent they should take up. With regard to the rate of assessment, the Board quite concur with Mr. Robinson that it should be light. He proposes from 8 to 12 As. per acre on all lands, or the average of the talook Rs. 2-8 on cultivated land only. The mean of the former, viz. 10 As. per acre is just ¼ of the cultivated rate, so that this arrangement would, on an average, give each settler 4 acres at the assessment of one under cultivation. Excluding Mr. Ouchterlony's estates the extent of land occupied in Wynaad is 14,500 acres, of which 4,000 are cleared and opened; so that on the whole the uniform rate is less advantageous to Government than the other. The latter would bring in Rupees 10,000 while the former would produce only Rupees 9,062. The maximum of 12 Annas proposed by Mr. Robinson would, however, realize Rupees 10,875, and this would render it more advantageous to the proprietors, whose waste is very extensive, to pay only on the cultivated area; but, as their cultivation extends this would cease to be the case.

77. The Board consider however that the *rate* of assessment should receive further careful consideration with reference not merely to the quality of the land, but also to the export duty now levied on coffee and other circumstances. The decision of Government on the question whether the tax shall be on all land, or only on the cultivated portion, and whether the Jenm fee shall be separately sold, is first necessary. Briefly than the question for decision is this.

78. Mr. Robinson would sell the Jenm for from 5 to 8 Rupees per acre; and tax the area cultivated annually at about 2½ Rupees per Acre leaving the waste free. The Board on the other hand would concede the Jenm free and simply grant the land in perpetuity at a fixed rate of 1 Rupee, or such other liberal sum as may be determined per acre on the entire estate, excluding rocky and other clearly useless land, and would leave the proprietor the option of redeeming this annual payment, and thereafter holding his Estate free of all tax.

79. The Board prefer this system because it checks monopoly of land, reduces the interference of the officers of Government to a minimum, leaves the settler free to do what he pleases with the land, and suits the means of the large capitalist as well as the small settler. The Board look less to revenue than the introduction of capital and enterprise, and if the proposed terms seem to involve an unnecessary sacrifice of revenue, they would urge that the object is a special one. It is to the limited area of these Hill tracts only that Government can hope to attract English settlers, and unless liberal terms are offered, such person will naturally give the preference to other colonies where land can be obtained at a cheaper rate. Of course this proposal applies only to Government lands; in other cases the settler must be left an option as already remarked.

80. Mr. Robinson proposes that no assessment shall be levied for the first five years, and that two instalments shall bring it up to the full amount. In regard to existing Estates, he suggests that this rule be retrospective, but that three years further immunity be accorded to such proprietors as "give in their adhesion at once." No doubt some concession of this kind is necessary, but as exemption from all taxation is liable to abuse and may be taken advantage of by mere land speculators, the Board think a light payment should hereafter be exacted from the second or third year, except in special cases as where the land may be unusually difficult to clear, &c.

81. There are certain other general measures of improvement which the Board would take this opportunity of mentioning.

1st. The construction of Roads and Bridges, to connect Wynaad with the places of export and the Railway. At present the Board understand that the communications of the Talook are in a very defective condition, and much loss is experienced by the inability of the planters to convey their produce to the place of shipment. The Board would strongly recommend early attention to this subject. There would be no difficulty in levying a reasonable toll, as is being done elsewhere in Malabar, if good roads are only provided.

2d. The appointment of a European official in special charge of the Talook as Assistant to the Collector. The presence of a number of European settlers renders this step desirable and a Deputy Collector of the new class about to be formed could be usefully and profitably employed in Wynaad. The sub-division of the Talook will come before Government in a separate communication.

3d. Assistance towards procuring Medical aid for the Settlers, who, with their numerous dependants, are now, the Board believe, wholly destitute in this respect. The Board are satisfied that some measure of this kind is very necessary, and that the absence of Medical assistance deters many from settling in the Hill tracts of the Presidency.

4th. The offer of assistance for Educational and Religous objects in aid of the contributions of the community. The isolated position of European settlers in this country seems, to the Board, to give them a fair claim for consideration at the hands of Government, to enable them to secure advantages of this character, which it is equally the interest of Government to place within their reach.

82. The Board will now pass to the consideration of the two last letters of the Acting Collector in connection with Extract Minutes Consultation 11th August 1857, No. 805, R. D. The first point is the origin and existence of the Jenm right in Wynaad.

In Con. 23rd Sept. 1857.

Early History of the Province and Existence of the Jenm right.—83. From the Board's records it appears that when Hyder invaded Malabar about A. D. 1760, it was then found parcelled out among a number of independent sovereignas, the principal of whom were the Rajahs of Colatiry comprising Cherical, Cotiote and Cartenaad to the North, the Zamorin and the Palghaut Rajah, the last of whom invited Hyder to repel an invasion of his territory by the Zamorin.

Board Con. 10th August 1801, *Vol.* 17.

84. Up to Hyder's invasion no land tax was levied, the Rajahs having other sources of income in the form of private lands, imposts on trade, fines, escheats, royalties, &c. General contributions were however raised in case of invasion.

85. In 1766 Hyder entered Malabar in person, and dispossessed all the Princes except the Rajah of Cochin and two other petty chiefs.

86. In 1763 Hyder was engaged in war with the British Government, and the Zamorin and other Northern Princes, excepting the Cherical Rajah, reinstated themselves in their dominions and held them until 1774, when Hyder again invaded the Province. The Zamorin fled to Travancore, the Cartenaad and Cherical Rajahs submitted to Hyder, but the Cotiote Rajah still held out.

87. Hyder established the Cherical Rajah not only in his own dominions but in those of the Rajah of Cotiote "including Wynaad and Nambalacottah," requiring him to pay a heavy fine of entry, and an annual Jumma of Rs. 1,25,000.

88. In 1782 Calicut was reduced by the British Army and among others the Rajah of Cotiote was restored to his possessions.

89. In 1783-4 Arshed Beg on behalf of Tippoo settled Malabar and the Cotiote Rajah was assessed with a Jumma of Rs. 1,00,000 including Wynaad.

90. In the latter end of 1785 the Northern Rajahs visited Tippoo at Coorg on which occasion he revised Arshed Beg's settlement. The Cotiote Rajah was compelled to relinquish Wynaad by deed and his Jumma was reduced on this account by Rs. 35,000. About 1788 Tippoo conceived a plan of forcible proselytism and the country rose in arms. The possessions of the Cotiote Rajah (among others) were seized by Tippoo who established his own officers in

thors. In 1790 war broke out between Tippoo and the British Government, engagements were entered into with the Malabar Princes by the Officers of Government at Tellicherry and ultimately the Princes were all restored in 1791. Shortly afterwards the whole of Malabar passed into the possession of the British Government.

91. On the first establishment of the Provincial administration of our Government in 1793, Malabar was divided into three divisions. In 1794 a settlement for five years was formed by which most of the Districts were leased at a fixed annual Jumma to their ancient feudal proprietors and chiefs: From a general failure in their engagements Government at various periods before the expiration of the leases (1799) resumed the management of the District with a few exceptions.

92. It has been already stated that previous to Hyder's invasion there was no land tax in Malabar. The Jenm right however existed long anterior, and in their report of the 28th July 1801, the Commissioners of Malabar admit its existence and mention the tradition of its origin. They specially reported on this subject and their report and its enclosures dwell fully on it. They inferred that when Hyder in 1774 required a tribute from the Northern Rajahs, he claimed "the sovereignty only and not the property in the soil," and stated that "it would not be difficult to obtain positive evidence from among the records of the ancient Nair families, that at this and the remaining period of Hyder's dominion, they still continued to enjoy all the rights of property in their lands."

93. The Commissioners further remark, that Hyder's Jummabundy of 1774 and 1775 for South Malabar is said to have been the work of Poorneya, and that Arshed Beg's was merely a revisal of it and on the same principles of assessment. They then go on to say, "now it is in evidence upon oath that Arshed Beg expressly reserved a certain proportion for the landowners or Jenmikars in his division of the produce between the Ryot and the Sircar upon the following principle, to the Jenmikar of the gross produce $\frac{2}{16}$, to the cultivating Ryot about $\frac{11}{16}$ and the remainder or $\frac{3}{16}$ of the gross produce to Government." Tippoo's revisal of Arshed Beg's settlement was considered by the Commissioners to leave the question of right in the soil as it stood before—"the idea" that it made any difference in this respect is, they add, "precluded by the circumstance of the settlements being made with the Rajahs who it is certain themselves acknowledged the right of private property in the soil." Most of the landholders at one time absconded, but, say the Commissioners, "certain it is that long previous to the cession of the Province, the landholders and proprietors of every description were very generally reinstated in their rights, and that at the arrival of the (first) Commissioners the laws and rights of landed property were as clearly defined and in as full force as at any period prior to the Mahomedan invasion." The engagements entered into with the Rajahs at the commencement of the war of 1790 as well as subsequently, in no way questioned the right in the soil, and "upon these principles of respecting the right of private property in the soil, the (first) Commissioners began their settlements with the Northern Rajahs." The subject is noticed in numerous later records, and finally in 1840 Mr. Conolly, stated broadly "that the whole country of Mala-

Dated 12th June 1840.
Enclosure in from Govt. 30th June.
In Con. 27th June 1840 *No.* 395-701 *R. D.*
In Con. 16th February 1846.

bar whether Forest or Plain, is private property, and that there is no Circar land as in other districts, with the exception of such as was escheated from failure of heirs." To this conclusion of the universality of the Jenm right in Malabar, the tenor of the Board's records leads, and the Board are unable to discover on what grounds, in his letter dated 9th January 1846, Mr. Conolly states, that "it is a matter indeed of much doubt whether the Jenm right ever did prevail in Wynaad." Mr. Conolly does not enter further into the question, and the Board can only set against the assertion the tenor of the early records and the existing practice according to Mr. Robinson. The Board append a number of extracts from their records on the subject, and request a reference to them as well as to the accompanying original letters.

Escheats, &c., Government Forests in Wynaad generally.—94. As regards Escheats in Wynaad generally, in consequence of the Pychee Rajah's rebellion, the Board's records afford little information. The letter from Go-

In Con. 2nd March 1801.

vernment dated 21st February 1801, R. D., intimated that Wynaad

had been placed under the charge of the Malabar Commissioners and forwarded a list of proscribed persons. Their subsequent letter dated 4th March 1801,

In Con. 5th March 1801.

R. D., contains a second list of disaffected persons, and a Statement of Jenm and other property belonging to the Pychee Rajah and his chief adherents, which was to be confiscated. This property however is apparently trifling and confined to cultivated lands. The Board can find no trace of any systematic proceedings, immediately after the death of the Pychee Rajah (about 1805) and the complete suppression of the rebellion to assert the rights of Government to confiscated property. In 1818, however, Mr. Vaughan forwarded an abstract Statement of Escheats, but rice land and plantations alone appear in it.

From Mr. Vaughan 16th June 1817, *in Con. 14th July* 1817.
From Mr. Vaughan 15th in Con. 28th December 1818.
To Govt. 28th December 1818.

95. What further steps were adopted are not apparent as Government do not seem to have replied to the Board's letter, but in 1824 Mr. Vaughan is said to have published a notification specifying certain Hills and Forests as the sole Escheats, and among these the Nambalacottah Forests are said not to be included. Of this document the Board have no copy nor have they met with any allusion to it in their records. In 1839, Mr. Underwood furnished a list of forests in Malabar generally, but the 40 Wynaad Forests entered in it are said to belong to seven proprietors from whom he thought Government could purchase them on reasonable terms. Mr. Underwood's report was submitted in consequence of the question of the conservancy of the Malabar Forests having been mooted by the Bombay Government. Writing in 1839, Mr. Underwod stated that he could not discover from his records what rights the ancient Malabar Rajahs exercised over the forests, but he gathered that they "left the *owners* to work them or not at their pleasure without any interference from the ruling authority except the levy of a duty of about 1 Rupee per candy." Tippo "exercised the rights of a conqueror and among other acts took possession of the Forests, monopolized and worked them himself." "He however so far recognised the rights of the Proprietors as to make them an allowance of 2 fanams per tree of 10 inches diameter." The rights assumed by Tippoo were exercised by the Bombay Government in succession to him—the sovereignty of the Forests asserted and a conservancy established, and worked on such stringent principles that the Government (of Madras) remarked of the system that "the Conservator under the assumed sovereignty of the Forests has exercised the same kind of authority as if, by an universal forfeiture all the trees and timber of Malabar and Canara had escheated to the Government. Such a subversion of private rights could not fail to excite violent discontent." The Conservancy Department was abolished in 1823, and "the entire Forests fell into the hands of the private proprietors by whom they have ever since been possessed without molestation." Mr. Underwood goes on to say that "public property (in Forests) hardly amounts to a cypher compared with the numerous private Hills"—"that Government possess but three forests and the remainder are private property." Mr. Underwood thought that Government could still exercise the "Royalty" and in this the Board concurred, remarking, however, that by Royalty was to be understood merely "a right to regulate the felling of timber." They doubted, however, whether even this right could be legally revived after it had been abandoned for so long a period. Private proprietorship was so little questioned on this occasion that the Board suggested the propriety of affording some of the owners of forests assistance to enable them to redeem their mortgages. While these papers were before Government Mr. Conolly, who had succeeded Mr. Underwood, in the letter already quoted in para. 95, declared "the whole country of Malabar, whether forest or plain" to be "private property," and deprecating the revival of the Royalty proposed that Government should *rent* the forests. In this view Government concurred "thinking that this measure would effectually remove all difficulties that might arise from the assertion of the proprietary rights of the people in opposi-

Dated 12th June 1840.
Enclosure in from Malabar 12th June 1840 *communicated in Extract Minutes Consultation, R. D., No.* 395-701 *dated 30th June in Con. 27th July* 1840.

Dated 12th September in Con. 10th October 1839.

Dated 12th June 1846.
In from Government 30th June.
In 27th July 1840, *R. D. Nos.* 395 *and* 701.

E. M. P. 30th June in Con. 27th July 1846, No. 395.

tion to the modified title of Royalty which it is proposed to revive." Here the question seems to have rested until in 1846 Mr. Chatfield then Sub-Collector brought under consideration the claims of the proprietors of Jungle lands in Wynaad. The difficulties which European coffee planters experienced in obtaining land led Mr. Chatfield to bring the subject prominently forward. His opinion was evidently adverse to the claims put forward by the proprietors. The modes of procedure suggested by him to discover or assert the rights of Government were 3; viz. 1st, to commence a regular survey. 2nd, to impose a light land assessment; and 3rd, leaving matters much as they were to assert the peculiar and primary rights of Government, investigate each separate claim as fresh lands were taken up and decide at once on the conflicting titles. The latter course seemed the best in view and he requested a decision on the 3 following questions.

1st. Whether in the case of Hills producing some marketable commodity a claim founded merely on possession and enjoyment should be held to involve proprietorship.

2d. To what extent deference should be paid to superstitious or unreasonable objections to the cultivation of land when a fair consideration is offered.

3d. Whether pecuniary consideration was claimable when lands held on grants conferring the privilege of hunting were disposed of for cultivation.

96. Mr. Conolly laid this letter before the Board, and gave his opinion on the several points discussed in it.

97. Mr. Chatfield's first question he regarded as referring particularly to Cardamom Hills, and he deprecated any interference on the part of Government where a bonâ fide possession, however imperfect, obtained. As the holder could only be ousted by a regular suit and it was doubtful whether Government, if successful would get a higher revenue by assuming and managing these tracts than the moiety of produce then received as their share.

98. As regards the second question, Mr. Conolly considered that as it referred to land acknowledged to be private property, it would be difficult to lay down a general rule and each case should be decided on its own merits. While advocating all reasonable deference to the prejudices of the people whether proceeding from ignorance or superstition, Mr. Conolly considered it unfair to Government to leave it in their power to keep their lands waste at their pleasure, and he suggested that they should be required to come to some reasonable terms to be decided by a Punchayet or by the European authorities of the District. Mr. Conolly mentioned the practice of the Province in regard to Ponnum or Hill Paddy as supporting this view, and finally expressed his doubts (as already stated) of the existence of Jenm right in Wynaad. Mr. Chatfield's third question Mr. Conolly replied to decidedly in the negative, and proposed the assumption of all Hills which had remained waste and unproductive. Lastly, Mr. Conolly pointed out that an assessment might be levied on coffee lands, but it would still be necessary to determine as to the assumption of the unproductive Hills.

To Collr. 16th Feby. 1846.

99. The Board concurred generally in Mr. Conolly's views, and requested information regarding the extent, &c., of Coffee cultivation.

Dated 17th Augt. in Con. 12th Oct. 1846. To Collector 12th October 1846. Dated 9th Jany. in Con. 11th Feby. 1847.

100. The Collector in reply submitted a Statement shewing the number of Coffee Estates, their extent and the manner in which they had been obtained. The information was not so full as the Board required, and a further report was called for. In January of the following year, however, Mr. Conolly submitted a letter from Mr. Chatfield deprecating the imposition of any assessment for the present on coffee cultivation on the ground that it was a speculation the success of which was still dubious, and that the planters had received no warning of their liability to any Government land tax.

To Collector 11th Feb. 1847.

Mr. Conolly supported this recommendation and the Board acceded to it pointing out that they had never given the settlers any reason to expect exemption from land tax, and declaring that the concession now made

should in no respect preclude or restrain Government from hereafter reverting to the original proposition of levying a tax on such lands. The Board do not find that the question is again brought forward, and Mr. Robinson shews that no land assessment is paid by any of the settlers.

101. The Board will now proceed to throw what light they can on the Numbalacode proprietor's title.

Numbalacottah Proper.—102. The earliest mention they can trace of Numbalacottah is in a letter dated 5th March 1831 from Major Walker who states that little is known of it, "but it is managed by its native chieftain who is styled the Vaunore (Governor) and is feudatory to the Koormenaad Rajah, unto whom a small tribute of 1,300 fanams is still paid on each succession." On the 27th May 1801 Captain Osborne, Collector of Wynaad, forwarded an account of Numbalacottah obtained from a Native. This statement shews that this tract was originally held as stated by Major Walker, but that subsequently tribute for it was paid to Tippoo, and on his fall to the Mysore Government. In July 1801 the Board desired the Malabar Commissioners to ascertain whether it belonged to Malabar or Mysore, and in a subsequent letter dated 18th July 1801 they informed the Commissioners that by a communication from the Resident at Mysore they had learnt that "directions had been given "that Numbalacottah should be considered as appertaining to the Company's territory," and they accordingly attached it to the Collectorate of Wynaad. The Board find no subsequent mention of Numbalacottah in particular and it seems to have been regarded thenceforth as an integral part of Wynaad. In 1841 Mr. Sullivan reported on the Nellumboor Rajah's claim on a title derived from the Numbalacode proprietor to a tract in the Kondahs, but although he rejected this claim he raised no question as to the right of the latter family to Numbalacottah itself. Mr. Sullivan's words are.—"The land below where the Todas live is the undoubted Jemn property of the Numbalacottah Varnavar and the existence of the Jemn right throughout Wynaad is admitted. In like manner Mr. Chatfield although he disputed the Nellumboor Rajah's claim to Numbalacottah did not question the original title of the latter. In fact his recommendation was that Government should claim the property as an Escheat from lapse of heirs, the sale, &c., to the Nellumboor Rajah being invalid. The Board cannot discover the name of the Numbalacode family in the lists of proscribed persons, nor in fact any thing to shew that the then proprietor sympathised with the Pychee Rajah, while Mr. Robinson states that the family were faithful to the British Government throughout the insurrection. Under these circumstances the Board see no grounds on which to dispute at this date the original rights of the family to Numbalacode Proper.

In Con. dated 20th April 1801.

Enclosure in a letter from the Commissioners of Malabar, dated 17th in Con. 29th June 1801.

Dated 4th in Dy. Con. 6th July 1801.

In Diary Cons. 20th July 1801.

To Government dated Ootacamund 29th January 1841. Extracts No. 5.

Para. 61.

The Nellumboor Rajah's claims beyond Numbalacottah Proper.—103. The Nellumboor Rajah however claims a tract beyond the proper limits of Numbalacottah. This claim was first reported by Mr. Sullivan in 1841 (in the letter already referred to) and is thus explained by him.

To Government 29th January 1841, para. 50. Extracts No. 5.

104. The tract extends from the Pykara River, the undoubted boundary between Wynaad and Coimbatore, westwards up the slopes of the Neilgherry Hills. The Toda inhabitants of this range are said in November 1783 to have executed a document binding themselves thereafter to revive their immemorial payment of 120 old fanams, besides a quantity of ghee to the Devassom and styling themselves the Jenm Koodians residing in its Jenm lands. On this document the Numbalacottah Varnavar's original title is based. Mr. Sullivan shews that even if the document be genuine it only proves that the Todahs pledged themselves to make certain offerings to the Pagoda in conformity with ancient usage, that their styling themselves Jenm Koodians amounts to nothing, that the contributions ceased in 1788-89 when the Varnavar fled to Travancore and were not resumed until 1797-98; that in 1803-4 they were again suspended and no

ceremonies were performed at the temple nor any payments made until in 1826-27 when the two sons of the Todas who are said to have executed the original deed are alleged to have made an offering of 2[illegible] Rupees, and that such offerings are evidently of a very different character from payments made to a Jenm proprietor. No further notice seems to have been taken of this matter by either the Board or Government.

105. Mr. Sullivan was under the impression that the Nellumboor Rajah's title rested on a decree passed in his favor by the Zillah Court of Malabar in 1830, against the Numbalacottah Varnavar in the Schedule of whose property it was entered.

From Malabar 6th April in Con. 13th May 1857. P. 11.

106. In 1849 Mr. Chatfield addressed Mr. Conolly on the Nellumboor Rajah's claims to the landed property of the Numbalacottah Varnavar including this tract. The claims he stated were based on 2 pleas—1st of a mortgage; 2nd of a purchase effected by the Rajah's Agent at the sale of the landed and personal property of the Varnavar when sold on the 22d June 1835, in execution of the decree 279 of 1830 of the Zillah Court of Calicut. Mr. Chatfield considered the mortgage deeds unworthy of credit and the sale invalid and collusive.

107. The Varnavar's property he stated was attached for about Rupees 1,447, and to meet this trifling debt an "enormous extent of country, containing valuable forests of Teak, Sandalwood, Cardamoms and Gold mines, teaming valleys, slaves, cattle and all the appurtenances of several large and valuable farms was knocked down to the Rajah's Agent in the name of the Vettacaroo Majan's Pagoda for the ridiculous sum of Rupees 3,000." Sundry other property was handed over by the Moonsiff who conducted the sale. Apart from the fact of such valuable property being sold for so trifling a sum, Mr. Chatfield considered the purchase void under Section XVII., Regulation XXVI. of 1802, as not having been made in the name of the Rajah but in that of the Pagoda above mentioned, moreover Mr. Chatfield had been informed on good authority that the Varnavar (since dead) at the time of the sale and previously was insane, and incapable of managing his own affairs. The mortgage deeds Mr. Chatfield believed formed the bsais of the Nellumboor Rajah's claim to the tract beyond the Pyakara river, which was not (as erroneously supposed by Mr. Sullivan) included in the schedule of property sold under the decree. These deeds he considered self-evident forgeries and he urged that Government should at once assume the property held under them.

108. Mr. Conolly in reply to this letter seems to have forwarded to Mr. Chatfield a memo. on his objections prepared by his 2d Sheristadar.

109. In this it was shewn that the Moonsiff who conducted the sale used every exertion to obtain a better price, and finally sold it for the highest sum bid under reiterated orders from the Superior Court.

110. The objection taken under Regulation XXVI. of 1802, was evidently misunderstood, and the weightiest answers to the others are the lapse of time and absence of challenge by the parties directly interested.

111. Mr. Chatfield replied reiterating his objections to the validity of these transactions and there the discussion seems to have ended. In his letter dated

In Con. 20th Sept. 1858.

4th June 1858, para. 30, Mr. Robinson does not hesitate to express his conviction that the bonds are forgeries, having been executed at a time when written deeds were unknown.

112. In the third of the letters recorded at the head of these Proceedings Mr. Robinson gives a detailed account of the Forest lands in each Amsham of Wynaad, and explains the difficulties which will attend the assertion now of the claims of Government to escheats in each. In matters of local detail of this character the Board's records afford no light, and they deem it sufficient to refer to the report which cannot usefully be abridged. The Board have now laid

re Government all the material information they can glean on the subjects under discussion, it only remains for them to recapitulate briefly the conclusions they have formed.

1st. They think there can be no reasonable doubt that Jenm right has always existed [illegible]ynaad.

2d. They see no ground on which to dispute the fact of the Numbalacottah Varnavar [illegible]ng been the Jenm proprietor of Numbalacottah Proper.

3rd. They are of opinion that Numbalacottah Varnavar's title to the tract West of the [illegible]kara was invalid.

113. The manner in which Government should now proceed will, the Board conclude, be [illegible]led according to the opinion given by their legal advisers to whom a reference has already been made on the subject. The Board would explain with reference to para. 16 of the Extract Minutes Consultation dated 11th August 1857, that in their former proceedings their [illegible]ehension that the claims of Government could not be successfully asserted rested mainly on [illegible]difficulties which attended every mode of action. They pointed out that the transactions [illegible]ht to be set aside occurred so far back as 1835 and had not been disputed by the parties [illegible]etly interested, one of whom (Kellookutty Varnavar) died only in 1844, a member of the [illegible]ly being still alive and entirely under the influence of the party whose possession it is desir[illegible]o disturb. It did not occur to the Board that under such circumstances any good purpose would be gained by tracing to their origin, claims which derived their strength in a very great measure from lapse of time. They trust that the information now submitted after a very tedious and careful research will meet the requirements of the case, and enable Government to determine on the course to be adopted.

Con. 23rd September 1857.

114. It will be seen that Mr. Goodwyn has not been able to furnish any information. Mr. Chatfield's reply to Mr. Robinson shews the difficulties he anticipates in now endeavouring to carry out the measures proposed by him in 1841 and 1849, and the opinion he entertains of those now suggested by Mr. Robinson.

115. The Board regret much the delay which has occurred in replying to the orders of Government, but the task of tracing out the information required, especially in regard to our early administration, has involved much labor and the careful perusal of a mass of correspondence.

(A true Extract.)

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

No. 35. ORDER THEREON, 22nd June 1859, No. 822.

In these Proceedings the Board bring before Government several interesting questions connected with the Wynaad talook of Malabar. The Governor in Council hopes to pass orders on them at an early date; but meanwhile the perusal of the Board's Proceedings has impressed the Government strongly with the conviction of the necessity of a Revenue survey of the Wynaad. In the absence of it much uncertainty prevails as to the extent and boundaries of estates, and as to the titles and rights both of individual proprietors and of Government. This want is not now perceived for the first time; it was intimated to the Director of Revenue Settlement some time ago that Malabar should be one of the next Districts to be taken in hand by him. The Governor in Council now resolves to direct Mr. Newill to take immediate measures for commencing the survey of Wynaad as soon after the present South West monsoon as the season shall permit.

2. It appears to Government that the operation need not occupy a very long time. The talook contains 1,160 square miles being nearly equal to the area (1,200 square miles) which one survey party is expected to complete in a year. A large part of it being hill and forest will not be surveyed in detail, and will therefore take much less time; but, on the other hand, in consequence of the heavy rains of the monsoon, and the unhealthiness of parts of the talook at certain seasons, the portion of the year unsuited to field operations will be found larger there than elsewhere; probably five or six months instead of two. The difficult character of much of

the country, will also operate to retard the general rate of progress in the work. Under active officers, however, the survey and revenue settlement of the talook might probably be accomplished in little more than a single year.

3. Mr. Newill will endeavour to accomplish it in that time. He will take immediate measures for organizing a party, under an experienced and able officer, and will commence actual work as soon as possible. It will be the duty of the superintending officer, deriving information on one side from the Collector and his officers, and on the other from the persons of various classes interested in the soil, to ascertain and record the nature and extent of the proprietary and other rights connected with the soil.

4. In order to prevent the alarm and unsettlement which might be occasioned in such a wild tract and among a people little acquainted with external events, by the commencement of a survey and investigation of tenures, the Governor in Council deems it proper to declare the object with which these measures are undertaken. That object is to ascertain and record existing rights, and fix the boundaries of estates, and so to give additional value to property. There is no intention whatever to disturb existing possession and enjoyment, even where it may rest on no more solid basis than length of occupancy. There will be no attempt to enforce the sentence of escheat passed on the Pychee Raja and his adherents in 1806, on lands hitherto exempt, where *bonâ fide* possessed; and even more recent encroachments on forest will be liberally considered. So also it is not sought to raise the tax where now paid, but rather to establish it on a sound basis and at equitable rates; but a moderate tax will be imposed, according to the established custom of the District, on cultivated lands now held free.

5. The Collector will be instructed to give the utmost possible publicity to this declaration throughout Wynaad, and to invite and encourage all proprietors, great and small, to bring their title deeds and other papers to the survey officers for examination, and to aid them in their investigations.

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

Proceedings of the Madras Government
Under date the 24th June 1859.

Read the following
Extract from the Proce
ings of the Board of Reven
(Reference 2nd Oct. 58 No. 3636.)

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To go to the Dft of Revs Distt 23
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Revenue 1859 Dep.t
Rec.d of Gov.t 24th June

No 822

Rec.d 23 June 59.

The Dt. of Revenue
Settlement to the Survey of
Ungranted and Complete to
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this Survey and to invite and
encourage all proprietors to
bring their title deeds and other
papers for examination and to
order the Surveyor Genl. thereon
accordingly. 104 111

4-11-09

Dup.te of Memo Govt 4/12 Lodged in
Com.rs Lodg 59 No 38.

11/12/14

28/3/16.

7-9-18