M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 484 Press ~~Mis.~~

104-105

Dated 29 — 3 — 1860.

Not to be folded or roughly handled

No. 104. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sadr Adálat; to J. D. BOURDILLON, Esq., Secretary to Government, dated Madras, 25th March 1860, No. 42.

Paragraph 1. With reference to the Extract from the Minutes of Consultation noted in the margin, I have the honor to report for the information of the Right Honorable the Governor in Council, my opinion on the right of Government to the Tract of Forest Land stated to have been obtained from the Nambalakótta Várnavar family by the Nellambúr Rájá.

Minutes Consultation, 11th August 1857, *No.* 805, *Revenue Department.*

2. In paragraph 16 of those Minutes, His Lordship in Council remarked on the unsatisfactory character of the information furnished, with respect to the origin of the Nambalakótta Proprietors' rights, &c., and requested that further research might be made; I regret to find that by an oversight a request that I might be furnished with such further information when obtained, was not forwarded to Government, I however, assume, that if any such had been procured, it would have been laid before me.

3. With the exception of one chapter in Mr. Strange's Manual of Hindoo Law headed "Malabar Law," there is no work (that I am aware of), in which is described the peculiar Titles by which Land in Malabar is held; nor the peculiar rule of Descent; nor the powers of Proprietors holding under the various denominations of Titles; nor explaining the effect of the numerous kinds of conveyances of Land in use in that District; nor are there, (so far as I am aware), decisions of our Courts by which these are, to any extent, authoritatively defined. My information on the subject has been derived from the fifth report of Mr. Strange's Manual, as also from enquiries made by me some years since when Solicitor to the Honorable Company, from my private practice in the Sadr, and a Memorandum prepared, I believe, by the present Registrar of the Sadr Adálat and kindly furnished by him to me.

4. I understand, however, "Janmi" to be a Proprietor's right to land, with "full power of "mortgaging, transferring, selling, and bequeathing to others," subject in most instances to the payment of a rent to Government.

5. I am not informed who the Pychee Rájá was, or in what manner Government claim the whole of the Forests of Wainád in succession to him. I am, therefore, not in a position to offer an opinion on that part of the subject.

6. The particulars of the Title of the Nambalakótta Várnavar family are contained in Mr. Robinson's letter, wherein he states, and the Board of Revenue concur, that for generations the Nambalakótta Várnavar family was the acknowledged Janmi proprietor of the Tract of Forests in question, I collect that their Title is supposed to date from a period prior to 1785. It is not stated positively, whether from the time that Tippoo seized the Wainád country, to the period at which that country reverted to the British, (1785 to 1799), the Nambalakótta Várnavar family was actually dispossessed of the Forests in question, but I collect that they did retain some kind of possession, or power over them, and that from 1799 they have retained quiet possession.

7. The last male member of that family, who held the property, appears from the papers before me, to have been an improvident as well as a litigious man, that he became deeply involved in debt, and I collect that the Decree passed in 1830 was in a Suit against him by a creditor, and it was under that Decree that the Nellambúr Rájá purchased a portion of the Estate; I am not aware that a Janmi is exempted from the ordinary process of execution issued by Courts of Law, any more than land held by other tenures, and it appears that the sale under this Decree was by public auction, that several postponements in the sale took place for want of bidders, and that the Nellambúr Rájá was the highest bidder to a considerable extent. If such be the real circumstances, I cannot suggest any grounds on which Government could be advised to question the Decree, or the sale under it. A purchaser under that Decree could not acquire

under his purchase, any further right or title than the Nambalakótta Várnavar himself possessed, but assuming that his family had been possessed for generations, (and prior to 1785), I am of opinion that if all the right and title of the Nambalakótta Várnavar was sold to the Nellambúr Rájá, and all proper formalities were observed, he became the owner of the Janmi and cannot now be dispossessed by Government.

8. It is stated that the Nellambúr Rájá has since acquired the remainder of the Estate from the last surviving member of the Nambalakótta Várnavar family; a lady named Subadi, who is now residing in the house of the Nellambúr Rájá. It was believed she was imbecile and the then Special Assistant Collector of Malabar was deputed to visit her and report on "the "state of her mind, health and wishes." The result is communicated in that gentleman's letter of the 5th March 1857, he reports *he had been told* "that she had at one time been out of her mind," but says "she fully has her senses." Her relationship to the last Rájá is differently stated, sometimes she is called sister, at other times cousin; the state of the family is not shown, but I collect that no doubt is entertained by the Collector and the Board that under "Malabar Law," this lady was the rightful heir, and that there are no other members of the family, male or female, that on her demise would be entitled to inherit the Estate.

9. Whether the Nellambúr Rájá can be dispossessed of the portions of the Estate he has so acquired, depends on many circumstances of which I am not fully informed; 1st, whether this lady was the rightful proprietress of the Janmi; 2ndly, whether, when she executed the alleged conveyances of the Estate, she was sane; 3rdly, whether the Deeds by which she is said to have conveyed were in the form and accompanied with the formalities required by "Malabar Law;" and 4thly, whether she conveyed for an adequate consideration. From the papers before me, I opine, the first point may be assumed in the affirmative and that as to the three remaining points Government and all its Officers are not only utterly ignorant, but that it is not in their power to obtain satisfactory information.

10. Assuming that Subadi is the rightful proprietress of the Janmi, I am of opinion that Government cannot assert any claim to the Tract in question during her life.

11. If Subadi is not such proprietress, whether Government could assert any claim and establish it in a Court would depend on circumstances not now before me, and on which I should require information before I could advise.

12. As to escheating, if Subadi is the rightful proprietress of the Janmi that course could not be adopted during her life. If Government contemplate pursuing that course on her death, it would be desirable they should obtain all the information that is available regarding the state of the family, and the alleged conveyances by Subadi, so that the Law Officer of Government could advise on her death occurring without loss of time.

13. The modes which Mr. Robinson suggests for asserting the rights of Government are not feasible, and if adopted, I am of opinion, the Government must inevitably be defeated.

14. As to making Subadi a Ward under Regulation V of 1804, the Board of Revenue suggest a doubt, whether the case would come within the scope of that Regulation; while I entertain strong doubts, whether, (if that objection were overcome), the case could be brought within the provisions of the Regulation.

15. Under all the circumstances, as at present before me, I have the honor to state for the information of His Lordship in Council, that in my opinion, there are not any grounds for Government now asserting any right to the portion of the Wainád Forests formerly claimed by the Nambalakótta Várnavar family.

No. 105. ORDER THEREON, 29th March 1860, No. 484.

The Proceedings of the Board of Revenue of October 2d 1858 No. 3686 comprehended several distinct subjects, all however connected with Wainád. The main one was that of the Coffee Lands in that Táluq on which an order will be passed shortly.

2. The second subject was that of the interest of Government in the Forests of Wainád on which orders were passed on the 12th July 1859 No. 925.

3. The third and last is that of the right of Government to the Nambalakótta estate, now in possession of the Nellambúr Rájá; and this question the Government now proceed to consider.

The subject divides itself into two parts; first, that which relates to the Nambalakótta estate generally; second, that which concerns a tract of the Nílgiri range, claimed as a part of that estate.

4. Nambalakótta is an extensive domain containing a vast deal of valuable forest, lying in the south east corner of Wainád, close under the Nílgiri Hills. It is an ancient property; but in later years, the head of the family, being imbecile, got into pecuniary difficulties; a decree for the trifling sum of 1,447 Rupees was passed against him in the Munsif's Court at Manantoddy in 1830, and in execution of that decree a large part of his estate was sequestered by the same Court, and was sold in 1835 for 3,000 Rupees; the purchaser being the Rájá of Nellambúr, proprietor of the large Estate of that name in lower Malabar. It is also stated that in the Malabar year corresponding with 1830-31 the Nambalakótta Várnavar surrendered his whole property of every kind to the Nellambúr Rájá, and thus rendered himself absolutely dependent for everything upon him. This was done for the ostensible consideration of two loans amounting to 5,000 Rupees. Under these two transactions, the so called mortgage and the Court sale, the Nellambúr Rájá has held this very extensive and valuable property since 1831 apparently.

5. The only credible explanation of such conduct on the part of the Nambalakótta Várnavar is that he was incapable of managing his own affairs. He appears indeed to have been quite imbecile at the time. He died in 1844, leaving a sister, Subadi, also, as it seems, of weak intellect, and her son, a boy of ten years old. Both were immediately taken down by the Nellambúr Rájá to his residence in the low country, where the boy soon died; while his mother has lived there ever since, in the Rájá's house. She was seen there in 1857 by the Assistant Collector, Mr. Thomas, by order of the Board of Revenue, and she professed her entire content with her position.

Pro. of Bd. of Rev. May 13th 1857, No. 1560 para. 7.

6. In 1849 the transactions detailed above in paragraph 4 attracted the attention of Mr. Chatfield, then Sub-Collector of Malabar. He made inquiries on the spot and satisfied himself that gross wrong had been committed; and he brought the case accordingly before the Collector in letters of which copies are among the enclosures to Mr. Robinson's Report* of November 9th 1857 to the Board of Revenue. The result was that the Collector, Mr. Conolly, thought that if wrong had been done there was no remedy;† and Mr. Robinson seems to go farther, and to think that there is nothing peculiarly suspicious in the Court sale at least. He says there was no secrecy or undue haste, and that as to the small price realized, Nambalakótta was then a tract little known, and regarded as unhealthy, and in which very few people would be disposed to invest money.‡ These considerations, however, do not, by any means, explain the circumstance that property of such undeniably disproportionate extent and value was attached and sold for so trifling a sum, when moveable property of many times the value of the debt was available; or the transfer, alleged by Mr. Chatfield, of much moveable property to the Nellumbúr Rájá by the Munsif, without any sale at all.

* *Recorded in the Bd's. Pro. under consideration.*

† *From Mr. Robinson, November 9th, 1857, paragraph* 17.

‡ *Ibid, paras.* 18 *and* 19.

7. In 1856 the attention of Government was attracted to the forests of Wainád, and the recent history of the Nambalakótta estate, as above set forth, came before them. The

question was raised whether the property had not escheated to Government, or at least was not certain to do so on the death of the sole surviving member of the family, the female Subadi above referred to; and the Acting Collector and the Board suggested various means by which this question might be brought to issue. These are detailed in the Proceedings of the Board of Revenue dated May 13th 1857 paragraphs 8 to 14. The Government referred the question, as purely a legal one, to the Government Pleader for his opinion; and his reply is recorded at the head of these Proceedings.

Order 11th August 1857, No. 805.

8. Mr. Dale's opinion is a qualified one, for want of positive information on the various points; but its tenor is as follows.

He considers, (paragraph 7), that the Court sale cannot be upset; if all proper formalities were observed, as seems to have been the case.

As to escheat, if Subadi is the rightful owner of the property, nothing, he says, (paragraph 12,) could be done with that view till after her death.

He gives a very strong opinion, (paragraphs 13 and 14), against the modes of proceeding suggested, rather than recommended, by the Acting Collector and the Board. In this opinion the Government entirely concur.

9. In the order of August 11th 1857 some doubt is expressed by Government as to the Janm rights of the Nambalakótta family, to the forests at least, (paragraph 16). It does not appear on what information these doubts were based; but it is evident from Mr. Robinson's letter of November 9th 1857 (paragraphs 2 to 6) that there is no good reason for them.

10. The state of the case then seems to be this. The part of the estate included in the Court sale belongs to the Rájá indefeasibly, not perhaps of strict right but in fact.

The remainder will be an escheat to Government on the death of Subadi, subject to the mortgage on it executed by the late proprietor in favor of the Rájá, if indeed that transaction was a mortgage and is redeemable.

If Subadi has herself executed any deed respecting this part of the property in the Rájá's favor, her power to do this in her position as a childless female and last survivor of the family, may perhaps be disputed.

Nothing, as it seems, can be done in the matter till Subadi's death, except to make inquiry and ascertain facts, if that should be thought expedient. It does not seem likely however that the Government would ever be able to make good a title to the estate.

11. The other subject to be settled is that of a certain tract of land on the Nílgiris claimed by the Nellambúr Rájá as a part of the Nambalakótta property. This claim is treated of in paragraph 30 of Mr. Robinson's letter of June 4th 1858, and in paragraphs 50 to 68 of a report by Mr. J. Sullivan, dated January 19th 1841. Both gentlemen consider the claim to be totally unsustainable.

Recorded in the Bd's. Pro. under consideration.

12. The tract in question lies between the Paikára river on the east, and the crest of the Nílgiri ridge on the west. It is undeniably on the plateau of the Nílgiris and as such it is asserted that it never belonged to Wainád.

13. But the Rájá brings forward a specific document on which he founds his claim. This is a Deed dated in 1783, and purporting to have been executed by certain Todars "living on the Janm lands belonging to the Barathiwatta Davassam, situated on the west side of the Paikárá river."*

**See translation of the Deed in paragraph 58 of Mr. Sullivan's Report.*

The purport of it is that the subscribers had failed for eight years in consequence of the disturbed state of the country, to render to the Davassam, (or temple,) their usual contributions of ghee and money, but that they thereby promised to make such usual payments thence forward, in order to enjoy the blessing of the Barathiwatta and the favor of the Rájá.

14. On this it is to be remarked; first, that it conveys no Janm right either to the temple or to the Rájá. Further Mr. Robinson, a very competent judge, considers the document to be decidedly a fabrication, alleging that at the time stated such documents were never executed. He explains the transaction referred to by saying that it is not at all unlikely, as was done, he says, by people in the Mysore country also, the temple being famous, that the inhabitants of the hills did make offerings to the temple, which, at first voluntary, came in time to be regarded as a right; but even admitting it to be such, he says that the temple has disappeared, and of course the right to offerings with it. He adds that there is not a single Malabarian in the tract in question, and he regards the Rájá's claim as quite false. Mr. Sullivan took very much the same view of the matter. He found the Todar inhabitants of the tract quite ignorant of any rights over the land on the part of the Rájá; and they gave the same account of the real nature of their forefathers connection with the Barathiwatta Davassam as is given by Mr. Robinson.

Para. 64.

15. In brief, it is clear that the document does not convey the Janm right; and not only it does not convey Janm right, which is a Malabar institution, and unknown in that locality, but it does not convey any interest in the soil whatever. The only evidence then in the document in support of the Rájá's claim must be in the term "Janm cudis" in the heading or title, and in the acknowledgment also found there, that the land is the Janm land of the temple. But, 1st the identity of the land is not proved, 2nd, admitting the genuineness of the deed, the subscribers, ignorant people, could not be supposed to be critical as to the wording of the heading; and 3rd it must be shown that the Malabar tenures, of which Janmam right is a part, ever existed on the Nílgiris and among the Todars; and there seems no doubt they never did exist there.

16. For the foregoing reasons it seems clear that the Nellambúr Rájá's claim to this tract is worthless; and that it really belongs to Government in the same sense as the whole land on the Nilgiris belongs to them, i. e. subject to certain rights of the Todar inhabitants. It does not appear that the claim of the Rájá has ever been acknowledged by the Todars, or that he has ever exercised any rights of ownership in the tract in question, with the single exception of having sold or leased or mortgaged a large extent of land in it to Mr. Ouchterlony. The Government understand that no part of the land thus conveyed to Mr. Ouchterlony has been cultivated or otherwise made use of.

17. On a careful review of the whole circumstances Government are of opinion, for the reasons stated in paragraphs 8 and 10, that no claim on the part of Government to the Nambalakótta estate proper could be sustained. As respects that part which was sold by the Munsif's Court it appears clear that whatever was the real nature of the transaction, it could not be upset at this distant time; and as to the remainder of that property, alleged to have been made over to the Nellambúr Rájá by mortgage or otherwise, it seems certain that this claim also could not now be disproved, or the right of Government to the property as an escheat be established.

18. The tract on the Nílgiri range, however, which is claimed as part of the Nambalakótta property, appears to be in a different case. There seems to be good reason to believe that this tract never really belonged to that property, and the claim appears to be an usurpation. Although the value of the tract at present is small, yet the Government are of opinion that the rights of the State in it ought not on that account, to be abandoned; but that the proper legal means ought to be taken to ascertain and enforce them. To this end the Government resolve to refer the papers, through the Board of Revenue, to the Collector of Coimbatore, to which District that part of the plateau of the Nílgiri has recently been transferred, for his opinion as to the means proper to be taken in order to bring the case to an issue. Mr. Thomas will confer with the Collector of Malabar on the subject should he deem it expedient, but he will be requested to make his report as soon as possible. The Board will lay it before Government with their opinion.

16th March 1860 No. 396.

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

Pro 1845 / 17-4-60
Communicating letter
of Collr of Coimbatore to the Malabar Govt

7/9/59
791-59

No 1484

Proceedings of the Madras Government
Under date the 29th March 1860

Read again Pro: of the
Board of Rev: dated 2d October 1858
and recorded in Pro: of Govt dated
~~11th July 1859~~ 22d June 1859 & 82

Read also the following letter from the Govt
Leader S. C.

Forwarding opinion on
the right of Govt to the tract
of Forest land stated to have
been obtained from the Num:
= balakotta rámavár family
by the Nellambúr Rája.

(Here enter 25th March 59
No 42)

Wynád

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the Board of Revenue of
October 2d 1858 No 3686 com=
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nected with Wynád. The
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2 The second subject
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of

of Government in the forests of Wynád on which orders were passed on the 12th July 1859 No. 925.

Further Order 31st Jany 1860 No. 166.

3 The third and last is that of the right of Govt to the Nambalakotta estate, now in possession of the Nellambúr raja; and this question the Government now proceed to consider.

The subject divides itself into two parts; first, that which relates to the Nambalakotta estate generally; second, that which concerns a tract of the Nílgirí range, claimed as a part of that estate.

4 Nambalakotta is an extensive domain containing a vast deal of valuable forest, lying in the south east corner of Wynád, close under the Nílgirí Hills. It is an ancient

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5

ancient property; but in later years the head of the family being imbecile got into pecuniary difficulties; a decree for the trifling sum of 1,447 rupees was passed against him in the munsiffs court at Manantoddy in 1839, and in execution of that decree a large part of his estate was sequestered by the same court, and was sold in 1835 for 3,000 rupees; the purchaser being the raja of Nellambúr, proprietor of the large estate of that name in lower Malabar. It is also stated that in the Malabar year corresponding with 1830/31 the Nambalakotta várnavar surrendered his whole property of every kind to the Nellambúr raja, and thus rendered himself absolutely dependent for every thing upon

upon him. This was done for the ostensible consideration of two loans amounting to 5000 rupees. Under these two transactions, the so-called mortgage and the court sale, the Nellambúr rája has held this very extensive and valuable property since 1831 apparently.

5. The only credible explanation of such conduct on the part of the Nambalakotta vármavár is that he was incapable of managing his own affairs. He appears indeed to have been quite imbecile at the time. He died in 1844, leaving a sister, Subadi, also, as it seems, of weak intellect, and her son, a boy of ten years old. Both were immediately taken down by the Nellambúr rája to his residence in

Pro: of 15th of Rev: may 13th 1857 N.S. 1560 Para 7.

3 6

in the low country, where the boy soon died; while his mother has lived there ever since, in the rája's house. She was seen there in 1857 by the assistant Collector, Mr. Thomas, by order of the Board of Revenue, and she professed her entire content with her position.

6. In 1849 the transactions detailed above in paras attracted the attention of Mr. Chatfield, then Sub Collector of Malabar. He made inquiries on the spot and satisfied himself that gross wrong had been committed, and he brought the case accordingly before the Collector

Collector in letters of which copies are among the enclosures to Mr. Robinson's report[x] of November 9th 1857 to the Board of Revenue. The result was that the Collector, Mr. Conolly, thought that if wrong had been done there was no remedy; and Mr. Robinson seems to go farther, and to think that there is nothing peculiarly suspicious in the court sale at least. He says there was no secrecy or undue haste, and that as to the small price realized, Nambalakotta was then a tract little known, and regarded as unhealthy, and in which very few

[x] Recorded in the Bd's Pro: under consideration.

[x] From Mr Robinson Nov 9th 1857 Para 17.

people would, he dis-posed to invest money.[x] These considerations, however, do not, by any means, explain the circumstance that property of such undeniably disproportionate extent and value was attached and sold for so trifling a sum, when moveable property of many times the value of the debt was available, or the transfer, alleged by Mr. Chatfield, of much moveable property to the Nellambur raja by the munsiff, without any sale at all.

[x] Ibid Paras 18 & 19.

7. In 1856 the attention of Government was attracted to the forests

forests of Wynaad — and the recent history of the Nambakotta estate, as above set forth, came before them. The question was raised whether the property had not escheated to Government, or at least was not certain to do so on the death of the sole surviving member of the family, the female Subadi — above referred to; — and the acting Collector Collector and the Board suggested various means by which this question might be brought to issue. These are detailed in the Proceedings of the Board of Revenue dated May 13th 1857 paras 8 to 14. The Government referred the question, as purely a legal one, to the Government Pleader for his opinion; and, his reply is recorded at the head of these Proceedings.

Order 11th Augt 1857 No. 805

8. Mr Dale's opinion is a qualified one, for want of positive information on the various points, but its tenor is as follows.

He considers (para 7) that the court sale cannot be upset, if all proper formalities were observed, as seems to have been the case.

As to escheat, if Subudi is the rightful owner of the property, nothing he says, (para 12) could be done with that view till after her death.

He gives a very strong opinion (paras 13 and 14) against the modes of proceeding suggested, rather than recommended, by the Asst Collector and the Board. In this opinion the Government entirely concur.

In the order of 9 August 11 "1857. some doubt is expressed by Government as to the jammi rights of the Nambalakotta family to the forests at least, (para 16). It does not appear on what information these doubts were based

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The remainder will
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the death of Subadi, sub-
-ject to the mortgage on it
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If Subadi has herself

executed

Raja

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may perhaps be disputed.

Nothing, as it seems, can
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-dient. It does not seem likely
however that the Government
would ever be able to make
good a title to the estate. ~~and~~
~~upon the information in~~
~~the present papers is to be~~
~~guided, it is doubtful whether~~
~~it would be expedient to attempt it.~~

11 The other subject to
be settled is that of a certain
tract of land on the Nilgiris
claimed by the Nellambúr
Raja as a part of the Nam
bulakotta property. This
claim is treated of in para
30 of Mr. Robinson's
letter

recorded in the Bds Pro:
under consideration

letter of June 4" 1858, and
in paras. 50 to 58 of the
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dated January 19" 1861.
Both Gentlemen consi
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tally unsustainable

12. The tract in
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but even admitting it to be such, he says that the temple has disappeared, and of course the right to offerings with it. He adds that there is not a single Malabarian in the tract in question, and he regards the rajas claim as quite false. Mr Sub known took very much the same view of the matter; He found the Todar inhabitants of the tract quite ignorant of any rights over the land on the part of the raja; and they gave the same account of the real nature of their fore-fathers connection with the Savathiwatta Daivasam as is given by Mr Robinson

Para 6th

15. In brief, it is clear that

that the document does not convey the janmam right, and not only it does not convey janmam right, which is a Malabar institution, and unknown in that locality, but it does not convey any interest in the soil whatever. The only evidence there in the document in support of the rajas claim must be in the term "janmam cudis" in the heading or title, and in the acknowledgment also found there, that the land is the janmam land of the temple. But 1st the identity of the land is not proved, 2nd admitting the genuineness of the deed, the subscribers, ignorant people, could not be supposed to be critical as to the wording of the heading; and 3rd it must be shown that the Malabar tenures, of which janmam right is a part, ever existed on the Nilgiris and among the Todars; and there

seems

seems no doubt they never did exist there.

16 For the foregoing reasons it seems clear that the Nellambúr rája's claim to this tract is worthless, and that it really belongs to Govt. in the same sense as the whole land on the Nilgiris belongs to them, ie subject to certain rights of the Todar inhabitants. It does not appear that the claim of the raja has ever been acknowledged by the todars, or that he has ever exercised any rights of ownership in the tract in question, with the single exception of having sold or leased or mortgaged a large extent of land in it to Mr. Ouchterlony. ~~It is not unlikely that this was done with the view of getting that gentleman's aid in upholding his claim.~~ The Govt. understand that no part of the land thus conveyed to Mr. Ouchterlony has been cultivated or otherwise made use of.

On

Ramsay's

17. On a careful review of the whole circumstance Government are of opinion, for the reasons stated in paras 8 & 10, that no claim on the part of Government to the Nambalakotta estate proper could be sustained. As respects that part which was sold by the Nellambúr rája to Mr. Ouchterlony it appears clear that whatever was the real nature of the transaction, it could not be upset at this distant time; and as to the remainder of that property alleged to have been made over to the Nellambúr raja by mortgage or otherwise, it seems certain that this claim also could not now be disproved or the right of Government to the property as an escheat be proved.

18. The tract on the Nilgiri range, however, which is claimed as part of the

the Nambolakotta property, it appears to be in a different case. There seems to be good reason to believe that this tract never really belonged to that property, and the claim appears to be a usurpation. Although the value of the tract at present is small, yet the Government are of opinion that the rights of the State in it ought not on that account, to be abandoned, but that the proper legal means ought to be taken to ascertain and enforce them. To this end the Government resolve to refer the papers, through the Board of Revenue, to the Collector of Coimbatore, to which District that part of the plateau of the Nilgiri has recently been transferred, for his opinion as to the means proper to be taken in order to bring the case to

16 March 1860 R. 396.

Dat & Pet
to answer claim.

to an issue. Mr Thomas will confer with the Collector of Malabar on the subject, should he deem it expedient, but he will be requested to make his report as soon as possible. The Board will lay it before Government with their opinion.

11 Copies
Board of Revenue
& Pleader

Copy in a Letter to England
D/ 25th June/60 No 68.

1-10

11-12

Revenue 1860 Departt
Pro: of Govt 31st March.

No 484.

Pro: of the Madras Govt—
D/ 29th March 1860.

From the Collr of Coimbatore
D/ 3 Nov/60 Cir 2567. in
Pro: 27th Novr No 7747.

Observing that no claim on
the part of Government to the
Nambalakotta Estate proper
could be sustained, and re=
solving that Papers relative
to the tract on the Nilgiri
range claimed as part of
the said estate be referred
to the Collector of Coim=
batore — for his opinion —

No 104 & 105.