

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

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*Proceedings of the Madras Government, Revenue Department,
2nd October 1861.*

No. 33. Read the following letter from H. NEWILL, Esq., Director of Revenue Settlement, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Ootacamund, 21st September 1861, No. 1,434:—

SIR,

1. I have the honor to furnish the information called for by Government in their Proceedings of 7th instant, No. 1,779, on certain points connected with the Survey and Settlement operations in Wainád.

(1.) *What is likely to be the total cost of the Survey of Wainád carried on in accordance with the rules laid down by the Director, and by the Superintendent of Revenue Survey, and approved by the Government?*

	RS.
Survey.....	65
Settlement.....	65
	—
	130
	3
	—
	390

2. It is not easy to form a correct estimate on the first point, but judging from experience gained, and taking into account the very great difficulties arising from climate, want of labor, the nature of the work itself, and the detail of Estates with numerous subordinate rights required to be defined, registered

and surveyed, as well as the high rates of salaries necessary to command the most ordinary services, I should not be justified in estimating the cost under three times the standard of the ordinary Survey and Settlement operations, making allowance for about 145 square miles of teak forests out of the total area of 1,160 square miles, the cost of the operations would

thus amount to 4 lacs of Rupees, and be about Rupees 400 a square mile.

(2.) *To what extent will this Survey answer all the purposes of a Revenue Survey?*

3. The Survey does not profess to be a Revenue Survey, but one of Estates descending to minor rights of leases, mortgage, and numerous other distinctions in Malabar tenures. The

lands being almost entirely proprietary, and the Government having determined in accordance with the immemorial usage of Malabar to tax only the cultivated lands, the aid afforded, for revenue purposes will be

in the bringing to notice all Estates in which cultivation exists (which however might be effected without the Survey) and also approximately the extent of cultivation at the time of Survey. The approximate areas of cultivation will not probably be available for the year in which the measurements are made, and in which alone they are applicable as they must be first plotted and mapped as part of the general Survey. The areas of cultivation change in extent, and also in locality, from year to year, new lands being often cleared and old lands abandoned after being cropped for a year or two with dry grains or paddy so that the Survey will afford little or no help in ascertaining them for the future. The Collector of Malabar who was consulted on this point considers that the Estate Survey "will be almost useless to him as a revenue Survey for the purpose of assessing the cultivated average of Estates."

4. The European Coffee plantations are, however, somewhat different, and the cultivation on them of more permanent character, so that if its present extent is properly marked on the ground and delineated in the Maps, any future extensions may be measured from the marks thus laid down.

(3.) *What is the amount of land under different heads of cultivation?*

(4.) *What is the amount of the annual assessment upon such lands?*

5. The following returns for Fasli 1270, A. D. 1860-61, are the best obtainable, but they are not altogether reliable. The Coffee Estates are estimated by the Planters themselves. The area of paddy lands is estimated from the revenue accounts which are in seed measures.

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These are arbitrarily commuted to areas. It is supposed that the area will be found considerably greater than the extent given.

* Of this only 4,881 acres are yet liable to assessment.	European Coffee Estates.....	*7,358.....	Rupees 9,762
† Of this only 2,342 acres yet chargeable.	Native do.	†4,028.....	4,685
	Proprietary fee on lands escheated to Government. }		430
		11,386.....	14,877
	Proprietary lands under paddy cultivation. }		28,399
	Escheated do.		1,900
	Proprietary fee in do.		941
		12,417.....	31,240
	Grand Total...23,903.....		46,117

In addition to this there are lands grown with dry grains on which no tax has hitherto been levied, any estimate of the extent of these must be extremely vague, as there is no account whatever of this cultivation.

(5.) *Is any difference made in the amount of assessment when the jenm or proprietary right is in the Government, from that paid when the jenm is in the hands of other proprietors?*

6. The tax of 2 Rupees an acre on all Coffee land in bearing as settled in Proceedings of Government, dated 16th May 1860, No. 788, is the Government due on proprietary lands. On lands of which the Government hold the jenm right an additional tax on this account of 8 Annas an acre is levied under the order of

Government, dated 18th September 1860, No. 1,634.

7. In Government lands under paddy cultivation a rent averaging about 13 Annas per acre is paid to Government on account of the jenm right in addition to the ordinary assessment.

(6.) *Is any charge made for the Survey of blocks of lands when these blocks are taken up by Coffee Planters or others?*

8. No charge is made for the Survey of lands taken up in Wainád.

(7.) *Would it not be fair and reasonable that purchasers of land, or grantees of land, should pay the expense of such Survey, as is the case in the Colonies generally?*

9. It would be fair and reasonable for the purchasers or grantees to pay for the Survey of the blocks they take up, but I do not see how it could be enforced except in the case of Government lands, for a Planter may make his bargain with the proprietor, and the

Government can only come in for the tax on the cultivated area, and of course must take their own measures for arriving at this, and cannot compel the occupant to bear the charge of Survey. There are many advantages in a Survey to the Planter, and the general feeling of the Planters at the conference held by the Governor last year was decidedly in favor of their paying for the Survey of their Estates, but after their having been led to expect that this cost would be borne by Government there may be now reluctance on the part of some to pay it. The charge, however, can be made compulsory on the Planters in the case of Government lands with regard to which the Government can prescribe their own terms. As before observed the extent of Government land is small.

(8.) *Ought not some condition of occupancy to be attached to the grant of land for Coffee planting or any other purpose? If this is not done might not a man take up land without any intention of occupying more than a small portion and reserving the rest for pasturage, &c.?*

10. For the reason stated in reply to the preceding query, viz., that the greater part of the land is proprietary and the occupants can make their own terms with the proprietors subject to the tax of Government on cultivation only, it is not practicable to prescribe any condition of occupancy in such lands. This, however, may be done on Government lands,

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(9.) *Would not a charge for Surveying at a given rate per acre check any tendency to this?*

11. As the bulk of the lands are proprietary and as before explained a charge for Survey cannot be enforced in transactions between the proprietor and tenant the object

could not be attained. A moderate Survey charge on the Government lands would not, I think, be sufficient to check the tendency to take up land for pasturage.

12. It appears from the information called for to be the intention of Government to reconsider the arrangements for the Survey and Settlement in Wainád, and it seems proper for me to offer some suggestions both with reference to the experience gained and to the views of Government inferred from the Proceedings now under reply.

13. The operations as now being carried on are not strictly speaking part of the Revenue Survey and Settlement according to the original scheme and will absorb no small sum out of the funds provided for that object. They are of little or no use for strictly revenue purposes, but are mostly calculated to facilitate the acquirements of land by planters and others in this province and to decide what lands belong to Government. The question is how far do they effect the former of these objects in the way best suited to the requirements.

14. In the first place it appears to me that although the registry of lands according to all the minor rights of property, such as portions of proprietary Estates leased or mortgaged, or taken up on tenancy, is of great importance, it may be questioned whether the demarcation and Survey of lands according to such minute claims is called for on the part of Government. At present every little patch of land taken up by natives, sometimes only a few yards square, within a proprietary Estate, and every bit of ground on which there is a lien forms a property not only for registry but for demarcation and Survey. In a very few years these minor rights will be altered and transferred and the laborious and expensive process of the Survey become of little or no use.

15. If the Survey of the whole province is to be systematically continued, the proprietary Estates would form a suitable basis for it. These Estates can be described in the Registers as consisting of the well known natural divisions of grass hills, paddy flats (consisting generally of 1 or 2 or perhaps 3 or 4 Nellams) and forests, all of which have their individual and recognized names. There would therefore be no mistake as to what the proprietary Estates consisted of and no difficulty in tracing either on the ground or in the Register any division which a proprietor may in whole or in part wish to transfer. The minor rights of lease, mortgage, occupancy, &c., within each of these natural divisions of proprietary Estates should, however, be carefully Registered, so that any planters or others wishing to take up land may know exactly the proprietor he has to deal with and also the encumbrances on the ground he may select.

16. This further question arises, if these proprietary Estates are demarcated on the ground, and all the minor rights or encumbrances on them are registered (the demarcation being necessary to identify them with the registry) is it necessary for the Government to undertake the Survey even of the proprietary Estates? There is no direct advantage to Government in the Survey, for it does not require to know the area of each Estate, as it can only step in to levy a tax on the cultivated portion, and the benefit is solely to the proprietor and the leasee or tenant in defining their engagements.

17. The operations, therefore, might in the present requirements of the Wainád be confined to the demarcation of proprietary Estates and the registry of their constituent parts according to the recognized natural divisions, and also of all minor rights or encumbrances on each of the latter.

18. The Survey of any lands on the requisition of the proprietor and others should however be provided for by Government at the option and cost of the parties. The Government would thus be relieved of the cost of the Survey of such lands.

19. A Survey establishment suited for this purpose and also for measuring from time to time the cultivated areas for taxation can be arranged in communication with the Superintendent of Revenue Survey. The establishment should carry on the minor triangulation as at present so as to afford the means of correctly determining the relative position of the properties surveyed and eventually connecting the details into general maps as operations become extensive in any localities. A rate per acre may be fixed for the Survey of all lands of which the parties may

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require it, so as to cover the cost and the expense of the triangulation should be considered in fixing the same. In Ceylon persons taking up land pay for the Government Survey of it. If double the standard estimate of Survey in the general operations of the Presidency is taken it will be Rupees 130 a square mile or Annas 3 and Pies 3 per acre.

20. The course thus suggested will afford direct facilities for parties wishing to acquire lands, provide for actual requirements as they arise, and dispense with much that is unnecessary in the present state of things and could only be done at a considerable cost and with doubtful advantage afterwards in consequence of the changes that may occur. It would further provide the means of ascertaining the areas of cultivated land for the purposes of assessment. This latter however would be at the cost of Government.

21. The second object alluded to in paragraph 13, viz., the determining what lands and forests belong to Government would also be secured by it.

22. The European Coffee Estates would come under the rule, and in case of Planters declining to pay the cost of their Survey of the Estates, the present cultivation alone would be marked on the ground and the area measured, but the Planters in such cases should not be allowed to have a Map of the grounds or any details beyond the total extent of the ground on which the tax is assessed.

23. The case of Government lands is different. The Government may in anticipation of future requirements or on application lay them out in suitable blocks as originally proposed and insist upon the Survey cost being paid on their being taken up, as well as any terms of occupation.

24. The Survey Establishment would be modified and reduced to meet the objects above described. The Settlement Establishment under the charge of a Deputy Director would still be necessary for the important duty of demarcating proprietary Estates and registering titles as proposed. It would get over the ground much more rapidly than at present, though the registry of the innumerable titles peculiar to Malabar tenures will still be a tedious process, but the benefits it will confer in facilitating the definition of property will be great.

25. To make the registry, however, of permanent utility, it should be considered whether it is not expedient to keep it up by the compulsory registry of all future transfers of property. For this a legislative enactment would be necessary. Even without this the Register as compulsorily formed under Act XXVIII of 1860 will possess no small authority for adjudication of claims which may hereafter arise while it will always be an important starting point from which they may be traced.

26. As the field operations are now being resumed, no radical change in the constitution of the Survey party can be conveniently made in the present season and its full strength will be well employed in completing, as far as possible, the European Coffee plantations and other work prepared for it. In the former the cultivated portions will be distinguished so as to afford the means of assessment on the correct area.

27. The work, however, which has been prepared for Survey may be regulated so as to make the proprietary Estates instead of the minor rights of property the basis, natural divisions as above described being roughly sketched in; and the Establishment may also undertake the measurement of cultivation for assessment purposes as above proposed in paragraph 15 which is a task, for the satisfactory execution of which, it would appear from the correspondence noted in the margin, the Collector must eventually in any case fall back upon the Survey Department.

28. Pending the Orders of Government on these proposals, I intend to limit the Survey details to proprietary Estates and to give prominence to the completion of the European Coffee Estates as above proposed, and trust this course will meet their approval.

No 34.

ORDER THEREON, 2nd October 1861, No. 1,908.

Ordered to lie over.

(Signed) J. D. SIM,

Secretary to Government.

Board's Proceedings, dated 31st July 1860, No. 3,514.
Letter from Director to Board, dated 30th August 1860, No. 814.
Board's Proceedings, dated 4th September 1860, No. 4,038.
Proceedings of Government, 20th " " " 1,667.

