M.R.O. 14—13,000—27-9-24.

# MADRAS RECORD OFFICE.

---

## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2298 Press Mis.

356.357

Dated 28-10-1962

**Not to be folded or roughly handled**

## II A.

### G.O., No. 1736, Revenue, dated 15th August 1862.

READ—the following papers

I

*Letter* from W. HENDERSON, Esq., Secretary to the Board of Revenue,
*To*—J. D. SIM, Esq., Secretary to Government, Revenue Department.
*Dated*—Madras, 30th May 1862.
*No.* —1764.

I am directed by the Board of Revenue to submit their reply to the Proceedings of Government, dated 5th April 1862, No. 760, Revenue Department, referring to them the question of the Mukhasa tenures in the ancient Zamindaris of Ganjam.

2. The Board have personally conferred with the Inam Commissioner on the subject, and have perused the correspondence connected with the permanent settlement of the Peshkush on those Estates, and they have arrived at the following conclusions on the particular subject referred to them.

3. The Mukhasa grants were certainly nowhere permanent alienations of public revenue, and are thus not disposed of by the clause in Istimrar Sunnud, which excluded from the assets left at the disposal of the Zamindars, the "Lakhiraj lands "(lands exempt from the payment of public revenue) and all other alienated lands paying a small quit-rent."

4. Lands held as Mukhasa were thus liable to be assessed to the public revenue, and thus as was shown by the Board in their Proceedings on the same question as connected with the Kistna district, the *full* value of the Mukhasa lands was included in the Estimate of the annual value of the Estates made by the Circuit Committee in 1786, as the lands were "immediately under the Zamindar, and given or resumed when he pleases," and thus where the Peshkush was calculated at a certain proportion of the available assets, there is no reason to doubt that the reversionary right in the Mukhasa lands vested in the Zamindar.

Dated 25th March 1861, No. 1558.

5. But in the case of the Ganjám District the proposals of the Board of Revenue for the permanent Peshkush on each Estate, which proposals were approved by Government were based mainly on the past collections of revenue from the Zamindars, and not on an Estimate of their possible receipt from the Ryots, and as in the case of lands then held on Mukhasa tenure, the payments made by the Zamindars to the State could have included only the State's proportion of the Kattubady, or favourable quit-rent on which the Mukhasas were held, the argument that held good in the case of the Masulipatam district will not apply to establish, in Ganjám, the reversionary right of the Zamindars to the full assessment on these lands should they lapse by failure of heirs to the original grantees, or any theoretical right to resume them.

From Board to Government dated 17th May 1804.
From Government to Board dated 23rd June 1804.

6. But it does not follow from this fact, that the intention of the Board and Government in making the permanent settlement in this district, was to reserve this reversionary right to Government. On the contrary it appears to the Board that a very legitimate inference may be drawn in the opposite direction.

7. The estimate of the value of Zamindaris formed by the Circuit Committee certainly included the *full* value of the Mukhasas, but this estimate was rejected by the Board as being "utterly inapplicable to present capacity, and adverse to "the future prosperity of this province;" and it is therefore in the highest degree improbable that, actuated by this opinion of the estimate, the Board would have excluded from their own calculation any assets which the Circuit Committee had included, without making special allowance for the excluded items as was done in the case of the Sayer, Salt, Abkári and Moturpha.

See paragraph 11 of the Inam Commissioner's Report, dated 11th February 1862 in Government Proceedings under reply.

See paragraph 11 of the Board's letter to Government, dated 17th May 1804, above quoted.

8. Again the avowed intention of the Board and Government in the permanent settlement of the Ganjám district was that it should be *more than usually liberal*, so as to induce loyal submission in a territory which had hitherto been rent by internal dissention, and was usually in great part in open rebellion against Government, and influenced by this policy, it is still more improbable that they contemplated the withdrawal from the Zamindars of what was hitherto their unquestioned privilege, and one which in the then state of society must have been most highly valued as is indeed evident from all the early correspondence regarding the Northern Circars.

Board's letter 17th May 1804, paragraphs 11, 16, 17 and 19.
Government letter 23rd June 1804, paragraph 4.

9. Again in the particular instance of the Gumsur Zamindari it was expressly stated that the Circuit Committee's valuation was exclusive of a large available asset, derivable from the assessment of Inam alienations which however the Zamindar absolutely refused to charge with assessment.

See paragraph 37 of the Circuit Committee's Report, dated 25th April 1788, and paragraph 24 of the Board's letter, 17th May 1804.

10. These Inams could only have been of the nature of Mukhasas, as they are described by the Circuit Committee as incumbrances inherited by the Zamindar from his ancestors, and had they been ordinary Inam grants by authorities competent to make permanent alienations of public revenue, they would not have been assessable at will by the Zamindar.

11. Yet in this case, although it was evident that there was at the disposal of the Zamindar a large available asset in excess of the Circuit Committee's valuation, still the Board rejected that valuation as excessive, and fixed the Peshkush at Rupees 70,000 per annum, when two-thirds of the Committee's valuation after deducting the specially reserved items of revenue would have given Rs. 1,07,760, as the Government demand on the Zamindar, although as above shown nothing was included on account of assessable Inams in the Committee's valuation.

12. It may reasonably be presumed that the course which was certainly followed in this case, was intended to be maintained in the other ancient Estates in the district.

13. The Board are not satisfied from Mr. Taylor's arguments that the reversionary right in the Mukhasas in the Jallantra and Kalikote Zamindaris "clearly belongs to Government." True it is that the Board when making their proposals in 1804 for the permanent settlement of the district had before them in these two cases more reliable data that were available for the other ancient Estates, and were thus able to estimate their resources with greater accuracy, and it is also true that the settlement of Kalikote was apparently more favourable than in the case of any other of the Estates, but special reasons are assigned by the Board in their letter to Government for their recommendations in these cases, and although it is stated that the revenue received by Government while this Estate of Kalikote was under their direct management, and on which their recommendations for the future Peshkush were based included "payments for Kattubady Maniems and extra revenue," yet it must be borne in mind that Kattubady was payable on Agraharams and Shrotriems as well as on Mukhasas, so that the use of the term proves nothing for the present purpose, and Mr. Taylor's statement (paragraph 20) "that the value of the Mukhasas or Jaghires "in Kalikote and Jallantra is entirely and undoubtedly omitted in all the accounts "Mr. Brown's included," needs apparently reconsideration before it is allowed to be sufficient ground for his conclusion that "the reversion to these villages clearly "belongs to Government." Paragraphs 24 and 42 of the Circuit Committee's report, clearly show that Mukhasas existed and were recognized by them as grants emanating from the Zamindar, and it has already been noted that the full value of these alienations was included in the Committee's estimate of assets available by the Zamindar.

See Board to Government, dated 17th May 1804, paragraph 52.

NOTE.—The comma which is inserted in the printed volume and in Mr. Taylor's printed report between the words Kattubady and Maniem should be struck out. It is not in the original, and tends to mislead.



14. Mr. Brown's list of the villages in these Zamindaris is expressly limited to the "assigned villages," the Estates being under sequestration for arrears and the Zamindars being retained in possession at a fixed rate of assessment as pensionaries. The list does not include any villages described as Jaghire, but this would necessarily be to show that none of the included villages were recognized as Jaghires or that no villages held on such tenure had been taken in assignment, although probably the Kattubady reserved by the Zamindar in the case of Mukhasas and due to him in the case of Agraharams and Shrotriems was received by the Government Officers and credited towards the liquidation of the outstanding balances against the Estates.

15. Assuming however, which was probably the case, that the "average value of the Sirkar share for 16 years" on which the settlement of Kalikote was based, included only the reserved rent, and not the full value of the Mukhasas it must be remembered that the case is precisely the same as all the other Zamindaris in this District the permanent settlement of which was, as already shown based on the average receipts by Government from the Zamindars, which undoubtedly included only the Government share of the Kattubady on Mukhasas and not of the full assessment on these temporary alienations.

16. *Primâ facie* it is improbable that the Board should have intended to treat these estates differently from the other ancient Zamindaris in the District and the Board see nothing to lead them to suppose that any such intention existed.

17. In the Board's letter, dated 3d May 1804, in which he sent forward the reports in reply to one from him, dated 20th April 1804, in which he had forwarded the lists of Jaghire villages including "those separated from the Jeraity by former chiefs at this place and given to certain Zamindars in this province when their several Zemindaris were resumed for the liquidation of their balances" regarding which he observed that although the Jaghires must be included in the list of villages entered on the Sunnuds and property at their full value. Yet still as the object of Government was to establish a moderate equitable revenue, which could be paid without difficulty the Board might not deem it necessary to recommend to Government that the amount of the revenue of the jaghires should be added to the Jumma of the Estates. The Board having observed that the Collector's list included "Inams, Maniems, Agraharums "Shrotriems, Mirasee and allotments of every description under the indiscriminate "denomination of Jaghires," replied to the Collector that "it is a principle of the new "system of Revenue administration that lands appropriated by Zamindars and Land-"holders for the subsistence of theirs, families or dependants, shall be incorporated with Government lands and assessable with the public revenue. Of this "description are the personal Jaghires in the several Zamindaris. But all other existing alienations of land, whether exempt from the payment of public revenue with or "without due authority, should be excluded from the public assessment."

See origin of this in the Fort records.

"It will be necessary therefore that you state the different kinds of Inams or "alienated lands excluded in the jaghires, *as in Jallantra and Kalikote*, specifying the "quit-rent and explaining the tenure of each in the most distinct manner in your "power, so that the amount may be deducted from the value of the Jaghires, in case "the Board should think proper to assess the latter in permanency."

18. The records of the Board's Office have been searched without success for any answer to this letter, but it is evident that the Board did not wait for it before submitting their recommendation to Government for the determination of the permanent Peshkush, which they did on 17th May 1804, by which time their letter could barely have reached the Collector, and it is also evident that the recommendations in the case of Jallantra and Kalikote were made in full view of the existence of these Jaghires, that a distinction had been drawn between the "personal Jaghires" (which certainly include Mukhasas), and alienations for public purposes, and that although the subject in connection with all the estates had been so recently brought to their special attention, it was in no way reserved in their subsequent recommendations to Government, as a point which would need to be considered hereafter as likely to modify their proposals for the permanent Peshkush to be paid by the Zamindars. It must then, the Board think be assumed that the authorities of the day were content to leave the matter on its previous footing, which had certainly been that

See on this point Mr. Grant's Political Survey of the Northern Cirkars.
Appendix No. 13 to the Fifth Report.

personal Jaghires, Savaram lands and Mukhasas were at the disposal of the Zamindar for the time being, who granted them out to relatives and dependants at a light rent for their maintenance, and resumed them and re-granted them at pleasure. Without asserting that the right of resumption in cases of long enjoyment is one which, at this distance of time, it would be necessary to allow in practice however good it may be in theory, the Board are certainly of opinion that the ultimate reversionary right under the contingency of lapse of heirs in the family of the grantee must be allowed to the Zamindar, and cannot be asserted by Government.

19. The Board therefore arrive though by a somewhat different line of argument at much the same conclusion as Mr. Taylor, viz., that the Mukhasas in Ganjám should be excluded from the operations of his Department, but they include in this recommendation the Estates of Jallantra and Kalikote (which Mr. Taylor excludes), as it appears to them that the direct evidence that this asset of revenue was taken into consideration in their case, is even stronger than in the case of the other ancient Estates.

20. They however do not intend these remarks to apply to Purla Kimedy, which was not settled on the same occasion as the rest of the District, which Mr. Taylor has not included in his report communicated to the Board by Government in their Proceedings under reply, and which has not been taken into consideration by the Board, however probable it may be that the same arguments are applicable in this case also. Should Government be of opinion that the Board have shown good and sufficient reasons for the conclusion at which they have arrived, the Board direct me to submit the propriety of reconsidering the decision that was passed by Government in the matter of the Mukhasa villages in the Hautghur Estate.

See Board's Proceedings, dated 19th December 1859, No. 5291.
Government Proceedings, dated 21st February 1860, No. 274.

21. On the sale of that estate for arrears of Peshkush and its purchase by the Zamindar of Kalikote, the ex-Zamindar of Hautghur claimed 50 Mukhasa villages as having come into his possession by lapse or purchase, and that the purchaser of the Estate was entitled only to the Kattubady.

22. The Government were pleased to admit the claim, and to recognize the ex-Zamindar as standing in the place of the original Mukhasadar, but considering it objectionable to allow him to retain possession of the villages when the Zamindari had passed into other hands, and assuming that the Peshkush of the estate had been settled on a fixed proportion of certain assets, and that the value of the Mukhasas, as shown in Mr. Brown's accounts, was the Kattubady, they gave the villages themselves to the new purchaser, and added Rupees 5,000 per annum to his Peshkush, that sum nearly representing the difference between the value entered in Mr. Brown's accounts and the average collections of ten years of recent date.

23. Before the arrangement was concluded the ex-Zamindar died in 1859 without male issue, and a pension of Rupees 5,000 per annum was granted to his widow for the maintenance of herself and the other members of the family.

24. If the Board are correct in their view of the position of these villages in the Ganjám ancient Zamindaris, it would seem that the purchaser of the Hautghur Estate was clearly entitled to the reversion of these 50 Mukhasa villages when it fell in on the death of the ex-Zamindar who had succeeded to the place of the original Mukasadar, and that therefore the addition of Rupees 5,000 to the Peshkush of the Estate was not warranted by the circumstances of the case.

25. They therefore direct me to recommend that the Collector be instructed to remit this additional demand, and to refund to the present Zamindar whatever amount may have been collected from him on this account for periods subsequent to the death of the ex-Zamindar, being probably about Rupees 10,000.

26. The Board do not intend that this remission should in any way affect the pension granted to the family of the ex-Zamindar.

27. Since the foregoing was drawn out, the Board have ascertained by Telegraph from the Collector that neither Jaghires nor Mukhasas are included in the old Inam Registers of the District. They consider this fact to be conclusive against any claim on behalf of Government to the reversion irrespective of all other arguments.



(ii)

*Letter* from G. S. Forbes, Esq., Collector of Ganjam
*To*—J. D. Sim, Esq., Secretary to Government, Revenue Department.
*Dated*—Chepauk Chetterpore, the 18th June 1862
*No*—143.

The Revenue Board in their communication to Government, dated the 30th ultimo, No. 3191, not having made any mention of my letter to them of the 25th April last, No. 79, I conclude that this letter has not reached the Board.

2. As the conclusion arrived at by the Board appear to me to be most mistaken, and as the letter in question contains arguments which I think show it to be so, I have the honor to forward herewith copy of my letter to be laid before the Governor in Council when passing orders on the Board's communication above quoted.

3. I also beg to submit with the same object copy of another letter dated the 29th April 1862, No. 82.

4. Any conclusion drawn from the inam register of this district must of necessity fail to be complete, because only a small portion of the inams of the district and those chiefly from the Amany taluks found a place in it.

(iii)

*Letter*—from G. S. Forbes, Esq., Collector of Ganjám.
*To*—W. Hudleston, Esq., Secretary to the Board of Revenue.
*Dated*—Chetterpore, the 25th April 1862
*No*—79.

I have the honour to reply to the Board's Order, No. 2562, dated 17th April 1862, desiring a statement of my views in reference to the subject discussed in paragraphs 9 to 13 in the Proceedings of Government under date 5th April 1862, No. 760.

2. In paragraphs 9 to 11 of this order the Government enumerate the data which were before the Board when the permanent settlement of the Ganjám zamindaris was made, and observe that there is no means of determining with certainty whether the peshkash was intended to include the full value of the mukhasas or their kattubady only and in paragraph 13 they refer the decision of this point to the terms of the permanent sanads.

3. Mr. Taylor has taken great pains to arrive by inferential reasoning at some satisfactory conclusion regarding the intentions of the Board of that day in regard to this question and in paragraph 20 he thus expresses his conclusion:—"Though the "mukhasas formed no part of the average collections, it may be inferred from the "Board's silence on the subject that they contemplated the eventual reversion of "these villages to the zamindari. This view is strengthened by the fact that in the "case of one of the zamindaris, Kallikote, which was under assignment or attachment "at the period of the permanent settlement, the Board fixed the permanent peshkash "at two-thirds of the average Government receipts, which are stated to have com-"prehended kattubady, maniems and extra revenues. It will be seen by reference "to the appended Statement A prepared in the Collector's office from the accounts of "the permanent settlement for each zamindari, that the settlement of Kallikote was "much more favourable to that zamindar than the terms allowed to the others. "Another circumstance which is still more conclusive is, that the value of the "mukhasas or jaghirs in Kallikote and Jaluntra is entirely and undoubtedly omitted "in all the accounts, Mr. Brown's included, and the reversion to these villages, "therefore, clearly belongs to the Government." I draw from the case here quoted a directly opposite conclusion to that arrived at by Mr. Taylor. In Kallikote the Government had managed the revenues for several years and knew their average value and they fixed a peshkash on assets excluding the jaghir or mukhasa revenues, thus reserving their right to resume lapses. What they intended in the case of Kallikote and Jaluntra they no doubt intended in all other cases, why should the Board contemplate the reversion of these villages to the zamindari (as Mr. Taylor says) in *some* zamindaris and not in others?

4. In the case of Kallikote and Jaluntra reliable data were before the Board, but in regard to the other zamindari they had only accounts of actual collections and the accounts rendered by the proprietors themselves, the first almost worthless as

data from the circumstance that the collections of those days fluctuated with the extravagance, contumacy or mismanagement of the zamindaris; the other equally unreliable from the self-interest which biased the returns. Hence it was not possible to take two-thirds of any precise sum, and the recommendation of the Collector was followed in fixing a peshkash which whatever casual correspondence it might have with any particular account was no doubt intended like the peshkash of Kallikote and Jaluntra to reserve to Government the reversionary right over jaghir villages.

5. I have thought it as well to notice Mr. Taylor's reasoning on this point, but the Board will find the terms of the permanent cowles now being sent to them so clear and precise in excluding the jaghirs from the permanent settlement that no further argument is needed to establish the title of Government. It is obvious that the then Board and Government would never stultify the terms of an important document then recently framed and expressly purporting to result from previous enquiries (such as Mr. Taylor has discovered) by following a totally different principle in the case of some of the zamindaris of a particular district leaving the inconsistency to be inferred from dubious sources.

---

(iv)

*Letter*—from G. S. FORBES, Esq., Collector of Ganjám.
*To*—W. HUDLESTON, Esq., Secretary to the Board of Revenue.
*Daied*—Chetterpore, the 29th April 1862.
*No.*—82.

In continuation of my letter of the 26th instant, No. 81, I have the honour to refer the Board to Mr. Cherry's letter of the 20th April 1804, which also throws some light on the subject of the jaghir villages of the zamindaris in this district. An extract from the letter is herewith enclosed.

---

*Order—No.* 1736, *dated* 15*th August* 1862.

This subject of mukhasa tenures in the ancient zamindaris of Ganjám is of a very intricate nature, and it is therefore desirable that the Governor in Council should have before him all possible information on the question before proceeding to its final adjudication.

2. With this view the Board of Revenue will be so good as to explain more fully the point urged by their Secretary in the last paragraph of his letter. The Government are not told when or how the old inam registers there alluded to were prepared, and without knowing their form and precise object the Government are unable to arrive at the conclusion that a peculiar kind of village, like the mukhasa or jaghir, may not have been purposely excluded without the right of Government to resume on lapses being thereby affected.

3. In this letter recorded in the latter of the foregoing papers Mr. Forbes says that the Board will find the terms of the permanent cowles now being sent to them so clear and precise that no further argument is need to establish the title of Government. These cowles should have been forwarded to Government, but the Board do not make any allusion to them. They will now be so good as to supply this omission.

(True Extract.)

(Signed) T. PYCROFT,
*Chief Secretary.*

---

## II-B.

## G.O., No. 2298, Revenue, dated 28th October 1862.

READ—the following papers:—

(i)

From Inám Commissioner, dated 11th and 22nd February, Nos. 5 and 6, and recorded in Proceedings of Government, dated 24th March 1862, No. 647.



(ii)

Proceedings of Government, dated 5th April 1862 No. 760.

(iii)

From Board of Revenue, dated 30th May 1862, No. 3491, From Collector of Ganjam, dated 18th June 1862, No. 143, } recorded in Proceedings of Government dated 15th August 1862, No. 1736.

(iv)

Proceedings of the Board of Revenue dated 22nd August 1862, and recorded in Proceedings of Government dated 6th September 1862, No 1904.

(v)

Read also the following Proceedings of the Board of Revenue, dated 20th September 1862, No. 6306.

(vi)

*Letter*—from G. S. FORBES, Esq., Collector of Ganjam.
*To*—W. HUDLESTON Esq., Secretary to the Board of Revenue, Madras
*Dated*—Chetterpore, the 5th September 1862.
*No*—229.

With reference to the Board's Proceedings of the 22nd ultimo, communicating the Order of Government on the subject of Mukhasa tenures in this district, I have the honour to inform the Board that the Inám Registers therein alluded to are those drawn up under Regulation XXXI of 1802. Extracts from these registers were sent to them with my letter of the 15th May 1862, No. 96. The registers of the principal division of this district were opened by Mr Robert Alexander in October 1807, and closed in February 1809. Of the inams of all classes in the zamindaris a very trifling number are entered, for instance only 1 out of 167 agraharum villages then existing have found a place in the register. On the 27th December 1814, Mr. Spottiswoode issued a proclamation inviting the Inámdárs of Firastanam and three other purgunnas which were then resumed from Major Evans to have their inams registered, but it does not appear that a single entry was added to the register subsequent to this proclamation. I mention this to show what the value of the register is as an authority. I also enclose an extract from Mr. Onslow's letter to the Commissioner, Northern Circars, dated the 14th June 1851, No. 84, to show the degree of weight attached to these registers by that gentleman. The registers of the Subdivision were opened by Mr Cobson in August 1805. Kimedy is the only ancient zamindari; it includes this Estate, contains 125 jaghir and mukhasa villages, of which only ten are to be found in the register, and 63 out of 72 agraharums.

---

ENCLOSURE No 1.

*Abstract.*

*Extract*—from a letter from A P. ONSLOW, Esq., Collector of Ganjam.
*To*—W ELLIOT, Esq, Commissioner, Northern Circars.
*Dated*—Chetterpore the 14th June 1851.
*No.*—84

---

Ordered to be submitted to Government, with reference to their Proceedings quoted by the Collector

2. The incompleteness of the registers perhaps tends to weaken the argument as expressed by the Board in their former Proceedings, but at the same time the fact that the mukhasas are not entered strengthens the case against Government inasmuch as to establish their reversionary right to the mukhasas, it is essential for them to prove that the mukhasas were permanent alienations by competent authority, and the non-entry of these tenures as inams in the registers prescribed by law, in great measure if not entirely destroys the feasibility of such proof.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
*Secretary.*

1736
15-8-62
5-5-19

158 (*h*)

No. 3. *Order—No.* 2298, *Revenue, dated* 28*th October* 1862.

These papers relate to the Mukhasa villages in the ancient zamíndárís of Ganjam. The particular question before Government is whether the reversionary right to these villages belongs to the zamíndárs or to the Government, and all the available information on the subject having been submitted, they will now give their decision.

2. The number of these villages at the time of the permanent settlement was 250 (exclusive of those in Parlakimidi, Kallikota and Jallantra) and their value (supposing them to lapse to Government) is estimated by the Inám Commissioner at a lakh of rupees. But all of these excepting 47 have fallen into the hands of the zamíndárs already under circumstances which would render it extremely inconvenient to interfere with them.

3. The question is therefore practically confined to the 47 villages in the Ganjam district, and in strictness its solution turns on the point whether the assets on which zamíndárs' peshkash was fixed included the full value or rental of these villages, or only the kutbady or favorable rent paid by their holders to the zamíndárs. In the other districts of the Northern Circars the accounts show clearly the assets on which the peshkash was fixed, and no difficulty has consequently arisen there; such is not the case in regard to the zamíndárís in Ganjam except it may be Parlakimidi, the accounts of which have not been received.

4. Under all the circumstances elicited by his inquiries, the Inam Commissioner recommends that Government should waive their reversionary claim to the mukhasas in all the Ganjam estates except Kallikota and Jallantra. The Board take the same view, but would not except Kallikota and Jallantra, and in a demi-official note Mr. Taylor states that on a reconsideration he acquiesces in the Board's conclusion.

5. The Government accede to this proposal. They do so as a measure of expediency and liberal policy, and not from being satisfied of the zamíndárs' right. In fact the papers conclusively show that in Ganjam the Peshkash was fixed by the Board of Revenue *discretionally on a view of past and current collections*, so that it could not include the kham, or full value of these mukhasas. Thus in strictness the reversionary right belongs to Government, but practically the zamíndárs have not been interfered with, and seem to have treated these villages as matters of family arrangement, a privilege to which they attach much importance. The late Commissioner, Mr. W. Elliot, observed that "the custom of the country has given them the "contingent remainder, and though hitherto considered to be properly escheats to the "State, these villages have always lapsed to the zamíndár," Mr. Taylor justly remarks "that any interference with these villages after a permissive enjoyment for lengthened "periods would occasion much dissatisfaction, and the Government sacrifice little in "foregoing these doubtful reversionary interests in the 47 villages which are supposed to be still enjoyed by decendents of original grantees."

6. Under these circumstances the Government resolve to instruct the Inám Commissioner not to interfere with these villages, and to waive their claim to them on the ground as already stated of expediency and grace. They do not admit the right of the zamíndárs, but they will not press their claims hereafter.

7. The Board in paragraphs 20 to 26 of their letter, dated 30th May 1862, reopen the case of the 50 mukhasa villages in the Hatghur zamíndárí on which orders were given in the Proceedings, dated 21st February 1860, No. 274. The villages were made over to the purchaser of that zamíndárí with the addition of Rs. 5,000 to the peshkash, the Government paying a corresponding amount to the widows of the ex-zamíndár. The Board, on the analogy of their seasoning in the case of the other mukhasa villages, the reversionary right to which they deem to belong to the zamíndárs, recommend that the addition to the peshkash be remitted retrospectively from the ~~date~~ death of the ex-zamíndár.

8. The Government have already pointed out that as a matter of right the zamíndárs have no claim to the villages. They have foregone future claims as a matter of grace and good policy, but they are not prepared to re-open the question in regard to the arrangement made with the present Hatghur zamíndár, which therefore will not be disturbed.

(True Extract.)

(Signed) T. PYCROFT,
*Chief Secretary.*

Rev. Depart.

Common 9th Oct 186-

Mr. Assn. Sycroft.

Please take an hon.
the general orders of Govt.
in the Ganjam Jaghire
& Mukhasa grants in
town as provided - this
work of any detail & which
is devoid of interest for
most of us - the Whole
has, no doubt, expedited
& will in pursuance of
Govt. order 1906 of 6th Sept.

Government to be the

L Brands Inc. v. [illegible]
Appl. No. 5182 – that
the Examiner improperly
[illegible] the Decision of May 31 of 1802
with which were affirmed
Japanese Kings were
included [illegible] the
Assembly was [illegible]
of finish specification
information [illegible]
appeal. The Board
had [illegible] [illegible]

Then [illegible] I have
not access & I am think
they are right in holding
that the [illegible] Statute
prior knowledge
[illegible] the Japanese
all [illegible] grounds
[illegible] exceptions. If
[illegible] take the opposite
view, as [illegible] the
[illegible] is entitled
[illegible] Statutes [illegible]

show clearly the spots in which the
Hon Resident was faced, & to
has consequently arisen there. -
Omitting Perk Kincaid the accom
which had not been received - Mr
recommended that Govt should with
to the Mahikeas
claim on all the Sanjam Estates,
Kallecotta & Jallantra - The Boa
took the same view, but would
except Kallecotta & Jallantra, &
Taylor's Memo official note / 9 M
shows that a reconsideration
- quiesces in this view. -
- I join in recommending that
Govt should waive its claim, &
the Mahikeia Villages should con
quently be excluded from the
of Mr. Ta
Dept. - But I

Accord
ingly as a matter of
policy, and not from
the pecuniary depth. -
so conclusively
Resident was faced
by a Kincaidy as a
Court claims, so that
the Salem or Coast value
- But I accept in view of the revision
given below to Govt that there are argu
reasons for not pressing it. - Particularly
the Sanjam Estates interlaced with
Mahikeia villages as
matters of economic arrangement - a point
to which the latter attach much importance
The Sanjam Estates Dept. Office of Record
but the Salem
the country has for
the contempt manner & temptation
removed from the Sanjam Estates to the

these villages have always looked to the Zemindar" and the Ceylon judi
any interference with these villages
after a permanent enjoyment peace
Chiefs would occasion much
factions & the Govt. secure little
from them doubtful services
in the 47 villages which are supposed
Govt enjoyed by descendants of the
Grantees"

7- Even the consideration stated to the
course - the Zemindar alone
held to the sound policy to attach the
to our rule by liberal treatment -
clear proof
as the point at issue is difficult to
and the Revenue Board are on the side
the Zemindar, it is not advisable
Govt should invite these lawsuits
must be expected if it seeks to obtain
of the Authorities which have been

the Zemindar in these villages
advisable to
avoid exciting discontent & mischief
by meddling with these villages - by
re-opening the claim Govt right &
to do so on the ground of expedi-
ency & peace & not on the right of the
Zemindars - which is
denied in this way -
that of little real practical
& both by Govt & the
tenants concerned -
Estate is an instance -
in this point Govt has not asserted
but perhaps in P20 to 26 of the letter
Govt of 30 May
indicated by

letter of 11 Feb last seems to [illegible]
- 2 able -

- The continuance of the annual Rs 5000 to the Sic Zemindars, [illegible] will however require consideration - had there been a law similar to the circumstances existing the allowance or make an equivalent grant. I can't contend - But it is the Mahadeva's right to withdraw the grant -

14 Oct 62

The Viceroy wishes Her Majesty in the event should be pleased to make the above allowance - It is clear



that matters are in such a position, that it will be advisable any steps towards the above allowance, should be taken with - if not - like just - What is the Relation between Legality or Illegality of the alleged act of the Mahadeva ?

Yr Ms

15 -

Filed

The question of the
continuance of the allowance
of 5000 Rs. to the family of
the ex-Jamindar is not before
Govt. It has already been dec-
ided on in Rev: Dept 2nd Feb
1860, No 274. The payment of
the allowance to his widow was
sanctioned, subject to revision on
her death. This Govt is therefore
con-

1736

[illegible] Lieutenant [illegible] Presume

before a Court Document

Book of the Allowance thereby

recently been added to the said

to the Deputy Auditor of the

Mr. Pennsylvania Attorney and

Land Office drawn [illegible] the County

The entertainment of the Allowance

and the subsequent Division

of it have been approved

by the Secretary of State

[illegible] Between the question of Boundary

in note before stated. The Court

Judicial Order of 2nd August 1736

they remarked that that is a "Purely

Legal question" to be settled "by the

Parties among themselves, or by the

Judicial Tribunals" They added

that it is necessary to keep away

Order in the matter and desired

that the Proprietors be informed

that

that they do not recognize the
defendants as conferring any title
or participation in or claim
to the allowances which have
been granted to them
Under these circumstances
the last item of the account
of the Assignee should not
not been put in the dividend

18/6/02

1736

Rev. Departt.

No. 2298

# Proceedings of the Madras Government

Under date the 28th Octr. 1862

Read again the following

Papers

Dan Swan Comr. dated 11th & 22d February 1862 and
recorded in Bd. of Rev. dated 2d March 1862 & 1830

Parl. Order of Govr. dated 5th April 1852 & 1730.

from Board's Rr. 4/30 of May 1862 & No. 3491 } recorded in Bd. 4th
from Collector of Ganjam 2d June & 143 } 5th Augt. 1862 & 1930

The Board of Revenue 4/22d Augt. 1862 and recorded in
Bd. of Govt. dated 5th September 1862 & 1924.

Read also the
following Proceedings of
the Board of Revenue

[illegible] Order 20th Septr. 1852 & 2
5051

These papers relate
to the Mutkahen villages in the
ancient Zamindaries of Ganjam.
The particular question before
Government is whether the
[illegible]

reversionary right to these Villages belongs to the Zemindars or to the Government, and all the available information on the subject having been submitted, they will now give their decision.

2 The Number of these Villages at the time of the permanent Settlement was 250 (exclusive of those in Parla Kimidy, Kallikota and Pallantra) and their value supposing them to lapse to Govt. is estimated by the Inam Commissioner at a lac of rupees. But all of these excepting 47 have fallen into the hands of the Zemindars already under circumstances which would render it extremely inconvenient to interfere with them.

3. The question therefore practically is confined to the 47 villages in the Ganjam District, and turns on the point whether the assets on which the Zemindars' Peshcush was fixed included the full value or rental of these Villages, or only the Rukhady or favorable rent paid by their holders to the Zemindars. In the other Districts of the Northern Circars the accounts shew clearly the assets on which the Peshcush was fixed and no difficulty has consequently arisen there. Such is not the case in regard to the Zemindaries in Ganjam, except Parla Kimedy of which the accounts have not been received.

4. Under all the circumstances stated by him in his enquiries, the Inam Commissioner recommends that Government should waive its reversionary claim to the Mukhasas in all the Ganjam Estates except Kallikota and Pallantra. The Board take the same view but would not except Kallikota and Pallantra, and in a demi-official note Mr. Taylor states that he

or reconsideration he acquiesces in the ~~proposal of the~~ Board's conclusion

5. The Govt accedes to this proposal. They do so as a measure of expediency and liberal policy, and not from being satisfied of the zemindars' right. In fact the papers conclusively shew that in Ganjam the Peshcush was fixed by the Board of Revenue discretionally on a view of past and current collections, so that it could not include the Khaum, or full value of these Mukhasas. Thus in strictness the reversionary right belongs to Govt but practically the Zemindars have not been interfered with and seem to have treated these villages as matters of family arrangement, a privilege to which they attach much importance. The late Commissioner Mr W Elliot observed

observed that "the custom of the Country has given them the contingent reminder and though hitherto considered to be properly escheats to the State, these Villages have always lapsed to the zemindar" and Mr Taylor in his printed remarks that "any interference with these villages after a permissive enjoyment for lengthened periods would occasion much dissatisfaction, and the Govt sacrifice little in foregoing these doubtful reversionary interests in the 47 villages which are supposed to be still enjoyed by descendants of original grantees."

6 Under these circumstances the Govt resolve to instruct the Inam Commissioner not to interfere with these villages and to waive their claim to them on the ground as already

stated of expediency and grace. They do not admit the right of the Zemindars, but they will not press their claims hereafter.

7. The Board in paras 20 to 26 of their letter d/30th May 1862 reopen the case of the 50 Mukhasa villages in the Hatghur Zemindary, in which orders were given in the Proceedings of 21st February 1860, No. 274. The villages were made over to the purchaser of that Zemindary with the addition of Rs. 5000 to the Peishcush, the Govt paying a corresponding amount to the widows of the ex-Zemindar. The Board following the analogy of their reasoning in the case of the other Mokhasa villages, the reversionary right to which they deem to belong to the Zemindars, recommend that the addition to the Peishcush be remitted retrospectively from the death of the ex-Zemindar.

8 The Government have already pointed out that as a matter of right the Zemindars have no claim to the villages ~~and they see no grounds to act as the Board propose~~. They have foregone future claims as a matter of grace and favorably - but they are not prepared to reopen the question in regard to the arrangement made with the present Hatghur Zemindar with the expectation that no

Mokhasa Settlement Proceedings No. 29
with one enclosure
5 [illegible]

R B. Rotting has been paid about Rs 5 to the adopted widow & her adoption will be seen because in which by the office memo, that matter is withdrawn except - Ok R Copies other - being R for his comments whether or not any part of R Mokhadars pension of R 5000 should &c.

continued to her - allegiance
adopted from - because the
new holding with, duty - by
that he undertook on
non-holding of lands to
pay - to pursue the
Zamindari courts, it seems
to me, the Legislature only
intended ordinary allowance
and interruption and such
as would prevent adop-
-tion from - But it will be
time enough to decide
this when the case comes.

JP.

Mokhasa tenures in
Ganjam