

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 404	Press
485-486	Mis
Dated 25-2-1862.	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
25th February 1862.*

No. 485. Read the following Proceedings of the Board of Revenue, dated 3rd February 1862,
No. 742:—

Read the following letter from P. GRANT, Esq., Collector of Malabar, to W. HUDLESTON,
Esq., Secretary to the Board of Revenue, Chepauk, dated Calicut, 21st December 1861,
No. 272.

SIR,

1. By the Order of Government, dated 16th May 1860, No. 788, paragraph 3, a tax of Rupees 2 per acre has been fixed for all lands cultivated with Coffee in Wainád. This tax is to be levied from the third year of the plant. On Government lands, it has been settled by Government Order, dated 18th September 1860, No. 1,634, paragraph 6, that a Jenmabhogum or proprietor's fee of 8 Annas per acre on the whole holding shall be levied, and that the land shall be put up to sale on the understanding that it has to bear this fee.

2. With all due deference, I would observe that there appears to be some mistake in the above Order. The only lands that can be put up to sale are Government lands; and it is the proprietary right in them which is sold by Government. Such being the case, the subsequent demand of the proprietary fee of Annas 8 per acre is a matter which demands, I think, further consideration. To me it looks like a double payment. If a Planter buys 100 acres of Government land, and pays his purchase money, the tax of Rupees 2 per acre is all, as it appears to me, that can be justly demanded from him.

3. Government lands held by Planters previous to the issue of the late orders directing their sale, are justly saddled with a proprietary fee of Annas 8 per acre, as no purchase of the proprietary right has been made.

4. If it is determined that the above fee of Annas 8 is to be exacted after land has been duly purchased from Government, a Planter is still enabled to get rid of it by a payment at the rate of twenty years' purchase, or Rupees 10 per acre—paragraph 8, G. O. 18th September 1860, No. 1,634.

5. After the redemption of the Jenmabhogum or proprietary fee, there still remains a tax of Rupees 2 per acre on the land, and I shall be glad to learn whether it can be redeemed; and if so, at what rate. Until lately, I was under the impression that it could be redeemed at the same rate as the Jenmabhogum, namely twenty years' purchase, or Rupees 40 per acre; and to this conclusion I was led by the spirit of the Order contained in the concluding sentence of paragraph 9, Government Order, 18th September 1860, No. 1,634, in which it is declared that a Planter who has had a lump assessment fixed on his plantation, may redeem it at twenty years' purchase; but as Government has issued no distinct orders on the point, they are now solicited.

6. Under the impression that both Jenmabhogum or proprietor's fee, and the tax on Coffee lands were redeemable at the rate of twenty years' purchase, I addressed Mr. Newill, the Director of Revenue Settlement, to this effect. It is probable that my opinion may have been quoted officially. I beg that steps may be taken to correct any erroneous conclusions based on it.

7. A subject on which early orders are requested, is the sale of Government lands, or more properly, land supposed to belong to Government, and which Planters are anxious to obtain for the cultivation of Coffee. One or two applications for such lands have been received.

8. As you are aware, there are extensive Forest lands in Wainád claimed by Government as escheats. To some of them claimants every now and then appear, and it was hoped that an investigation of titles, &c., by the Revenue Settlement and Survey Departments, would have cleared up many doubtful points. Little, I fear, has been done; and until a definite settlement of the claims made by Government, and others has been arrived at, the case of these lands is surrounded with difficulties. Government will not, I conclude, authorize the sale of lands, their title to which is doubtful, for Coffee cultivation; and a Planter is not likely to invest capital in land, unless he gets a good title. Under present circumstances, therefore, Coffee cultivation, so far as the so-called Government lands are concerned, is not likely to extend.

9. It would be well, I think, for Government in all cases of doubtful titles to lands on which there is no valuable timber, to forego all claim to them. A lengthened suit at law might thereby be avoided, and in all probability they would be speedily placed under Coffee to the manifest advantage of Government, which would receive a tax of Rupees 2 per acre.

actual occupancy subject to

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25th February 1862.*

10. This course I would especially recommend in the case of those lands which are claimed by certain Temples in Wainád. The advantage to Government of the settlement of these questions, is not to be estimated by the supposed money value of the lands. Rightly or wrongly, a vast body of people believe that the lands claimed by the Temples are their property, and it is of importance to the State, that their good opinion should be retained, in other words that they should not imagine that Government had grasped at, and taken possession of property that belonged to the religious institutions of the country. In addition to this, the non-settlement of these claims keeps a large number of people in antagonism with Government.

1. Ordered to be submitted for the consideration of Government. The Board concur in opinion with the Collector that when Government land is sold, the proprietary right thenceforward vests in the purchaser, and that the levy of a Jenmabhogum on behalf of Government, *i. e.*, in fact, of a landlord's rent from one who has purchased the landlord's right, is altogether inconsistent with the idea that the sale conveys a good title. The right of the State is recognized by the payment of the assessment, and the Board have recommended that nothing more than this should be in future levied from the purchaser of Government waste in Wainád, but they presume that the Resolution of the Supreme Government on the general subject necessarily supersedes the orders to which the Collector alludes, and that the unassessed wastes in Wainád will be dealt with in the same manner as other Government waste similarly circumstanced in other parts of India.

2. The redemption of the Jenmabhogum as well as that of the Government assessment on land already occupied, is clearly sanctioned by the rules on the subject of Hill lands and Freeholds, and by the Government Proceedings of 18th September 1860, No. 1,634, Revenue Department, quoted by the Collector.

3. The Board are not prepared to recommend Government to cede the proprietary right in all lands save valuable forest. They are disposed to think that more has already been conceded in this manner in Malabar, than was either right or expedient. They presume that the Temple

From Malabar, 12th December 1859.
Board's Proceedings, 10th January 1860.
Government Proceedings, 31st January 1860.

claims to which the Collector refers are those in the Poolpully Desum and Ellurnad Umshum, referred to in paragraph 10 of the Government Proceedings, dated 12th July 1859, No. 925, Revenue Department, and in the subsequent correspondence noted in the margin.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 486.

ORDER THEREON, 25th February 1862, No. 404.

1. The Board and the Collector are in error in supposing that when Government lands in Wainád are sold under the Order of the 18th September 1860, the purchase includes the Jenm or proprietary right. Paragraph 8 of that Order states clearly that the payment of a Jenmabhogam of 8 Annas per acre on the whole extent is to form one of the conditions in future sales of Government land. It is not therefore the proprietary right that is sold but that of perpetual occupancy subject to the payment of the Jenm fee and the annual assessment. If the sale is to include the Jenm fee, it will be necessary to fix an upset price equal to twenty years' purchase of the fee. It is not desirable, however, to make any change until the orders of Government are issued on the sale of waste under the recent Resolution of the Supreme Government.

2. The Board are correct in stating that the Jenm fee may be redeemed, as this is specially provided for in paragraph 8 of the Order of 18th September 1860, No. 1,634, but the statement that the assessment may also be redeemed needs qualification, where a Planter has "a lump assessment fixed on his Estate" he may also redeem that assessment, but where the assessment is leviable only on the cultivated area of an Estate, redemption is not permissible, as the assessment is necessarily liable to variation.

3. The Board will ascertain from Mr. Newill whether the operations of the Survey and Settlement Departments do not at present admit of orders being passed on the claims of Government to the lands referred to by the Collector in paragraphs 8, 9 and 10 of his letter to the Board, and if not, when this desirable result is likely to be attained.

(Signed) C. G. MASTER,
Deputy Secretary to Government.

No 404

Revenue Dept.

Proceedings of the Madras Government
under date the 25th Feby 1862

Read the following
Proc: of the Board of Revenue

Submitting with
remarks a letter from the
Collector of Malabar regarding
lands cultivated with coffee
in Wynad.

(See entries Feby 1862
Exp 42)

The Board and
the collector are in
error in supposing that
when Govt lands in
Wynad are sold under
the order of the 18th Sept
1860, the purchase in-
cludes the Jenm or
proprietary right. Para
8 of that order states
clearly that the payment
of a Jenmabhogam of
8 Annas per acre on
the whole extent is to form
one of the conditions in
future sales of Govt land.
It is not therefore the pro-
prietary right that is
sold but that of perpe-
tual occupancy subject

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to the payment of the
Jum fee and the
annual assessment.
If the sale is to include
the Jum fee, it will
be necessary to fix an
upset price equal to
20 years purchase of the
fee. It is not desirable
however to make any
change until the orders
of Boof are issued
on the sale of waste under
the recent resolution of
the Supreme Boof.

The Board are
correct in stating that
the Jum fee may be
redeemed, as this is spe-
cially provided for in
para 8 of the order of
18th September 1860 No 1634.
but the statement that
the assessment may also
be redeemed needs qua-
lification. Where a
holder has a lump
assessment

assessment fixed on
his estate "he may also
redeem that assessment."
but where ^{the} assessment
is leviable only on the
cultivated area of an es-
tate, redemption is not per-
missible, as the assess-
ment is necessarily liable
to variation.

The Board will
ascertain from Mr. Newill
whether the operations of
the Survey and Settlement
Department do not at the
present admit of ~~the~~
orders being passed on
~~the~~ of the claims of Boof
to the lands referred to by
the collector in paras 8, 9,
and 10 of his letter to the
Board, and if not, when
this desirable result
is likely to be attained.

14 Copies to the Bazar
Circ. 26

To the Bazar
25/10

J.D.S.
Dy. Secy.

Relative to the ~~land~~
cultivated with coffee
in Uganda -

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of the land on
which the proceeds of the
selling of the land to the
Government (regarding)
the cultivation of coffee
in the district

Revenue 1862 Dept
of Govt. April 1862

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