M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1057 Press ~~Mis.~~

246.247

Dated 20-6-~~19~~1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 20th June 1864.

No. 246. Read the following Proceedings of the Board of Revenue, dated 17th June 1864, No. 3,690.

Read the following letter from the Collector of Malabar, dated Calicut, 1st June 1864, No. 126 :—

1. Adverting to Government Order, No. 629, dated 14th April 1864, regarding the acquisition of certain land, required by the Military authorities, and adjoining the Powder Magazine at Cannanore, I have the honor, in continuation of my former letter,* to submit a further report† from the Acting Sub-Collector.

* Dated 5th March 1864, No. 21, to the Secretary to Government, Revenue Department.
† No. 136, dated 17th ultimo.

2. Mr. Garstin points to certain lands, the proprietary right in which vests in Government, as available to be made over to Ali Raja and other Jenmis, in lieu of the lands to be taken up in Cannanore.

I cannot, however, support this proposition.

3. It is true that there are sundry lands in Cherakal and Koteyom, the proprietary right in which vests in Government. This proprietary right, the Government is aware, is now being sold to the respective tenants. But in all these lands the occupancy has been enjoyed so long as to give a vested interest in the land to the tenant, or has been actually purchased by the present tenant from some previous old standing occupant.

These tenants are glad to purchase the full proprietary right on the easy terms on which it is offered them in the escheat settlement, and thereby become the Jenmis of the land. It is only when reasonable terms are contumaciously rejected that the Jenm is disposed of to others. It would certainly be a harsh and objectionable measure to transfer the Government Jenmom right, over the heads of these tenants, to a private Jenmi, whose first step would probably be to rack-rent the old tenants ; or oust them and bring in people of his own.

4. Moreover, even if such transfer of the Government Jenm were made, the real sufferers by the assumption of the land in Cannanore would not be relieved. These sufferers are not the Jenmis, so much as the occupying tenants under the Jenmis. It is these tenants who have to quit their houses, and give up, with but scanty compensation, the occupancy of lands on which much labour has perhaps been expended by them.

It is evident that the transfer of the Government Jenmom in some of the escheated lands, to the Jenmis of the assumed lands, would in no way relieve the ousted tenants of the latter.

5. Ali Raja claims to be Jenmi of sixteen of the seventeen lands entered in the list accompanying my letter noted. His claim is disputed regarding five. But he will not give up any of the gardens unless Government give him the Jenmi of other lands equivalent to the whole sixteen.

Dated 5th March 1864, No. 21.

I have shown this to be out of the question.

6. I therefore recommend that the whole sixteen be taken under Act VI of 1857.

7. The Bibi is the Jenmi of the remaining garden.* As she happens to be the occupant of certain Government escheats, the proprietary right in which will, in ordinary course, be sold to her by Government, it will be easy to give her credit in her purchase of the Government Jenmom for the value to be paid her on the assumption by Government of the Cannanore garden.

* No. 5 of the list.

8. As already pointed out, the share which accrues to the tenants to be ejected from the Cannanore lands is inadequate compensation. I would again recommend therefore that the trees in the garden be given to the respective tenants over and above their share of the compensation awarded to the Jenmis.

9. As the monsoon has burst, I beg to recommend that the tenants be not ejected till it is well over.

10. The accounts necessary to take up the gardens under the Act will be completed as soon as possible, and forwarded when ready, unless further orders from Government are received.

11. The Petition* received with the Board's endorsement, dated 6th ultimo, bearing on the subject of this letter, is herewith returned.

* From Ondan Onaken Otti Ambu, and several others, dated 31st January 1864.

ENCLOSURE No. 1.

From J. H. GARSTIN, Esq., Acting Sub-Collector of Malabar, to G. A. BALLARD, Esq., Collector of Malabar, dated Tellicherry, 17th May 1864, No. 136.

1. Referring to the Order of Government in the Military Department, dated the 5th ultimo, No. 1,120, I have the honor to report that there are Government lands in different parts of Cherrakal Talook and in the Dharmadam Amshom of the Koteyom Talook, the Jenmom of which might be transferred to Ali Raja and the other owners of the lands proposed to be taken up for the new Magazine and Burial Ground, and in lieu of the Jenmom of them; but as all these lands are in the occupation of Government tenants, and as the transfer of the Jenmom will entail on them the payment of patom,* in addition to their present payments of shistom† and niguthi; those tenants will naturally be much aggrieved and will want compensation or will ask Government to buy off all claim on their new Jenmi's part, to demand patom from them; and this will probably entail an expenditure equal to twenty times the patom of the land so proposed to be transferred. In addition to which the transfer of the Jenmom will put it out of the power of the Kudiyans to purchase it from Government, as they otherwise might have done.

* Rent.
†Jenmi's fee and land tax.

2. There are eleven out of the seventeen gardens which belong to Ali Raja, five are disputed, and one belongs to the Bibi (No. 5).

3. This last has been valued at Rupees 640-11-2 as shown in the printed account received with the Order of Government above quoted.

4. The Bibi has a paramba in Dharmadam, the Jenmom of which she is about to purchase from Government, and she is willing that the value of her paramba at Cannanore should be carried to her credit as part payment of the Jenmom value of the one at Dharmadam; she would then of course have to pay off her tenants on the one at Cannanore.

5. Ali Raja will not admit that there is any doubt about his being the Jenmi of the other sixteen parambas, but the Tahsildar is satisfied that the documents produced by the parties questioning Ali Raja's title to five of them, establish a *primâ facie* case.

6. Ali Raja will not enter into negociations for a *sale* of any of the sixteen; nor for a transfer of the jenmom of other lands in lieu of *eleven only* (leaving the five disputed ones to be dealt with under the Act).

7. The only terms on which he consents to deal at all are that the Jenmom of Government lands equivalent in value to the whole sixteen which he claims, should be made over to him.

8. This of course is out of the question.

9. The only thing that remains to be done is to put the Act in force in the five disputed parambas, pay off the Kudiyans, and leave the disputants to sue for the Jenmi's share and on the termination of the suit, the Government Jenmom right in other lands of equal value might be made over to the judgment creditor or creditors, and indemnification be paid to the tenants of those transferred lands.

10. The Bibi's garden might be disposed of as she proposes.

11. I propose that the Jenmom of lands equivalent in value to the eleven gardens indisputably belonging to Ali Raja, and the Jenmom of which it is proposed to take over, be transferred to him in its stead.

Proceedings of the Madras Government, Revenue Department,
20th June 1864.

12. The annual patom on these eleven gardens, according to the Tahsildar's calculation (which is correct though not very liberal), is Rupees 208, and it will be incumbent on Government to indemnify their tenants on the lands transferred to Ali Raja in lieu of these eleven gardens, for their having to pay in the aggregate 208 Rupees annually in excess of what they have been in the habit of paying to Government.

13. I beg to renew my proposal about giving over the trees in the gardens to the actual tenants of each, over and above the customary Kudiyan's share. This will just about double the amount of compensation, without cost to Government.

14. I would add one other suggestion with regard to the hardship of ousting the tenants now, as the monsoon will burst over Malabar in a few days, and they would be in a miserable plight if turned out during the rains.

15. I therefore recommend that after the final decision of Government has been arrived at no action be taken in the matter until the middle of October or beginning of November next.

16. I enclose a list* showing the five gardens proposed to be taken up under the Act, their extent, situation, and names.

* Not forwarded. The Acting Sub-Collector has been requested to furnish a complete list of all the gardens which will be submitted when received.

(True Copy.)

(Signed) G. A. BALLARD, *Collector.*

ENCLOSURE No. 2.—Petition.

1. Ordered to be submitted for the consideration and orders of Government, with reference to their Proceedings in the Revenue Department quoted by the Collector.

2. The Board entirely agree in opinion with the Collector that the escheated lands now in course of sale on Jenmom title to the established occupants, cannot be held available for the purpose proposed, except in the case of the Bibi, who holds land of either kind.

No. 247.

Miscellaneous.

ORDER THEREON, 20th June 1864, No. 1,057.

Referred to the Military Department, with reference to the Order in that Department, dated 5th April 1864, No. 1,120.

(True Extract.)

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

To the Military Department.

Exd S. T. Augustin.

598 of 1864

the order and [illegible] grievances with just grounds & soliciting
to deign pity & afford relief in Consideration of the poor
circumstances of themselves & families consisting of a great
number & totally depending upon the means of the property
in question — Your Excellency in Council will not be displeased
in entertaining the following reasons as an additional matter —

That an inquiry of your Excellency in
Council with the Landlords & Residents of various classes at
this Station & abroad that it will appear that as to forward
the property as it now stands by having planted Cocoanuts
& other principal & useful trees with which they maintain
their livelihood that a period of not less than 20 years have
been required and in case & if the property taken for
Good use that similar period or some period more or less
than that will be required for the fulfilling & maintaining
the produce & maintaining the livelihood by planting
fresh trees in any other spot which your Excellency
might perhaps pertinately please to confer on them
with compensation or obtain any spot by themselves if
kindly procured by others and if so petitioners & family
will be ever liable to undergo the state of great destitu-
tution without having further means for their livelihood
until the expiration of the above period

That under similar circumstances previous to this that
certain like manner issued to take up
certain lands of these for Public use & lands granted
them to their owners at their application before your
Excellency in Council & the Collector of Malabar —

Under the above circumstances petitioners
beg it that your Excellency in Council will have the goodness
to take the premises into Consideration & be graciously
pleased to order the assignment of their property as
[illegible] uninterrupted by

And petitioners as in duty bound shall
ever pray

Cannanore
31st January
1864

Andan Andrew

Ettis Timboo

Carein Carooven

C. Badooven

Em. Bapoo

C. Badoovuthy

Cm. Carmen

B. Penoutty

P. Charen

C. Chapilicy

Cattay Ramoomy

Caka Carmen

Nerotte Carmen

Chalakaren Ramen

Cooria Bay

M. Carmen

Caka Badoovuthy

P. Ramoutty

Mudethy Badoovuthy

Cooty Umbo

P. Carmen

Zina Bee

Cham Bee

Ashue Bee

P. Umbo

№ 398 of 1864.

Referred through the Board of Revenue to the Collector of Malabar for report.

By order

Fort St George
18th April 1864.

Dy Secy to Govt

12. The annual patom on these eleven gardens, according to the Tahsildar's calculation (which is correct though not very liberal), is Rupees 208, and it will be incumbent on Government to indemnify their tenants on the lands transferred to Ali Raja in lieu of these eleven gardens, for their having to pay in the aggregate 208 Rupees annually in excess of what they have been in the habit of paying to Government.

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(True Copies and Extract.)

Secretary.

To J. D. Sim., Esq., Secretary to Government, R. D.

Copy to G. A. Ballard, Esq., Collector of Malabar.

Exd. J. Wright.

Pro. 14 April 1864 No. 228-229

1864. Department

Pro: of Govt for Jurie.

No. 1610.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 17th June 1864.

Dispd 21 do
Rec 22 -
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Military
of the Dept 1921
July 14 1908

No. 3,690.

Submitting for consideration and orders letter from the Collector of Malabar forwarding a further report from the Acting Sub Collector regarding the acquisition of certain land required by the Military Authorities at Cannanore.

No 1057. 20 June

William Order

No. 246 & 247.

1057 No. 1057.

Referred to the Military Department with references to the orders in that Department dated 5th April 1864 No. 1120.—

Fort St. George
20th June 1864.

Military Dept Dispd 21 June

20/5