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MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1920 Press ~~His~~

69-20

Dated 5th July N. 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 5th July 1869.

No. 69. Read the following Proceedings of the Board of Revenue, dated 21st May 1869, No. 3,560:—

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 2nd November 1868, No. 318A.

Vide Collector's letter to Board, dated 4th August 1868, No. 228.

In my last report on the Escheat Settlements I mentioned that I proposed writing on future operations shortly, and I now have the honour to submit the following remarks, with a view to orders being passed on the subjects mooted.

2. The obscurity that has involved the subjects of escheat questions has often been mentioned, and has led to very erroneous estimates being formed regarding their extent, value, and condition.

Vide Collector's letter to Board, dated 29th August 1866, No. 255, paragraph 2.

It was at one time supposed the sale of the proprietary right in the escheat lands of Malabar would bring Government some Rupees 20 lacs; but settlements to the amount of Rupees 28,79,569 have already been made, and Rupees 14,23,715 of this sum have actually been collected.

Of the settled value abovementioned the Government claim to the proprietary right in lands worth some $27\frac{2}{8}$ lacs of Rupees, may be said to have been indisputable and clearly sustainable in any Civil Court.

The Government claim to the remainder, worth some $1\frac{1}{8}$ lacs of Rupees, was morally undoubted, and has, in the generality of cases, been acknowledged by the purchasers, who entered into a sort of compromise with the settling Officer, buying a secure title on the one hand at a considerable reduction in the valuation amount on the other. In most of these cases had determined opposition to a settlement been maintained by the occupants, there would have been some difficulty in establishing the Government claim in a Civil Court, and in some, there would hardly have been grounds to go to a Court upon.

No difficulty now can arise with regard to the above settlements; the Government claims having, as already said, been distinctly recognised by the tenants, purchases agreed to, and the whole or instalments of the purchase-money paid.

Particulars.	Lands undisputed	Lands disputed.
	RS.	RS.
Calicut, ...	20,000	...
Ernad, ...	15,000	...
Walluvanad, ...	80,000	...
Palghaut, ...	1,03,000	6,50,000
Ponany and Manapuram,	2,58,000	90,000
Betutnad, ...	27,000	50,000
Cochin, ...	1,74,000	...
Anjengo and Tangacherry,	1,50,000	...
Total, ...	8,27,000	7,90,000

3. The Escheat Superintendent, Upot Kannan, who has now been given undivided attention to the subject for a year and a half, estimates that there are escheat lands still unsettled in South Malabar that may be approximately valued at upwards of 16 lacs of Rupees. Of these he estimates the Government claim to lands worth about $8\frac{1}{4}$ lacs to be undisputed, and, if disputed, to be clearly sustainable in the Civil Courts; the rights of Government having been uninterruptedly kept in view and maintained.

But the Government claim to some 7½ lacs is disputed, and the questions arise whether the claims could be maintained in the Courts; and if so, whether it is still desirable to press them.

Collector of Malabar to Board, dated 12th May 1849, No. 36.

4. The real question with regard to these lands, most of which lie in the Palghaut Talook, and formed portions of the Chenat Nair escheats, was discussed in the correspondence noted. The following remarks refer particularly to these Chenat Nair's escheats, though generally applicable to the others.

A large extent of landed property escheated to Government by the death, without heirs, of the last Chenat Nair in 1788. These Nairs were the hereditary ministers of the Palghaut Rajahs. The larger portion of their extensive lands was in the possession of mortgagees, whilst the remainder was occupied by tenants with various occupancy rights.

Before the lapse the Chenat Nair family had long been supposed to labour under a curse, which entailed a constant failure of heirs, repeated adoptions were the consequence. The relations of successive adoptees acquired large properties on mortgage and lease. These they constantly endeavoured to represent as the jenm property of their own respective "tarwards" or families, and the confusion of the times gave them every facility for practising successful frauds of this nature.

Mr. Drummond's settlements affected lands yielding rentals (including assessment) of about Rupees 2,396 per annum.

5. In 1808 attention was turned to the subject and a number of the mortgage deeds and leases were renewed by Mr. Drummond, though in a somewhat loose manner, and without survey or accurate description of the boundaries of the lands involved. It was notorious that large escheated tracts then remained undiscovered and undealt with; but no definite measures seem to have been taken either to discover and assert the Government right on the lands that had not been dealt with by Mr. Drummond, or to secure it from fraud on those that had been released by him. During the subsequent forty years, consequently, further fraud was perpetrated—bad lands were changed for good, boundaries extended, and many lands continuously held as the jenm of the occupants, which notoriously were Government escheats.

6. In 1849, Mr. Conolly proposed that a revision of the Chenat Nair mortgages and leases should be made, and "that all such abuses as it was reasonable with regard to the lapse of time to look into should be remedied". The duty was entrusted to Mr. Robinson, the Acting Head Assistant-Collector of Malabar, and his report, dated 9th July 1852, gives a very full history of the Chenat Nair's escheats, and the circumstances that had led to the state of things when he wrote. He was strongly of opinion that undoubted as the Government claims had been, all chance of substantiating them had been lost, and that the difficulties that beset Mr. Drummond's inquiries had become impossibilities by the lapse of some forty years of inaction.

Vide Collector to Board, dated 12th May 1849, No. 36.

Mr. Robinson's inquiries settled lands yielding an annual rental including assessment, of about Rupees 2,922.

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7. In 1853, Government had authorised the sale of the proprietary right in the Betutnad Rajah's escheats, but the question of the Chenat Nair escheats does not seem to have attracted much attention again till 1857, when Mr. Robinson, then Acting Collector, requested permission to sell the jenm or proprietary right in them, as had been sanctioned with regard to the others. He estimated that the sale of the land "already settled would yield at least a lac and a half Rupees.

Acting Collector to Board, dated 20th April 1857.

Sundry correspondence passed, but the sales were not actually commenced till 1863, when active operations began under Deputy Collector C. Kanaren.

8. The Chenat Nair lands already sold have been settled at prices aggregating Rupees 5,61,188. Of this Rupees 4,85,336 appertains to lands that had been dealt with by Messrs. Drummond and Robinson. The remainder appertains to lands which did not come under their scrutiny.

It is estimated that Rupees 70,000 more will be finally settled as the price of certain lands, the lease, etc., deeds of which were renewed by Messrs. Drummond and Robinson, and which are allowed to be Government escheats; and that at least 6½ lacs worth of lands besides will outstand, which, though the occupants claim them as their own jenm properties, are or were undoubtedly portions of the escheated property.

The Government claims on these last will certainly be disputed, and may possibly, if not probably, be successfully disputed if the question is brought to issue. It is with regard to these lands and others similarly circumstanced belonging to other escheats, that I now wish instructions.

9. It will be seen from the figures given in the preceding paragraph that about Rupees 76,000 have been settled, and is in course of collection on account of the jenm of these debateable lands. Deputy Collector Kanaren's reputation for thorough knowledge of the whole history of the escheats, his great personal influence, and perhaps the ignorance and pliability of the purchasing occupants, enabled him to effect these sales and others of a similar nature. There was the traditionary right of Government, with a consciousness of weak tenancy title generally and a few revenue accounts, with perhaps an old private deed or two in each case especially, to support the Government claim. Considerable reductions were made in the valuations, and the bargains were concluded. But the cases in which the Government proofs were strongest, and the tenants most yielding, have all been disposed of. For the rest we must give up the Government claims for ever, or determine to fight them out.

10. With the information that the careful scrutiny of the old accounts and of many private deeds that have been found in the course of the escheat settlements affords, considerable moral strength has doubtless been added to the vague hereditary claims of Government to much more land than has been recovered.

For instance, in many cases mortgage or lease deeds executed by the Chenat Nairs, are now producible, which show that the lands claimed as jenm lands by the present occupants were only mortgaged or leased to the ancestors of the present jenm claimants, or those through whom the present holders enjoy. If accepted as genuine, and their genuineness is beyond suspicion, these deeds will often negative

a present occupant's account of the manner in which the jenm was acquired by his family. The genuine deeds will frequently, of course, run the chance of being confronted by forged documents; and as these will often, perhaps, really be of some antiquity, the view the Courts may take of the evidence if brought to issue is doubtful. The traditionary claims of Government would be appealed to on the one side, the inaction of Government for nigh eighty years, and often the Government revenue accounts, would be appealed to in the other.

Difficulties of another nature would arise from disputed identity of the land referred to in particular deeds, from disputed boundaries, changed names, and such like.

11. The principal revenue accounts are those prepared in 1799 and 1806.

In a few cases the lands in question are entered as the jenm of Government in the first, and as the jenm of private individuals in the second. One or other entry must be wrong, for as the lands had escheated before the preparation of the first, and certainly no transfer of the jenm was made by Government in the interim; whatever was the jenm of Government in 1799 remained so in 1806, and subsequently till formally alienated.

In a great number of cases the lands are entered as the jenm of private individuals in both accounts. Of course, the revenue accounts are not conclusive evidence either for or against the occupants.

For the manner in which the revenue accounts are supposed to have been tampered with, see Mr. Robinson's Report, dated 9th July 1852, above referred to.

But however the revenue entries may be, no jenm claim of any sort has been exercised by Government at any time, and herein consists the great difference between the Government claims on these lands and those that have been disposed of as undisputed.

12. There may be about 1,500 cases more or less of this nature. Many of the holders of the disputed lands are holders of undisputed lands, and considerable purchasers of the latter. They or their ancestors had undisputed lands released to them at Messrs. Drummond's and Robinson's inquiries; but the disputed lands they held were not discovered, or their claims thereto particularly inquired into.

* 1. Memorandum of cases as examples of the disputed lands.
2. Copy of letter from Superintendent, dated 25th April 1868, No. 26.

The enclosures* noted will give a good idea of the exact nature of the cases under notice.

Almost all the lands have been registered in the Escheat Department in the course of their inquiries. There is really little variation in the character of the individual cases as regards the Government claim, and the evidence that may be adduced in support thereof.

Numerous private transfers have taken place of course. The jenm right has often been sold and bought; it may be in perfect good faith, but Government has not actively been a party to these transactions.

13. Supposing the Government claim to appear sufficient in any case to go to the Civil Courts upon, the question may arise as to whether a suit can now lie, considering the utter absence of any action on the part of Government hitherto. It may be argued that Government, as succeeding Jenmy at the time of escheat, has simply allowed the mortgagee or lessee to remain in occupation on the terms

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entered into with the Government predecessor, and that neither party having actively raised the question of jenm right as against the other, no cause of action has arisen till the jenm question is formally raised between them. The old inquiries of Government, and even its challenge of the private jenm rights in individual cases by its Revenue authorities without bringing the question to legal issue or attempting to exercise its jenm claim, though these considerations may render the establishment of the Government claim difficult, they still do not seem to raise any legal bar of the nature of limitation.

14. But whatever might be the course to be adopted, if the matter lay between private individuals, I think that even if the Government claims could be established by having recourse to the Law Courts, it would be neither desirable nor right for Government to take such step now. Claims that have been allowed to slumber so long had better be definitely given up. The inaction of Government, as above intimated, has given an opening for innumerable transfers. Many of these have been made with consciousness of a weak title, but many have been made *bonâ fide*. The parties to the original frauds have long been dead and gone, and after such strong intermediate private claims have been allowed to spring up, the Government claims that have been allowed to lie dormant may well be finally abandoned.

15. I have thought it right to lay this matter plainly before the Board, though I have little doubt as to the view they will take.

I beg early instructions, as I propose at once extensively reducing the Escheat Establishment, and may dispense with the greater part of it by the end of the Calendar year.

The escheats still to be settled have almost all been registered and valued, and what remains to be done will, after the close of the Calendar year, be carried out by a very much smaller extra establishment than has of late been necessary.

ENCLOSURE No. 1.

Memorandum of cases as examples of the disputed lands noticed in Collector's letter, dated 2nd November 1868, *No.* 318A.

1. Vakeel Padom, acres 6-8-0, valued at Rupees 2,000.

In the years 1799 and 1806 the jenm of these lands is entered in the name of Tuvakat family.

Kanom deeds executed by Chenat Nair on these lands for Fanams 1,265, or Rupees 360, in the year 1745 to one Tarakot Ramen, as well as his (Chenat Nair's) receipts, acknowledging the patoms, are in the records.

The above-mentioned Ramen Menon's family, who were merely Kanakars, appear to have sold these lands as their jenmum to one Nanu Putter, the present holder of the land.

2. Kandengal Nelom Oodacharti, acres 7-8-0, valued at Rupees 2,000.

In the Pymash accounts of the above-mentioned years, the jenm of these lands are entered in the name of Tuvakat family. There are documents in the records showing that Chenat Nair, and after his demise the Palghaut Rajah, who was in charge of the Chenat Nair's estates immediately after his (Chenat Nair's, death, received rent on the above-mentioned lands.

3. Tonil Mulapadom Velaradi Kalatumpade Vatun, acres 16-8-0, valued at Rupees 2,600.

In the year 1799, the jenm of these lands is entered in the name of Chenat Nair. The Theke Vitil family appear as Kanakars, and in the year 1825 the jenmum is entered in the name of Theke Vitil family.

The Thekedat family, the present holder of the lands, represent that they acquired the jenm thereof from Theke Vitil's family; whereas it would appear that the said Theke Vitil's family were merely Kanakars of Chenat Nair, and after his (Chenat Nair's) death they assumed the jenmumship.

4. Pecha Patta, acres 10-0-0, valued at Rupees 1,201.

These lands are a portion of lands of Nos. 501 and 502 on the Escheat Registers, which were undoubtedly the property of Chenat Nair, and have been made over to the Palghaut Rajah for the support of certain devasom and chuttrums by Government. The present holder, Valia Vitil Elya Nair, a member of the Palghaut Rajah's family, claims them as his jenmum. It appears that Chenat Nair mortgaged these lands to one Chompurakel family for Fanams 601, or Rupees 170. The mortgage deed of Chenat Nair and the Pymash account of 1799 prove the right of Chenat Nair on these lands. The present holder and his representatives have had the lands since the escheat.

5. Tuvapallom, acres 3-4-0, valued at Rupees 1,000.

In the Pymash account of 1799, Chenat Nair, and in that of 1806 the Ennue Bagavathee Devasom, are entered as Jenmies.

Besides the Pymash account of 1799 there is a Kanom deed executed by Chenat Nair in 1749 to one Narakat family, in the records to prove the right of Government on these lands.

These lands were sold two years ago in satisfaction of a decree of the Court against the Ennue Bagavathee Devasom, but the Government had not the opportunity of asserting their claim thereon.

6. Valappen Nelom, acres 5-6-0, valued at Rupees 1,250.

In the year 1799, the jenm is entered in the name of Theke Vitil family, and in that of 1806 Theken-kur Rajah, and in 1825 of Kuruveyur Namburi. This land appears to have been entrusted to the Theke Vitil family on a Kanom of Fanams 1,100, or Rupees 397, by Chenat Nair in the year 1755. Original document on the subject is on the record. By this document it is apparent that Theke Vitil family, who are entered as Jenmies in 1799, were only Kanakars, consequently the entry made in the accounts is evidently a false one.

7. 114, 115, 663—Koondu Mulla Nelom, acres 6-8-0, valued Rupees 3,500.

In the years 974 (1799) and 981 (1806) Thecken-kur Rajah (Palghaut Rajah) is entered as Jenmy of these lands. It appears by Kanom deeds executed by Chenat Nair in the years 1649 and 1669 to one Kulaket family for Fanams 2261, or Rupees 646, which are in the records, that they were Chenat Nair's jenm lands. The above said Kulaket family transferred their right to one Vurarage Putter, the present holder of the lands, who appears to have got a jenm deed from Palghaut Rajah.

8. Nos. 59 and 60—Koluvapadom Nelom, acres 11, value Rupees 3,675.

In the year 1799, Chenat Nair is entered as the Jenmy of these lands; in 1806 Villianur Padu Nair, and in 1825, Annu Moothu Putter, the present holder. It is said that this property was entrusted to one Chelangara family on a Kanom claim by Chenat Nair, and that family transferred it to one Narakat Krishnen, from whom the present holders (Annu Moothu Putter) obtained possession thereof, and obtained a jenm deed executed by Vellianur Padu Nair, whose name is entered as Jenmy in the accounts of 1806, as abovementioned. Chenat Nair having died intestate in 1789, there could have been no possibility of an alienation after that date, except by Government, and that certainly did not take place.

9. Mananpadom in three pieces valued at Rupees 1,500.

In the Pymash accounts of 1799 and 1806, the jenm of these lands is entered in the name of Tuvakat family, and in that of 1825 the name of Thyetancladen.

These lands appear to have been mortgaged by the Chenat Nair to one Tuvakat Ramen Pangen and Mullasherry Ramen Pangen in the year 1756. Their original Kanom deeds, and the receipts of Chenat Nair connected with these lands, are in the records. It would appear by these deeds that the Tuvakat family, whose names are entered as Jenmies in the account of 1799, were merely Kanakars of Chenat Nair, and that the entry made in the Pymash accounts abovementioned, was fraudulent.

10. Kavarapadom in four pieces, valued at 1,500 Rupees.

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These lands are entered in the Pymash accounts of 1799, in the name of Theketara Devasom. It appears that lands, (sowing 80 parahs of seed,) together with a tract of jungle, were mortgaged by Chenat Nair in the year 1752 to one Mamat Valil Kilan for Fanams 1,581, and the deed was renewed by Major Drummond in the year 1808; therefore under the force of these documents the lands within the boundaries mentioned therein are undoubtedly the property of Government. They have now increased these lands about to the extent of 150 parahs by clearing the jungle, of which lands sowing 60 parahs are only admitted to be the Government property.

11. Kohanarpadom, sowing 30 parahs, valued at Rupees 645.

In the Pymash accounts of 1799 the jenm of this land is entered in the name of Ennue Bagavathee Devasom, and in that of 1806 in the name of Theke Vitil Andasheri. By the old Grandavary (Register) of Chenat Nair, this land is proved to be the Chenat Nair's property.

ENCLOSURE No. 2.

From U. RANNAN, Superintendent of the Escheat Settlement, to the Collector of Malabar, dated Manjeri, 25th April 1868, No. 26.

I HAVE the honour to submit a statement of escheated property in the possession of one Valloly Gopala Paniker, residing in Kanady Amshom of Palghaut Talook, showing the right of Government thereon.

2. The property consists of $68\frac{1}{16}$ acres of Nunjah and $22\frac{9}{16}$ acres of Paramba lands, estimated at Rupees 18,468. Of these lands only $\frac{1}{16}$ of an acre, valued at Rupees 386, was admitted as escheat, for which a deed (puttah) was granted by Mr. Drummond in 983 (1808) to the then Karnavan of the Valloly family. With the exception of this piece, Gopala Paniker claims all the remaining land as his tarward jenmum.

3. The state of the Revenue accounts in regard to these lands is particularised in the statement abovementioned. The Revenue Account of 974 (1799) M. E. supports the right of Government to these lands. This account was not referred to at the time of Mr. Drummond's inquiry, and as a consequence these and several other lands were not then included as escheats. There is no other evidence in our part except this account.

4. It will be seen by the statement that in the year 981 (1806) M. E., the jenm of these lands was entered in the name of the Valloly family, but as the Chenat house became extinct in the year 968 (1793) it was not possible for that house to have made any alienation after that date, and therefore it is evident that the entry made in that account is false.

5. Gopala Paniker produced four documents purporting to belong to the property in question. These are old leases executed by his Karnavan to certain tenants in the years 956 (1781), 958 (1783), and 972 (1797), and obtained back from them at the expiration of those leases. Documents of this description cannot be admitted, unless supported by other trustworthy evidence, for such documents are easy of concoction between a pretended Jenmy and his tenants. Gopala Paniker further asserts that these lands have been enjoyed by his family as their jenmum property from time immemorial. The improbability of this assertion may be gathered by the following facts:—

(1.) If this family were ancient and renowned Jenmies in Malabar, as is now pretended, their names would have been entered as such in the Pymash account of 974, (1799,) which gives the names of all the Jenmies, tenants, and other important information connected with each land in Malabar. On the contrary, this family is shown therein as mere tenants of Chenat Nair.

(2.) The native land of the Valloly family was not formerly the Kanady Amshom, but the Walluvanad Talook, where their ancestral tarward is still in existence. A few members of this family first came to Agethethara, and subsequently settled themselves at the Puthur Amshom, both in the Palghaut Talook. Afterwards Nanath Manady (an adoptee of the Chenat family) held an intimacy with a female in the Valloly family, and kept her in a house in the Paramba in which he

(Nanath Manady) himself resided. At this time considerable lands belonging to the said Manady were leased to the Valloly family for her sake. At his death they took possession of all his property, documents, etc., and appropriated them to themselves. The house in which the Manady was living is at present the principal house of the Valloly family in Kanady Amshom. The name of the Paramba in which the house in question is situated is "Nanathoo Kuly-iruppu," (dwelling house,) which makes it quite clear that Nanath Manady, (alias Chenat Nair,) was its owner. Although they had appropriated the property they lacked courage in effecting an alteration of the jenm right standing in the name of Chenat Nair in the Pymash account of 974 (1799) M. E. into their own name, and they, therefore, continued to be as tenants, and paid jenmabhogam to the Palghaut Rhjah who had the charge of Chenat Nair's property immediately after his (Chenat Nair's) demise. When the British Government interfered and displaced the Rajah from the charge of the property, the Valloly family, as well as several other tenants of Chenat Nair, fraudulently effected a change of the jenmumship of the property into their names in the Pymash accounts of 981 (1806) M. E., above quoted.

6. Kanady is one of the villages in which great fraud has been committed in regard to Chenat Nair's property; almost all the landed properties in it were Chenat Nair's, and they are valuable properties. All these properties, with the exception of a few, have been usurped by influential and wealthy tenants of the place, and they are now enjoying them as their jenmum. A few names of such tenants, with an approximate value of Chenat Nair's properties in their possession, are noted below :—

Name of Tenants.	Approximate value.		
	RS.	A.	P.
Nayur Numbudri,	11,000	0	0
Melakathe Moossa,	5,000	0	0
Kolathur Warriar,	15,000	0	0
Manathil Rishu Manady,	2,000	0	0
Jathathil Manady,	7,000	0	0
Vayenguia Vitakar,	6,000	0	0
Anjathe Poruthe Moossa,	7,000	0	0
Vatakathe Vitakar,	7,000	0	0
Total,	60,000	0	0

7. They have formed a combination and are determined to rise all possible objections to our resuming the property, and are, moreover, persuading others from coming to terms. This conspiracy has began some time back.

8. In order to bring about a settlement of these lands I summoned the aforesaid Gopala Paniker as one of the chiefs of the lot; he at first refused to obey the summons but attended afterwards, and when questioned he denied all knowledge of the Government right to the property. I have tried to settle this individual's case amicably, promising him a liberal sum to wave his pretensions of right, but he declined to accept the offer and is determined to dispute the right of Government with an obstinacy at the instigation of his colleagues in mischief.

9. All these men are perfectly aware of the justness of the Government right to the property, and that their claim is frivolous, yet they would not come to terms, chiefly because they labour under the impression that Government could not dispossess them from the lands unless they recurred to law suits, and that there would be no purchasers forthcoming if they were to go to a Court of Law to obtain possession thereof.

Nearly six lacs of Rupees.

10. Nearly all the escheat* lands in Palghaut remaining unsettled are involved in difficulties of the above nature.

11. As the holders of these lands are litigious and show a persistency of character, clinging most tenaciously to their determinations of opposing the right of Government, I think we should lose no time in taking some powerful measures in the disposal thereof.

12. Besides the property already discovered and remaining undisposed of, there are considerable properties worth several lacs of Rupees still to be discovered; all these are in a similar manner long standing in the enjoyment of tenants as their own jenmum. Much labour and difficulty are anticipated in the resumption of these properties, and if Government are not prepared to proceed rigorously in the matter, I am not prepared to say whether our exertions would be successful. I would therefore suggest that the present case should be treated under the provisions of Regulation VII. of 1817, which empowers the Government to dispose of the escheated lands in the manner they think most proper, leaving the contending party to establish his right by a Law suit.

13. Section 6 of the above-mentioned Regulation provides that the Board of Revenue should obtain full information of all the matters connected with an escheat, and submit their opinion to Government, and authorises that "the same shall be sold on the public account, or otherwise disposed of as the Governor in Council may determine". Though no specific rule is laid down in this section, that the purchaser at the public sale thus conducted should take possession of the property so sold, it is inferable from Section 14 that the competitor may take possession thereof, because that Section directs the party aggrieved by "the orders passed by the Public Officers, with respect to the appropriation of any lands or buildings, to sue for the recovery thereof in the regular course of law". Under this view I conceive that the word "sold" in Section 6 conveys the meaning that possession may be given of the property at the time of sale.

I will only note that I cannot agree with the Superintendent's construction of the Law here.
(Signed) G. A. B.

14. By taking such measures in one or two instances in most litigious cases like the present, the erroneous impression of the people would be removed, and the holders would be induced themselves to come to terms and purchase the lands, while all the existing difficulty in the disposal of the escheated property in Malabar would be at once surmounted.

15. You are aware that the arrears of former settlement are very heavy, the defaulters are evidently taking advantage of the rumours in circulation that they cannot be dispossessed of the lands in their possession. In most of these cases of arrears we shall have to sell the property by public auction, and if the purchasers are told to institute suit to get possession of the property, I fear the price will go very low, and in that case a heavy sacrifice will have to be made out of the amount already settled.

16. If the said provision does not admit of my construction, or is incapable to meet the present difficulty, I think it very desirable that certain laws should be enacted to facilitate the settlement of escheated lands, and recovery of the arrears of escheat proceeds, as the escheat affairs in Malabar are important and complicated.

Proceedings of the Madras Government, Revenue Department, 5th July 1869.

Statement of Escheated Property in the possession of Valloly family, situated in Kanady Amshom of Palghaut Talook.

NUNJAH LANDS.

As per Revenue Account of 974 (1799), M. E.			As per Revenue Account of 981 (1806), M. E.			Present state.		Approximate extent in acres.		Remarks
Name of Jenmy.	Name of Tenant.	Name of Land.	Name of Jenmy.	Name of Tenant.	Name of Land.	Name of Jenmy and Tenant.	Name of Land.	Acres	Value.	
									Rs.	
Nanath Manady (Chenat Nair) died intestate, Palghant Rajah in possession.	Valloly Iticanda Paniker, mortgagee.	Tupalar Padom.	Valloly Iticanda Paniker.	Valloly Iticanda Paniker.	Tupalur Padom,	Valloly Gopala Paniker.	Tupalur Padom in twenty-nine divisions under various names.	$40\frac{6}{16}$	10,295	$1\frac{1}{2}$ acres of land which appertained to this was admitted to be as Chenat Nair's property, and a Pattayam granted in 1011 (1836) to Melakathe Moossa, and the jenm right of which has been already sold in January last by the Escheat Department. Besides this, a counterpart lease in copper-plate for another piece of land above an acre is in our possession.
Ditto ...	Ditto ...	Ditto ...	Olapa Niana Manu...	Ditto ...	Ditto ...	Ditto ...	Do. in 1 do....	$1\frac{1}{16}$	873	
Ditto ...	Ditto ...	Ditto ...	Neiyar Nambudri...	Ditto ...	Ditto ...	Ditto ...	Do. in 1 do....	$1\frac{3}{16}$	503	
Cheruchata Manady (Chenat Nair) and Kotakothi Manady, died intestate.	Ditto ...	Marna Padom.	Valloly Iticanda Paniker.	Ditto ...	Marna Padom.	Ditto ...	Maen Padom in nine divisions.	$19\frac{8}{16}$	4,923	
Ditto ...	Ditto ...	Ditto ...	Koycherry Chami Nair.	Ditto ...	Ditto ...	Ditto ...	...			
Ditto ...	Ditto ...	Ditto ...	Cheriat Chenat Nair	Ditto ...	Do. called Pulani Puya.	Government Tenant, Valloly family.	Do. called Pulani Puya in one division.	$\frac{3}{4}$	886	
Cheruchata Manady (Chenat Nair.)	Kolachert Shupen Nair	Ariam Kolumba Nelum.	Valloly Iticanda Paniker.	Ditto ...	Chaverca Nelum.	Valloly Gopala Paniker.	Ariam Kolumba Chaverca Nelum in two divisions.	$\frac{12}{16}$	143	This land surrounds a tank called Chembrom Kolum; most part of this land was formed by filling up the tank; the tank in question is undisputedly the Chenat Nair's property; several other portions of the above-named land, called Ariam Kolum, Chaverca Nellum has been admitted to be the Chenat Nair's property, and was accordingly sold to other tenants.
Ditto ...	Nanath Candy.	Kaydencadu Nelum.	.....	.....	.....	Ditto ...	Kaydencadu Nelum, alias Palanisty Tota Padom in one division.	$1\frac{1}{16}$	273	
							Carried forward...	$66\frac{14}{16}$	16,896	

Proceedings of the Madras Government, Revenue Department 5th July 1869.

Statement of Escheated Property in the possession of Valloly family, etc.—(Concluded.)

NUNJAH LANDS.—(Concluded.)

As per Revenue Account of 974 (1799,) M. E.			As per Revenue Account of 981 (1806,) M. E.			Present state.		Approximate extent in acres.		Remarks.
Name of Jenmy.	Name of Tenant.	Name of Land.	Name of Jenmy.	Name of Tenant.	Name of Land.	Name of Jenmy and Tenant.	Name of Land.	Acres	Value.	
						Brought forward ...		$66\frac{13}{16}$	Rs. 16,896	
Cheruchata Manady (Chenat Nair.)	Chenaylan Payneeandi.	Vataparamba Nelum.	.....	.....	.....	Valloly Gopala Paniker.	Vataparamba Nelum in two divisions.	$1\frac{5}{16}$	357	
.....	.....	.....	.....	.....	.....	Ditto ...	Paithincada Nelum in one division.	$\frac{3}{16}$	26	This piece of land was converted into Nelum from a Paramba called Paithincada the jenm property of Chenat Nair, for which a Pattayom was granted in 981 (1806) to one Mahaga Shessen Putter.
							Total ...	$68\frac{0}{16}$	17,279	
Nanath Manady (Chenat Nair). Died intestate.	Valloly Iticanda Paniker.	Calathodiga Paramba.	.....	.....	.....	Valloly Gopala Paniker.	Nanath Calathodiga, and Tupalur Paramba in twenty-two divisions.	$17\frac{14}{16}$	984	
Ditto ...	Ditto ...	Tupalur do.	.....	.....	.....	Ditto ...				
Ditto ...	Naraven Putter Carnesten, Mortgagee.	Calathodiga Paramba.	.....	.....	.....	Ditto ...	Do. in two divisions.	$1\frac{3}{16}$	73	
Cheruchata Manady (Chenat Nair.)	Euven Chami.	Kydakonum Paramba.	.....	.....	.....	Ditto ...	Kydakonum Paramba in three divisions	$1\frac{8}{16}$	57	
Ditto ...	Malia Poruthe Shessen Putter.	Neduacadu Paramba.	.....	.....	.....	Ditto ...	Kaniangara Paramba in two divisions.	$\frac{10}{16}$	24	
Ditto ...	Ditto ... Chalicadu Myandi.	Kanen Kolangum Paramba. Chalacadu Parramba Kudyirup.	.....	.....	.....	Ditto ...	Chalicadu Paramba in one division.	$\frac{13}{16}$	20	
Ditto ...	Vatakote Candy.	Calathodiga Paramba.	.....	.....	.....	Ditto ...	Chengalu Paramba in two divisions.	$\frac{12}{16}$	32	
							Total...	$22\frac{9}{16}$	1,189	
							Grand Total...	$91\frac{3}{16}$	18,468	

(Signed) U. RANNAN,
Superintendent.

SUBMITTED for the information of Government, with reference to paragraph 4 of their Proceedings, dated 4th November 1868, No. 2,774.

2. In this letter the Collector of Malabar applies for instructions in respect to a considerable class of lands which have fallen under inquiry in the Escheat Department—namely, those which are or were undoubtedly portions of escheated properties; but are now claimed by the occupants as their own, or as held under other Jenmies.

3. It appears that sales of escheats, to the amount of Rupees 28¼ lacs, have been definitely completed; bonds have been executed, and half the price has been paid up. The Collector reports that the still unsettled claims of Government extend to land valued at Rupees 16 lacs. He considers that settlement can be come to with the tenantry of the land represented by Rupees 8¼ lacs, of this sum as the Government jenmum claim is undisputed, or if disputed can be sustained in a Civil Court. But in respect to the rest, valued at 7¾ lacs, the claim of Government to consider the land an escheat is disputed, and doubts arise whether the contention of Government could be maintained in the Courts.

4. The bulk of these disputed claims, namely, Rupees 6½ lacs, attach to properties in the Palghaut Talook, which are or were undoubtedly portions of the Chenat Nair properties which failed of an heir shortly before the commencement of the British rule, and were claimed as an escheat in 1806. Mr. Drummond then renewed, in the name of Government, a number of mortgage deeds and leases held by the tenantry of the old family. These were again renewed in 1849; but probably not a moiety of the property of the ancient family was brought to account in 1806 as escheated.

Settled.	Rs
Valued of land settled by Mr. Drummond, ...	4,85,336
Since sold, ...	75,852
Additional Settlement or the prospect Settlement, ...	70,000
Still unsettled, ... Total	6,31,188 6,25,000

5. It had been dissipated by a morebund family; jenmum titles were set up by persons who were only mortgagers or tenants-at-will on the extinction of the family; neighbouring jenmies induced tenants under the plea of protection to accept deeds in which their jenmum title was acknowledged, and so on, and thus Mr. Drummond's exertions were defeated, and it has been impossible to retrieve entirely the loss thereby occasioned.

6. The tact and judgment of Deputy Collector C. Canaren enabled him, however, to effect settlements with persons holding such lands within the last few years to the extent of about Rupees 75,000. But the more hopeful cases have all been disposed of, and the Collector reports that "for the rest we must give up the Government claim for ever, or determine to fight it out".

7. The Collector states the difficulties which meet any legal prosecution of the claims of Government. These lie chiefly, first, in the almost entire absence of any evidence of title on the one side, and presence of documentary evidence of more or less value on the side of those who have been in long and undisturbed occupation; second, in the fact that the bulk of the lands claimed stand in the account of both the Paimashes of 1799 and 1806 as the jenmum of others than the escheated estate; third, that many estates have been bought and sold as *bona fide* property

Proceedings of the Madras Government, Revenue Department,
5th July 1869.

of others; fourth, the inaction of Government for so many years—an objection to further action to which the Collector apparently attaches considerable weight. But it is obvious that this inaction was forced by the wrong doing of the tenancy.

8. The Board are well aware of the difficulty in some cases, and hopelessness in others, of asserting the claim of Government, but they do not see how it is possible to issue general orders on the subject.

9. Regarding the difficulty occasioned by the lapse of time in asserting the Government claim, it may be observed that such lapse in no way bars the right of the Crown.

10. The Collector, however, can best determine in what cases it will be useless, under present circumstances, to assert the claims of the State, and the Board are of opinion that such claims should not be asserted. In the meantime no establishment must be maintained with a special view to settle such cases.

No. 70. ORDER THEREON, 5th July 1869, No. 1,920.

Land Revenue.

THE Government agree with the Board in considering that it must rest with the Collector to determine in what cases the claims of the State should be asserted. They are of opinion that this should not be done in any cases in which the result would be likely to prove doubtful.

2. Adverting to the last paragraph of the Board's Proceedings the Government observe that it is not clear how these cases are to be investigated if no establishment is to be entertained. An explanation is requested.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.

Exd F. R. Bantleman.

The ordinary work of the Office is
very

Nº 1920. Revenue Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Underdate the 5 July 1869.

Read the following Proceedings of the Board of Revenue

Submitting letter from Collr Malabar District requesting instructions in respect to certain Escheat lands claimed by occupants as their own, or as held under other Jenmies. } R. 21st May 1869, Nº 3560

W.O.

Ag A.

Referring to the last 2 Letters of the Board of Revenue dated the 21st May 1869 and 24th ditto, Nos 3560 and 3561 on the subject of certain Escheat lands claimed by occupants as their own, or as held under other Jenmies.

The Govt agree with the Board in considering that it must rest with the Collector to determine in what cases the claims of the State should be asserted. They are of opinion that this should not be done in any cases in which the result would be likely to prove doubtful

To Collr Malabar & Revenue Depts

Govt. of Madras
REVENUE.
25
THE BOARD OF REVENUE.

Dated July 5th 1869.

Read.

G. O., 5th July 1869, No. 1,920.

Transmitted
for 24 July 1869 Ch. 2486.
Rec'd
Rec. 69-70.

Escheat Lands in Malabar District—
Rules to be observed in the question of asserting the claims of Government.