Government, Revenue Department,
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MADRAS RECORD

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1869 No. 591.
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Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1390 Press
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427-429

Dated 19th May ~~10~~ 1869

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department,
19th May 1869.

Read the following :—

No. 427. Proceedings of the Board of Revenue, dated 28th January 1869, No. 591.

Read again Proceedings of the Madras Government, dated 15th May 1865, No. 1,012, Revenue Department, recorded in Board's Proceedings, dated 19th May 1865, No. 2,641.

Read also the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 30th October 1868, No. 316 A.

Dated 15th May 1865, No. 1,012.

ADVERTING to the Government Order noted, I have the honor to submit copy of a report from the Deputy Collector, C. Kanaren, who was deputed to make valuations of Anjengo, Tangacherry, and the four Patoms or isolated tracts of British land lying in the Travancore Territories.

2. It will be seen by the Statement No. 1 enclosed in this letter, that a total area of about 505 acres is involved, of which about 40, 289, and 18 acres respectively are taken up by wet and garden cultivation and salt pans.* The rest is waste, and but little seems culturable.

* Not now worked.

3. The present annual revenue under all heads derived from these tracts is as noted :—

	RS.
Anjengo	1,450
Tangacherry...	2,447
The Patoms	280
	4,177

A more detailed account is given in Statement No. 2 enclosed.

4. The report of the Deputy Collector shows, that in considering the question of valuation, the cultivated lands may be divided into three classes which seem to be occupied under different conditions.

Firstly.—There are lands the proprietary right in which is acknowledged as belonging to Government and which pay a long customary tribute composed of assessment and landlord's rental, though the proportion of these dues is not shown in our Revenue accounts. The extent and particulars of these lands are shown below :—

A.

	Wet.			Garden.			Total.		
	Area.	Present Revenue.	Annual rental as valued by the Deputy Collector.	Area.	Present Revenue.	Annual rental as valued the Deputy Collector.	Area.	Present Revenue.	Annual rental as valued by the Deputy Collector.
	A. A. A.	Rs. A. P.	Rs. A. P.	A. A. A.	Rs. A. P.	Rs. A. P.	A. A. A.	Rs. A. P.	Rs. A. P.
Anjengo.	38 6 8	156 11 0	516 4 0	103 3 10½	1,129 8 0	5,601 9 6	142 8 18½	1,286 3 0	6,117 13 6
Tangacherry.	... ...	... ...	... ...	5 6 8	60 5 0	341 4 3	5 6 8	60 5 0	341 4 3
Patoms.	0 11 9½	3 3 0	6 12 7	56 3 11	277 8 10	439 0 3	56 15 4½	280 10 10	435 15 10
Total...	39 1 12½	159 13 0	523 0 7	165 13 13½	1,467 5 10	6,379 1 0	204 14 10½	1,617 2 10	6,895 1 7

A

Secondly.—There are lands, the proprietary right in which appears certainly to belong to Government, although the occupants now pay neither rental nor revenue upon them, and do not appear to have paid either at any time.

The occupancy seems to have been comparatively recent; that is, since the British acquisition of the territories. In some cases the holdings are claimed as gifts from Residents or other Authorities, though nothing is produced in support. Many of the occupants are probably simple squatters, whose only claim is the length of their unchallenged possession. A statement is subjoined:—

Paragraphs 5 and 6 of the Deputy Collector's letter are extracted below for easy reference:—

5. "The lands comprised in Statement B. were in fact Waste, belonging to the British Government, which were converted by the people into Gardens; but the Government derived neither the revenue nor the proprietor's rights from these lands, for reasons as it appears to me, that the attentions of the Revenue Officers were not drawn to them; and thus they were allowed to remain unnoticed for years. Anjengo was for several years under the British Commercial Resident; afterwards it was together with Tangacherry for many years under the Military Authorities; and subsequently they were under the Resident of Travancore and Cochin. The Collector's station was then above 200 miles distant from both these places."

6. "The holders of the lands embraced in the above Statement B. set forth various claims; some say that they are the gifts made to them by the Resident of Travancore and Cochin, to establish which, however, they have produced no documents, and I have no records whatever before me to refute their allegation, nor was there any forthcoming from the records of Huzoor Office; although all possible references were made by me. Others admit that they are lands obtained from the Resident and the Collector on Cowle which were since converted into gardens."

B

	Wet.		Garden.		Total.	
	Extent.	Annual rental as valued by the Deputy Collector.	Extent.	Annual rental as valued by the Deputy Collector.	Extent.	Annual rental as valued by the Deputy Collector.
	A. A. A.	Rs. A. P.	A. A. A.	Rs. A. P.	A. A. A.	Rs. A. P.
Anjengo	1 1 11	14 4 7	6 1 15	485 4 0	7 3 10	499 8 7
Tangacherry	.....	.....	22 9 4	1,078 3 6	22 9 4	1,078 3 6
Total...	1 1 11	14 4 7	28 11 7	1,563 7 6	29 12 14	1,577 12 1

Thirdly.—There are lands which seem to have been in immemorial possession of their occupants as their private property; thus differing from the last mentioned, which would appear to have been squatted upon since British acquisition.

These also pay no revenue, and apparently have never done so, at least since they have been under us. A Statement is subjoined:—

Paragraphs 8 and 9 of Deputy Collector's report are extracted below:—

8. "The holders of the lands in Statement C. allege that the whole of them are their Jeam property. It may be so. Considering the length of time they have been in undisputed enjoyment there of, they may have come to the position of Jeamy. If an Officer were to be sent to examine as above stated, lands included in this statement should also be looked into. It is likely that some of these lands may turn out to be Government Jeam property; if so, they can also be added to the lands in Statement B and dealt with accordingly."

9. "Whether or not the usual revenue should be fixed on gardens included in Statement C. remains to be considered. No revenue has been collected on these land in Anjengo as yet. The holders don't say they were allowed to enjoy them without revenue. Even if they say so, they have no foundation upon which to establish their assertions. The whole of this place formerly belonged to the Travancore Sirkar, but the British Government obtained it from them for commercial purposes, and eventually the latter became the Government thereof. The holders of the gardens in Tangacherry assert that formerly the Portuguese Government and subsequently the Dutch Government permitted their holdings to be enjoyed without paying the revenue, and that this state of enjoyment not having been disturbed by the British Government up to this time, their rights to claim exemptions from revenue have become stronger. If the Government is pleased, in consideration of the lengthened period the Tangacherry people have enjoyed their holdings without revenue, as above stated, to forego the revenue on their gardens, this matter will be set at rest, otherwise they will have to pay a Jody in accordance with the Jeam Rules."

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C.

	Wet.		Garden.		Total.	
	Extent.	Rental as valued by the Deputy Collector.	Extent.	Rental as valued by the Deputy Collector.	Extent.	Rental as valued by the Deputy Collector.
	A. A. A.	Rs. A. P.	A. A. A.	Rs. A. P.	A. A. A.	Rs. A. P.
Anjengo	.....	.....	36 13 1	3,185 6 0	36 13 1	3,185 6 0
Tangacherry	.....	.....	62 6 8	3,975 2 3	62 6 8	3,975 2 3
Total...	.....	.....	99 3 9	7,160 8 3	99 3 9	7,160 8 3

5. With reference to an exchange of these Territories for any portion of Travancore, I think that before a transfer is made to another Government it is certainly desirable to come to a distinct understanding as to the rights and liabilities of the holders of all these lands.

The information obtainable is exceedingly scanty. All that my office affords has been obtained. A reference to the Resident's records may give more; though it seems to me very doubtful that much light will be thrown on the subject from them.

I proceed to remark on the information before me.

6. The Deputy Collector has gone into elaborate calculations of the value of the lands, but I do not think these, as they stand, can be taken as a practical basis for settlement of the exchange question, or indeed for our treatment, as a Government of the lands and their occupants.

The *modus operandi* is sketched below.

The valuations having been fixed according to local custom; the principles of calculation vary somewhat in the several places; but one example will, I think, suffice.

Anjengo.—The number of productive trees being taken, and the cocoanut trees divided into four classes, the rents noted are charged on each tree according to its class; and twenty times the rent or 5 per cent. as it is called, gives their Janmam value. To this is added the value of young or Sisu trees, of unproductive* trees and jungle trees, of tanks, wells, etc., and of unoccupied wastes and unplanted sites. From the value thus arrived at, a deduction is made on account of Kuyikur or value of improvements, etc.; the balance left is the net Janmam value. The Kuyikur is arrived at by calculating the Janmam value of the trees in bearing, planted by the tenant on the above principle; and adding it to the value of the Sisu trees, deducting from the aggregate the value of the sites of the trees at 2 Rupees per cocoanut tree, and taking one-fourth of the remainder. Thus

	Rs.	A.	P.
1st Class	2	0	0
2nd do	1	8	0
3rd do	1	0	0
4th do	12	0	0

Areka nut trees, 9 Pice each.
Jack tree, 10 Annas each.

* Generally at 3 Rupees per tree.

1. Kooyi, Killi, Anadi and Maram, etc., are names given to young trees at the several stages of their growth.—*Vide* Major Walker's Treatise page 18. Their value is fixed according to local custom.

taking garden No. 3, in the Statement D, the trees shown under improvements are two 2nd sort and one 3rd sort cocoanut trees.

				Rs.
Rent on two 2nd sort, at 1½ Rupee per tree	...	...	...	= 3
Do. on one 3rd sort	...	...	...	= 1
Total annual rent			...	4

	Rs.	A.	P.
Janmam value, taking the rent 20 times is... ...	80	0	0
Add value of Sisu trees as given in Column 37 ...	48	7	6
Total...	128	7	6
Deduct for value of pits of three bearing and eighteen young cocoanut trees at 2 Rupees per tree ...	42	0	0
Net ...	86	7	6

and one-fourth of 85-7-6 or Rupees 21-9-10 is Kuyikur.

In the case of gardens at Tangacherry and the four Patoms, similar methods of valuation have been observed with slight differences in the rates assumed, rent, and the Kuyikur.

7. On the lands mentioned in the Statement A., paragraph 4 of this letter alone, the valuations for absolute sale of the proprietary right on the method above detailed, come to a sum of about Rupees 1,91,583.

By another and (to the tenant) rather more favorable process of calculation, it comes to Rupees 1,52,064.

Similarly, on the lands mentioned in B., paragraph 4, the valuations for sale come to Rupees 35,757, or Rupees 26,943. On those mentioned in C., paragraph 4, as claimed in proprietary right by the occupants, the valuations come to Rupees 1,57,984 or Rupees 1,16,315 respectively.

8. The annual rentals as now valued on the lands in Statement A., paragraph 4, have been there shewn.

Nothing, as already said, is now collected on the lands in Statements B. and C. *Vide* Statement No. 3 enclosed. paragraph 4; but the annual rentals according to the valuator's accounts come to Rupees 1,577-12-1, and Rupees 7,160-8-3 on B. and C. respectively.

9. To proceed to the question of a practical settlement.

With regard to the lands in Statement A. theoretically several courses are open.

I. The lands having been now examined (pymashed) the rentals might be fixed as valued, Government or its assignee continuing the landlord.

II. The lands might be sold to the occupants or others in proprietary right at the valuations calculated, or such prices as could be obtained liable to a tree-tax on the existing trees, (as ascertained from time to time,) at the rates now ordinarily leviable in Malabar.

III. A moderate rental, redeemable at twenty-five years' purchase, might be fixed, and a moderate land tax settled as the permanent demand on the now occupied acreage, irrespective of the number or description of trees, or the fact or description of cultivation.

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10. I think the first and second courses under the circumstances and prospects of these lands hardly feasible, and certainly not desirable. The present value of the lands has been reached to a great extent by the exertions and expenditure of the occupying tenants, or by the heirs and representatives of previous tenants.

Without disputing the general fairness of the valuations, if made with reference to a private transaction between an ordinary seller and purchaser, it is clearly a very different thing to throw a mass of estates at one time into the market, and require the occupants to purchase at fair market rates, or be ousted from their holdings. The sales would in fact be forced. From all I can gather there is not a chance of any considerable portion of the occupants being able, even if they were willing to purchase outright, the proprietary right of their holdings.

The Travancore Government might be willing to purchase, though I doubt if they would accept the valuations; and in any case I should strongly deprecate selling the proprietary right over the heads of occupants with long standing claims, thus reducing them to the position of mere tenants at will. To make over the lands to a foreign State with fluctuating rentals, and a tree-tax varying according to the number of trees found by periodical inspection, has many obvious disadvantages.

The third course indicated is the only one that commends itself.

We are seriously contemplating the substitution of a land for a tree-tax on the gardens of Malabar, and I would advocate this course with respect to these tracts before we make them over to Travancore.

I do not think there would be practical difficulty in fixing a land-tax, nor in setting a fair sum to be considered as the permanent rental.

11. For the land-tax I would take the present demands on wet lands, and the classification and rates I proposed for Cochin, which I quote in the margin, on the garden lands.

Class.	Assessment. Rs.	A.	P.
1	7	8	0
2	6	8	0
3	5	8	0
4	4	8	0
5	3	8	0

For easy reference, I forward copy of paragraphs 7 to 12 of my letter to the Board, dated 17th December last, on the subject of this assessment.

For a fixed land tax they are quite sufficiently high I think; but they cannot with reason be objected to by the people; and I know from personal communication with many of the cultivators at Cochin are considered reasonable.

The gardens of Anjengo are said to be rather better than the British Cochin Gardens; but I think the rates may be accepted.

12. On the wet lands in Malabar, the usual calculations of the landlord's rent in our Revenue accounts was at half the nigudi on Government assessment.

On garden lands the calculations were much more various, and in fact cannot be reduced to a standard.

For our present purpose the demand on the wet land may be allowed to stand as it is. On the garden lands I would assume, and fix a money rental equal to the assessment.

The rentals should be redeemable at the option of the tenant at twenty-five years' purchase.

The redemption of the rental should confer the fee-simple on the tenant, and the land would remain only liable to the fixed demand of the assessment.

If a tenant who has not redeemed, allows his land to go out of cultivation, and declines or is unable to meet the very moderate rental, the land would be resumable by Government; otherwise the assessments and rental should be unchangeable, save with the consent of the British Government on very special necessity for revision arising.

13. It seems to me this arrangement would be liberal to the people, and afford an excellent basis for transfer.

At present on the lands in Statement A., paragraph 4, the land revenue and rental accruing to Government amounts to Rupees 1,617-2-10, giving a return of about Rupees 4-1-8 and Rupees 8-12-5 per annum per acre of cultivation of wet and garden respectively.

The rentals estimated by the valuators would give an aggregate of about Rupees 6,895-1-7, or an average of Rupees 13-6-7 and Rupees 38-6-2 per annum per acre on the wet and garden respectively; and the Deputy Collector appears to contemplate levying assessment besides, at either British or Travancore rates.

My present propositions may be roughly estimated to give about Rs. 2,315-4-2 in the aggregate, or an average of Rupees 4-1-8 and Rupees 12-15-7 per acre per annum of wet and garden respectively.

14. Considering the position of the tenants, that most of them have held their lands from time immemorial, that they have been allowed to look on their occupancy as hardly liable to disturbance, and that we are about to transfer them against their will to another Government, I do not think that the Board and Government will consider my proposals too liberal.

15. If the principles are approved they will apply to all lands the property of Government and assessable; and apparently all land in which Government can claim the proprietary right is assessable in these tracts.

With regard to the lands in Statement B., paragraph 4, there seems no reason to doubt that they are the property of Government, and may be assessed. This can only be determined by further inquiry. If this does not show gift of the lands, and immunity from assessment, as clearly conferred on the occupants, I would assess. But if assessment is determined on, I would recommend the demand to be introduced gradually and levied one-fourth only the first year, half the second, three fourths the third, and the full demand in and after the fourth year.

With regard to the lands in Statement C., paragraph 4, unless information is obtained in the Resident's Office to induce a contrary opinion, I would recommend that the prescriptive claim to freedom of demand be admitted, and would not attempt to impose any assessment. A quit-rent might perhaps be levied under the Inam rules, as suggested by the Deputy Collector, if sufficient cause is shown by any information obtained in the Resident's Office; but I do not think this likely to be the case myself.

16. Not having other data on which to estimate the Miscellaneous Revenue, I submit a statement which shows what may be taken as the returns from the various sources calculated on the popula-

Vide Statement No. 3, enclosed.

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tion of the tracts in question at the rate that the same revenues give on the population of Malabar.

17. I have not included ferries; I would submit that the proceeds of ferries should be looked upon as local revenue to be expended on local improvements, and should not form an item in estimating the value of the Imperial returns.

18. There is an old Fort in Anjengo, the materials of which may be sold as the Deputy Collector suggests, or taken at a valuation by the Travancore Government.

There seem no other Government buildings that require notice.

19. The estimates as now approximately made on the propositions on calculations of this letter, would give annual returns as below:—

	LAND.						Grand Total of land.	Salt, Abkary, Sea Customs, Stamps, etc.	Grand Total.
	Wet.			Garden.					
	Assessment.	Rental.	Total.	Assessment.	Rental.	Total.			
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Anjengo	104 7 4	52 3 8	156 11 0	677 1 4	677 1 4	1,354 2 8	1,510 13 8	1,873 0 0	3,383 13 8
Tangacherry	.....	.....	.....	85 2 3	85 2 3	70 4 6	70 4 6	1,307 0 0	1,377 4 6
Tumbolli	1 4 10	0 11 2	2 0 0	76 10 3	76 10 3	153 4 6	153 4 6	59 0 0	214 4 6
Kattur	0 11 8	0 6 4	1 2 0	19 15 3	19 15 3	39 14 6	41 0 6	33 0 0	74 0 6
Athayakad	.....	.....	.....	6 4 6	6 4 6	12 9 0	12 9 0	6 0 0	18 1 0
Manakodath	.....	.....	.....	262 10 1	262 10 1	525 4 2	525 4 2	43 0 0	568 4 2
Total	106 7 10	53 5 2	159 13 0	1,077 11 7	1,077 11 7	2,155 7 2	2,315 4 2	3,314 0 0	5,629 12 2

This is the annual value for exchange. To it must be added the value of the waste land which is very small, and the value of the old Fort, etc., if they are to be taken into account.

20. The Escheat operations in Malabar have made good progress. I think it probable that the separate establishments may be dispensed with much earlier than I at one time anticipated, and I could at once despatch the present Escheat Superintendent* with a small staff to classify the lands as I have proposed.

If Government approve, the Superintendent could go to the Resident's Office and see whether anything is to be discovered there that would assist the settlement of the question. I note the establishment I think he would require. They have had good training for the work in the Escheat Settlement operations on which they have been engaged.

* Upote Kannen, a man of considerable experience and high character, well acquainted with English.

1 English Clerk,
1 Head Accountant,
1 Sheristadar,
2 Inspectors,
2 Gumastahs,
6 Peons,

who can conveniently be deputed from the Escheat Establishment now entertained, as their services will hardly be required otherwise, after the beginning of December next.

21. I would recommend that the classification and assessment should be carried out entirely by our Revenue servants in communication with the tenants themselves, though I see no objection to an Officer of the Travancore Sirkar being deputed on their account to form his opinion for the satisfaction of his Government of the value of our Settlement returns.

Any questions of disputed boundary would easily be settled by the Escheat Superintendent on the spot, and the Sirkar Officer deputed to meet him.

The returns being sent in, the value to be offered to Travancore would be known and the tracts ready for transfer, as soon as equivalent was determine on.

22. If the Escheat Superintendent is deputed, as I have proposed, by the end of next month or beginning of December, he might submit his report in the course of January, and the transfer, if finally agreed on, might be made from the commencement of Fusly 1279.

ENCLOSURE No. 1.

From the Deputy Collector, Southern Division, Malabar, to the Collector of Malabar, dated Ponany, 23rd February 1867, No. 4.

Letter from the Collector, dated 14th June 1865, No. 1,713.
Letter from the Deputy Collector, dated 2nd September 1865, No. 7.

1. Lands in Anjengo.
2. Do. in Tangacherry.
3. Tamboolly Patom.
4. Kattar do.
5. Athayakad do.
6. Manakodath.

WITH reference to correspondence noted, I have the honor to submit, herewith, six Statements showing the valuations of lands shown in the margin.

2. Abstract Statement A. exhibits those portions of lands in Anjengo and Tangacherry for which the Travancore Sirkar pays rent to the British Government, and also embraces an abstract of the estimated value of lands Nos. 3 to 6, known as Patoms, for which the holders pay rent directly to Government. Abstract B. comprises the valuation of the Government Janmam lands which are converted into gardens by the people, for which neither the proprietor's share nor the usual revenue is paid to Government. Abstract C. shows the valuation of lands which the holders assert to be their Jenmam and are enjoyed by them without paying the revenue. Statements D. E. and F. comprise the detailed particulars of the lands included in the above abstracts.

3. I beg to observe that the gardens in Anjengo and Tangacherry are of a very superior quality and very productive, and the prices fixed on them by the arbitrators are according to their present state. Considering the productive power of these gardens and the rent derived on the adjacent gardens belonging to private individuals, the price estimated by the arbitrators cannot be said to be high. There are ancient Rules in Anjengo and Tangacherry for fixing prices on gardens. The valuation calculated according to these Rules is also shown in the Statements A. B. and C.

4. It will be observed from the Statement A. that in some cases the items of revenue have not been put down. In my humble opinion the average annual amount of the revenue collected for the last 3 or 5 years by the Travancore Sirkar should be entered. This amount I have not been able to ascertain, although application was made by me to the Dewan of Travancore through the Dewan Peshkar.

5. The lands comprised in Statement B. were in fact waste, belonging to the British Government, which were converted by the people into gardens; but the Government derived neither the revenue nor the proprietor's rights from these lands, for reasons, as it appears to me, that the attentions of the Revenue Officers were not drawn to them; and thus they were allowed to remain unnoticed for years. Anjengo was for several years under the British Commercial Resident; afterwards it was, together with Tangacherry, for many years under the Military authorities, and subsequently they were under the Resident of Travancore and Cochin. The Collector's station was then above 200 miles distant from both these places.

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6. The holders of the lands embraced in the above Statement B. set forth various claims; some say that they are the gifts made to them by the Resident of Travancore and Cochin, to establish which, however, they have produced no documents, and I have no records whatever before me to refute their allegations, nor was there any forthcoming from the records of the Huzoor Office, although all possible references were made by me. Others admit that they are lands obtained from the Resident and Collector on Cowle which were since converted into gardens.

7. In my humble opinion it is not advisable that the sales of these lands to the Travancore Sirkar should take place previous to the disputes of the holders are settled. To effect the settlement of these disputes an Officer should be deputed for some time, in order to examine the records of the Resident's Office, and ascertain each individual's rights on the lands in his possession; and finally taking into consideration the pre-emption of each holder together with the present reduced state of the countries, dispose of the Government title to the present holders themselves, which is the easiest plan as I think. After the sales have thus been effected, the usual revenue should be fixed on these gardens which if made in accordance with the rule adopted in British Cochin and in Malabar, will amount to Rupees 234-9-2. But should the revenue be calculated in conformity with the rule observed by the Travancore Sirkar in levying revenue from the proprietors of the adjacent gardens, it will amount to Rupees 25-2-1, and the Travancore Sirkar will have to pay to British Government twenty-five times either of the above two amounts approved of. This sum should be added to the amount shown in the Statement A.

8. The holders of the lands in Statement C. allege that the whole of them are their Janmam property. It may be so. Considering the length of time they have been in undisputed enjoyment thereof, they may have come to the position of Janmy. If an Officer were to be sent to examine as above stated, lands included in this statement should also be looked into. It is likely that some of these lands may turn out to be Government Janmam property; if so, they can also be added to the lands in Statement B. and dealt with accordingly.

9. Whether or not the usual revenue should be fixed on gardens included in Statement C. remains to be considered. No revenue has been collected on these lands in Anjengo as yet. The holders don't say they were allowed to enjoy them without revenue. Even if they say so, they have no foundation upon which to establish their assertions. The whole of this place formerly belonged to the Travancore Sirkar, but the British Government obtained it from them for commercial purposes, and eventually the latter became the Government thereof. The holders of the gardens in Tangacherry assert that formerly the Portuguese Government and subsequently the Dutch Government permitted their holdings to be enjoyed without paying the revenue, and that this state of enjoyment not having been disturbed by the British Government up to this time, their rights to claim exemptions from revenue have become stronger. If the Government is pleased, in consideration of the lengthened period the Tangacherry people have enjoyed their holdings, without revenue as above stated, to forego the revenue on their gardens, this matter will be set at rest; otherwise they will have to pay a Jody in accordance with the Inam Rule, amounting to Rupees 364-9-10, and twenty-five times this amount the Travancore Sirkar will have to pay to the British Government. This latter amount should then be added to the total in Statement A.

10. The price of all the lands was estimated by Inspectors headed by my very able and trustworthy Head Accountant, Valur Atchudan Nair, who being for a long time employed in the Escheat Department, is well acquainted with the system of fixing valuation, together with Officers of the Travancore Sirkar, and in the presence of the principal men of the place selected as arbitrators, after which I proceeded to Anjengo and Tangacherry myself, and in company with the Dewan Peshkar, Rama Row, inspected the works that had been done by the Inspectors, etc. I have not seen the four Patoms, for, until my return to my principal station, orders had not been issued by the Dewan to his subordinates to engage themselves in estimating the valuations of these Patoms, but which was afterwards estimated by my Head Accountant together with Dewan Peshkar, Shumgoony Menon's Head Sumparathy (Sheristadar) in the presence of the arbitrators. I did not go thither after this to see them, owing to the urgent necessity of my presence in my division, in consequence of the High Court Order to discontinue the use of making commitments to the Principal Sudder Ameen's Court at Calicut. If I am correct, it appeared to me from the conversation I had

with the Dewan Peshkar Rama Row that to consent to a final settlement as regards the price, the approval of the Dewan was necessary; I have not been able to go and see the Dewan at his residence, as I could not have stayed away longer from my division.

11. The territory of Anjengo is a narrow strip of land lying on the coast, and contains an area of 357¼ acres, of which the river on the east occupies 128¼ acres, and the beach 23¼ acres. It is bounded on the west by the sea, on the east by the above river. The northern and southern boundary marks are not properly perceptible. Beyond these boundaries are lands belonging to the Travancore Sirkar. There are 401 houses in Anjengo with 2,189 inhabitants. There is a small old Fort built by the British Government in 1600 for commercial purposes. The walls of the Fort are good and strong, but not having been inhabited or frequented for many years, the whole is overgrown with bushes. There is no inducement to the Travancore Sirkar to buy it at the estimated price. I think it would be advisable to sell it by public auction, allowing the purchaser to remove the materials. There is also a Flag-staff which though strong has not been used for years. A Protestant burying ground and two Roman Catholic Churches are there which latter are somewhat large.

12. Tangacherry is situated twenty miles north of Anjengo. The western, southern, and part of the eastern sides of Tangacherry are surrounded by the sea. Beyond the northern boundary, which is not properly perceptible, are lands of the Travancore Sirkar. The area of this territory is 91¼ acres, containing 356 houses and 1,874 inhabitants. The foundation and parts of the walls of a Fort built by the Portuguese and a strong Flag-staff are there, which latter is not in use. There are also three burying grounds belonging to the Dutch, Protestants and Roman Catholics, and also two Churches of the latter.

13. The four gardens known as Patoms lie between Alleppy and British Cochin, or midway between these two places. Of these Tumbolly Patom comprising an area of 12¼ acres, and containing twenty-three houses with 111 inhabitants, lies three miles to the north of the town of Alleppy. Seven miles further north lies Kattur Patom of the area of 3¼ acres, with 11 houses and fifty-eight inhabitants; both these Pattoms are situated on the sea-side which is their western boundary. All the other sides are bounded by lands belonging to the Travancore Sirkar. About twelve miles north-east of this latter Patom on the western bank of the river, which runs from Travancore to Cochin, stands Athayakad Patom, which is a small garden of about one acre in area. There is a house in it occupied by a single family. The eastern boundary of this Patom is the river, beyond the other boundaries are lands belonging to the Travancore Sirkar. Manakodatha Patom are in two plots, which lie at a distance of about twenty miles, north-west of Athayakad Patom. One of these plots is on the sea-side, and the other plot is situated at a distance of three miles eastward of the former, the west side whereof is the sea and the east side the river. Beyond the boundaries of these two places are lands of the Travancore Sirkar. The above two plots comprise 40¼ acres, and contain nine houses, one Roman Catholic Chapel, and forty-six inhabitants.

14. In conclusion I beg to state that it is from some vague particulars obtained from the Officers of the Travancore Sirkar, as well as from the Sub-Magistrate of Tangacherry, and also from the information collected from the people, that the lands in Anjengo and Tangacherry are separately shown in Abstracts A. B. and C. I regret therefore I was unable, from want of proper records, and from the necessity of discharging my duties in some way or other, to furnish this report earlier and other accounts in a satisfactory manner.

(True Copy.)

(Signed) G. A. BALLARD,
Collector.

ENCLOSURES Nos. 2 to 10.—Statements.

ENCLOSURE No. 11.

ABSTRACT.—Extract from a letter from the Collector of Malabar, to the Board of Revenue, dated 17th December 1867, No. 283, B.

WITH this letter the Collector submits the correct measurement and valuation of the lands, and an estimate of the revenues from other sources of the British Dependencies of Tangacherry and Anjengo, and of the small detached Lease-holds (*Pattom*,) four in number, situated within the Travancore State.

2. The valuations were made under the direction of Deputy Collector C. Canaren with the aid of local arbitrators.

3. The lands included in these dependencies range themselves under three classes, according to the conditions of tenure and circumstances of payment of rent.

					Rent. Rs.	A.	P.
* Rice land ...Acres	39	1	12¼		159	13	0
Cocoanut Garden ... ... „	165	14	13¼		1,457	5	10
Total Acres...	204	14	10¼		1,617	2	10
					Rs.		
For Tangacherry					1,450		
„ Anjengo					2,447		
				Total...	3,897		
					Acres	A.	A.
† Rice land					1	1	11
Cocoanut Garden					28	12	3
				Total ...	29	13	14
‡ Cocoanut Garden... Acres ...					99	3	9

Class A* includes those lands, the unquestioned property (*Janmam*) of Government, which now pay rent to Government either directly, as in the case of the four Lease-holds (*Pattom*), or indirectly under the lease of Tangacherry and Anjengo held by the Travancore Government.

Class B† includes lands, the admitted property (*Janmam*) of Government, on which no rent has ever been paid.

Class C‡ includes lands in respect of which the occupants claim to hold in fee-simple (*Janmam*), and have paid no rent to Government.

4. The Deputy Collector has computed the true annual rental of all lands under their present condition, with a view to ascertain the full market value of the land, which is taken at twenty years' purchase. He thus values the Government properties under consideration at an annual rental of Rupees 15,635-5-11, and the market value of the fee-simple, less tenants' improvements, at Rupees 2,95,322, if estimated according to the rates regulated by ancient local usage. Their value by the usual method of computing amounts to Rupees 3,85,324. It is inferred that the Deputy Collector would fix the future annual rental of lands under Class A. at the now computed rates.

	Present rent.	Future rent.	Price of fee at local rates.
Class A...	1,777	6,895	1,52,064
„ B... ...		1,578	26,943
„ C...		7,161	1,16,315
	1,777	15,634	2,95,322

5. He further estimates the revenue of these dependencies from other sources at Rupees 3,314-8-0, but there are no accurate data from which to frame a correct statement. Precise information as to the income from Sea Customs and realized for the gardens should be supplied as respects Anjengo and Tangacherry by the lessees, the Travancore State. The Deputy Collector's survey discloses only Acres 4-10-8¼ of waste land.

	Rs.
Salt	1,868
Abkarry	365
Stamps	870
Sea Customs	212
	3,315

The Sea Customs of Anjengo are not included—*Vide* Collector's letter, 30th July 1864, No. 183.

Rental of Class A	...	...	6,895
Do. B	...	...	1,578
Quit-rent of C	...	...	365
Extra sources estimated	...	...	3,315
			12,153

6. The result of the valuation of the Deputy Collector is an annual income of Rupees 12,153 as shown in the margin.

7. The Collector proposes, "without disputing their general fairness," to set aside the valuations of the Deputy Collector which he thinks cannot, "as they "stand, be taken as a practical basis of settlement of the exchange question," he "recommends that a moderate rental, redeemable at twenty-five years' purchase, "may be fixed, and a moderate land-tax settled as a permanent demand on the now "occupied acreage, irrespective of the number or description of trees, or the fact "or description of cultivation." In giving effect to this view the Collector proposes to retain the existing assessment of rice land, and to convert the tree tax on cocoanut gardens into a land tax at the rates proposed for British Cochin, which range from Rupees 7-8 to Rupees 3-8 per acre, and to fix a fixed money rental on the land equal to the existing tree assessment. He estimates the result of the proposed valuation of lands under Class A. at an annual rental of Rupees 2,315. The present payment being more or less Rupees 1,617.

N. B.—There is some discrepancy as to the precise rent now paid, caused probably by the fact that for Anjengo and Tangacherry the rents are received by the Lessee and the information has not been supplied.

8. The Collector would assess the lands in Class B. in the same manner, the amount to be brought up by instalments spread over four years. He has not computed the probable result, but at the same proportion of the Deputy Collector's valuation of Class A. (namely one-third), the rental would amount to about Rupees 526.

9. The Collector would not assess the lands under Class C.

10. The financial result of a re-valuation on the basis proposed by the Collector, would be an annual income of Rupees 6,155 as shown in the margin. The Collector proposes to depute his Escheat Superintendent to re-value these properties on the basis of his recommendation.

			as.
Class A. under all heads	...	...	2,315
" B., say	...	...	526
Extra sources	...	...	3,314
			6,155

11. The object of the operations here reported on, is the valuation of our property with a view to its transfer for a suitable consideration to Travancore.

12. There are three points on which it is necessary that Government should pass orders before the proposed arrangement can be carried into effect. These are:—

I. Whether the *Janmam* right shall be sold or be left to the tenants, as hitherto. The Board see no reason why Government should abandon this right which is being sold in Malabar proper.

II. Whether, if sold, it shall be sold to the tenants or to the Travancore State. By the land tenure of Malabar a Janmakar is not legally bound to sell to his tenant only. But considerations of policy and equity have led to the right of pre-emption being conceded to the tenant in all cases where Government sell their *Janmam*. The Board see no reason why a different course should be adopted here.

The land owes what value it possesses to the labor and capital of the occupants, and it would be regarded as an act of hardship to disregard their preferential claims to the purchase of the *Janmam*. The Board would therefore offer the holders of the land the option either of buying it outright, or of paying with the annual assessment a sum equivalent to 5 per cent. per annum on the capital sum, with the power of redeeming this at any time at 20 years' purchase. The latter arrangement would suit those of the landholders who may not be able to purchase the right at once; of course, if they decline the sale will be to the Travancore Government at such a price as may be mutually agreed.

III. The method of valuation to be adopted. The *Janmam* right of Malabar is practically one of complete proprietorship, and *inter-alia* includes (if the Janmakar has not by agreement ceded it to the tenant) the right of ousting the tenant, paying him for his improvements. It is unnecessary here to touch on the various kinds of tenancy in Malabar, it is enough for present purposes to state broadly that this power is inherent in *Janmam*. It is this, that renders the occupants of escheated lands in Malabar so desirous of purchasing the *Janmam* right. In Travancore, this power appears to have been authoritatively negatived, and the *Janmam* right would seem to be reduced to a rent charge on the land, to be adjusted by local custom. This must, of course, greatly reduce its value. As the lands under consideration, though attached to the Malabar Collectorate, are really part of Travancore, and it is the object of the present negotiations to transfer them absolutely to the Travancore State, the *Janmam* right must, the Board think, be valued according to the worth of the privileges, which according to Travancore law are annexed to it, and not according to the value of those attaching to it in Malabar proper. If Government decide in favor of this plan, it will be necessary to obtain full information of the characteristics of *Janmam* in Travancore. The best way to do this would be to depute Deputy Collector, Kanaren, to Trevandrum, to obtain the necessary particulars, and revise his calculations accordingly. The Resident could doubtless arrange with the Dewan, Sir Madava Row, to ensure his receiving all necessary assistance and information. If on the other hand Government decide that the Malabar valuation is to hold good, those submitted will suffice; but looking at the large amount to be suddenly demanded, and the reluctance of the people generally to be transferred from British rule, the Board consider that an abatement of 25 per cent. should be allowed, and the payments spread over several years in easy instalments.

See paragraph 101 Administration Report of Travancore for 1864-65, and paragraph 127 *et. seq.* Administration Report for 1865-66.

See paragraph 118 *et. seq.* Administration Report of Travancore for 1864-65, and paragraph 100 Administration Report of 1865-66.

13. The plan which is advocated by the Collector, namely, to assess the land permanently at rates including both *Janmam* and land revenue, has the great advantage of placing the rights of the people on the securest basis, and freeing the Government from even a colorable charge of having endangered their rights in carrying out a measure of administrative convenience. There would be no difficulty in carrying it out; but as the system is unknown on the western coast the

Travancore authorities might not unreasonably demur to the introduction of a new kind of tenure.

14. On the whole, therefore, the Board recommend that the *Janmam* right valued as Government may determine, be sold or commuted to the occupants, if they choose to accept the offer.

15. As regards the annual assessment, the holders of the land will be in the same position as other land-holders in Travancore, and the character of that Government is sufficent guarantee for their being equitably treated.

16. Under these arrangements Travancore would have to collect the instalment of *Janmam* purchase as they fall due and pay them over to the Government as realized, and cede lands to Goverment in exchange equivalent in yearly assessment to Rupees 1,777, *plus* a rent to be fixed on the lands in Class B. according to Travancore rates. The lands in Class C. should, the Board think, be treated as rent-free Inams.

17. The Board would make no charge for the old Fort or the petty area of waste.

18. The average net proceeds of Customs, etc., on the average of five or seven years will have to be added to the above noted sums, and lands taken in exchange.

19. With these remarks the Board transmit the Collector's report to Government.

No. 428. Proceedings of the Board of Revenue, dated 12th March 1869, No. 1,684.

Read the following letter from the Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 9th February 1869, No. 42 :—

THE Board's Proceedings, dated 28th January last, No. 591, have just reached me. They refer to the arrangements to be made previous to, and in carrying out the proposed transfer of Tangacherry and Angengo to Travancore. I venture to offer a few further remarks.

2. In paragraph 12, clause 3 of the Proceedings, the Board observe: "the "Janmam right must be valued according to the worth of the privileges, which, "according to Travancore law, are annexed to it, and not according to the value "of those attaching to it in Malabar proper." With submission I do not see the necessity. If the British Government, standing as it does with respect to the lands in question as Government and landlord possessing the fee-simple, sees fit to fix a land-tax and a rental, and the conditions on which either or both are to be redeemed, I do not see that any one is in a position to question either the right to take, or the propriety of taking the step.

I speak especially of lands in Class A, the most important.

If the conditions of Janmy, etc., are previously fixed and declared, the transference of the lands to another administration cannot render them liable to be affected by the general laws or customs of that administration to the prejudice of the rights previously fixed and secured.

3. The arrangements contemplated by me are, I venture to say, so plain and simple that there is really no room for subsequent misunderstanding or difficulty.

4. It will be observed I advocate, firstly, a definite land tax; and, secondly, a moderate fixed rental, redeemable at the option of the tenant, redemption carrying with it the fee-simple of the land which thenceforth is only chargeable with land-tax.

Both tax and rental are recommended to be rated scrupulously low, but will give a higher return than hitherto to Government, as it is quite fair they should; and I would urge that this arrangement will not only favorably secure the rights (or rather reasonable claims) of the tenants, but will enable the exchangeable value to be estimated more precisely, and far more speedily than the other courses open.

5. If the idea broached in clause 3, paragraph 12, of the Board's Proceedings is followed out, there will be, I anticipate, considerable delay in what I cannot but think (as regards the present subject) an unnecessary inquiry on the subject of Janmam right in Travancore.

6. The Board appear to incline to value the Janmam to the tenants much as has been done in Malabar, and leave the Travancore Government to collect and remit the instalments.

If the sale is determined on, the tenants will almost perforce assent to purchase; for the alternative is to pass from the British Government as landlord to another, whether public or private, who may raise their rents, or oust them at will. But I have had long experience in Malabar of the ease with which agreements can be got to purchase in such cases, and the difficulty experienced in realising the purchase-money. Of this the escheat balances afford painful evidence. In a small way the same difficulties will arise in Tangacherry and Anjengo; but they will be greatly increased by the collection being made through a foreign State. Strong, if not harsh measures will be required to make punctual collections; and I anticipate there will be much delay, as well perhaps as misunderstanding and dissatisfaction, if that course is decided on. On these grounds I venture strongly to advocate that the rental be fixed, but that its redemption be optional. We then have a clear exchangeable value, without any appearance of hardship or opening for delay and trouble.

SUBMITTED for the information of Government, in continuation of Proceedings of the 28th January 1869, No. 591.

2. The Board adhere to their former opinion. They think that Mr. Ballard has failed to appreciate fully their argument in clause 3, paragraph 12 of their Proceedings, which is mainly based on the consideration set forth in the commencement of the sentence of which he quotes the close.

3. The Board observed that, "as the lands under consideration, though at-"tached to the Malabar Collectorate, are really part of Travancore, and it is the "object of the present negotiations to transfer them absolutely to Travancore, the "Janmam right must, the Board think, be valued according to the worth of the "privileges which, according to Travancore law, are annexed to it, and not ac-"cording to the value of those attaching to it in Malabar."

4. The Board were of opinion that the tenants of these lands would be justified in claiming to be accorded a tenant-right as allowed to all their neighbours within one hundred miles, rather than deprived of those rights under the absolute

proprietorship which law and custom has assigned to the Jammy in Malabar, nominally their country, though foreign in reality.

5. As regards the concluding remarks in Mr. Ballard's letter wherein he strongly advocates a fixed rental, the Board have already, in paragraph 13 of their former Proceedings, expressed their concurrence with the Collector's views as to the advantages of the mode of procedure.

No. 429. ORDER THEREON, 19th May 1869, No. 1,390.

Land Revenue.

THE Right Honorable the Governor in Council has given these papers his careful consideration, and he is of opinion that the rights of the inhabitants of the dependencies in question will be more completely protected under the system of valuation proposed by Mr. Ballard, than under that recommended by the Board.

2. His Lordship in Council also concurs in the remarks made by Mr. Ballard in paragraph 2 of his letter, dated 9th February 1869, No. 42. The adoption of Mr. Ballard's proposals is accordingly sanctioned.

(True Extract.)

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

To the Board of Revenue.

Exd. E. C. Shunker,

Govt. of (1869) Madras.

REVENUE.

To

THE BOARD OF REVENUE.

23/11/26.
23/7/58 v
5-37-17
22.9.25 II

Dated May. 19th.

Read.

G. O., 19th May 1869, No. 1,390.

MAY.

Nos. 427—429.

Escheat Lands in certain British dependencies in Travancore.—Adoption of Mr. Ballard's system for the valuation of their Janmam right, sanctioned.

recommended to the Board.

The cession of this territory was originally much desired by the Travancore Govt. on account of the facilities for smuggling which it afforded so long as it remained a British possession (see Memo in [illegible] book [illegible]) but these do not seem [illegible] been any complaints of smuggling during the last [illegible] years, and it [illegible] to be a question whether public policy now justifies the cession of this British territory [illegible] Native State [illegible] against the [illegible] wishes of the inhabitants.

In any case, however, it may be desirable [illegible]

certainly [illegible] done [illegible]

that a valuation of the lands should take place on the plan proposed by Mr. Ballard, leaving the cession of the territory for future consideration.

J.M.

The Rt Honble the [illegible] in Council has given these papers his careful consideration [illegible] he is of opinion that the rights of the inhabts of the dependencies in question will be more completely protected under the system of valuation proposed by Mr Ballard than under that recommended by the Board.

His Lordship in Council [illegible] concurs [illegible] in the [illegible] made by Mr Ballard in para [illegible] of his letter dated 9 Feby [illegible]. The adoption of Mr Ballard's proposal [illegible]

[illegible] in accordance [illegible]

[illegible]

inhabitants of the [illegible]

Revenue Department

No. 1398

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 19th May 1869.

Read the following Report of the Board of Revenue

Submitting Report of Collr of Malabar on Valuation of lands in British Dependencies of Tangacherry & Anjengo and small detached Pattahs in Travancore State.

R. 28th January/69 A. 59

Submitting letter from Collr of Malabar remarking against course proposed by Board for valuation of Janmam right in Pattah lands in British Dependencies of Tangacherry & Anjengo.

— 12 March — 169

The Right Hon'ble the Governor in Council has given these papers his careful consideration and he is of opinion that the rights of the inhabitants of the dist

dependencies in question will be more completely protected under the system of valuation proposed by Mr Ballard, than under that recommended by the Board.—

2 His Lordship in Council also concurs in the remarks made by Mr Ballard in para. 2 of his letter dated 9th Feby 1869, No 43. The adoption of Mr Ballard's proposals is accordingly sanctioned.

Lett from Madras

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