Proceedings of the Madras Government, Revenue Department,
17th October 1872.

No. 134. Read the following Proceedings of the Board of Revenue, dated 28th February 1872, No. 379:—

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, to the Acting Secretary to the Board of Revenue, dated Calicut, 7th July 1871, No. 158B.

I HAVE the honour to report as follows on the Government Order dated 24th February 1871, No. 338, communicated with Board's endorsement dated 1st March 1871, calling for my opinion as to whether there are any objections to the plan described in paragraph 6 of the despatch of the Secretary of State, dated 22nd December 1870, No. 33, as the "offer to the holders of land in Cochin the option of either buying it outright, or of paying, with the annual assessment, a sum equivalent to 5 per cent. on the capital sum, with power to redeem at twenty years' purchase."

2. I will briefly state the financial results which would ensue were the offer accepted by all the holders of Government land at Cochin hitherto settled.

3. The sum fixed on these gardens amounted, on the whole, to Rs. 2,94,288, divided among 390 persons, the maximum single settlement rising to Rs. 31,500 and the minimum being 10.

4. On these lands an annual rental has hitherto been paid under the name of *Patam*, amounting to Rs. 6,172, which, for the purposes of valuation, has now been apportioned, 3,425 as *Jenmi Shistom* or landlord's share, and 2,747 as land assessment. The former sum would, under the system of escheat settlement prevailing, have been remitted in each case as soon as the paid-up instalments reached a sum equal to half the settlement valuation.

5. Under the settlement now proposed I presume the demand on this account would at once cease, and for it the purchase-money would be substituted; an annual payment by way of interest gradually increasing as instalments become due, and finally amounting to Rs. 14,714.

6. The settlement at Cochin has been interrupted on account of the difficulties raised; about as much again remains to be settled.

7. Having thus described the position of the Cochin garden-lands I deem it right to place before the Board the whole subject of the settlement of Government lands in Malabar, and feel the less hesitation in taking this opportunity of doing so in consequence of the circumstance that the proposal referred to by the Secretary of State originated in the discussion regarding the settlement, not of the Cochin, but of the Anjengo and Tangacheri lands, the disposal of which had to be accelerated in consequence of the proposal to transfer them to Travancore.

8. It will, I conceive, be difficult to admit the principle of commuting the valuations to an annual payment at 5 per cent. in Cochin, and to refuse to extend it to the rest of the district.

9. Since the commencement of escheat settlement lands have been settled and sold to the occupying tenancy to the amount of Rs. 34,30,000. Of this amount

the sum actually collected is Rs. 22,20,000, the date of realization being as shown below :—

—	Current.	Arrears.	Total.
	Rs.	Rs.	Rs.
Between 1854—1864...	.....	.....	3,61,338
1864-65	2,55,221	40,611	2,95,832
1865-66	2,29,878	60,670	2,90,548
1866 67	1,23,595	82,621	2,06,216
1867-68	1,44,710	1,15,846	2,60,556
1868-69	97,353	2,13,480	3,10,833
1869-70	95,456	1,94,275	2,89,731
1870-71	41,334	1,45,913	1,87,247
Total...	9,87,547	8,53,416	18,40,963
Add Collections up to 1863-64			3,61,338
Collection in advance			18,000
Grand Total			22,20,301

10. These figures will show at a glance how great a drain there has been on the agricultural capital of the districts, especially during the last seven years.

11. The settlement has been annually progressing, and while the demand has been gradually swelling, the collections have shown a tendency to remain stationary at about 3,00,000, and in the face of the unusually low price of produce which has obtained during the last year they have fallen to less than two-thirds of that sum.

12. It is easy to see how at first instalments could be met by capital in hand, and then by selling portions of land (as I am informed has been extensively done), and by money raised on security of the land retained. These resources would gradually fail, and not only that but the amount of local capital, even in the hands of parties not directly interested in the settlement, must necessarily have become sensibly diminished. That this is the case has been brought to my notice in a marked manner while visiting North Malabar, where, especially in the vicinity of Tellicherry, whole parishes were the property of Government. A considerable proportion of the instalments have been realized there, but I was assured on all hands that there was no capital left in the place.

13. When the settlement was originally proposed by the Collector and sanctioned by Government there was no idea that it would reach anything like the dimensions to which it has extended.

14. Thus the Betutnad Estate, of which the portion already sold has realized upwards of 3,00,000, was estimated to be worth Rs. 60,000, and in paragraph 9 of a memorandum drawn up by the Honourable Mr. Robinson, printed with Government Order dated 13th December 1870, No. 706, that gentleman, who was attached to the district when the settlement was determined on, observes that if his recollection serves him aright, 4,00,000 were expected from the whole district. This having been the expectation on which the measure was originally proposed

and sanctioned, and the results having been as I have already shown, it seems desirable to take this opportunity of inviting a review of the question as regards the whole district.

15. To me it appears that the settlement has already had an unfavourable effect on the agricultural interest of the Malabar District by withdrawing capital which would otherwise have been invested in the improvement of the soil. Great hardship has been inflicted on individuals by selling their holdings over their heads for an imaginary debt, for which the land confessedly afforded ample security; for the Government selling-price represented a moderate valuation after a deduction from the gross value for those improvements for which, in accordance with the rules of tenant-right in Malabar, the tenant can claim compensation. Although something like two-thirds of the settlement prices have been realized, it by no means follows that the greater part of the difficulty has been overcome. On the contrary, it is but natural that the cases where money was not forthcoming should be found to accumulate as we proceed. The subjoined statement shows the actual course of collections. It must be remembered, too, that there was a premium held out to induce parties to pay up to the amount of half the total sum, for, as I before mentioned, the Jenmi Shistom or landlord's share was then remitted. I have no hesitation in saying that if the settlement is to be carried out unsparingly, it will be necessary to resort to sale in a large number of cases. It has been admitted that prior to the settlement these occupants were in a position little inferior to that of proprietors; but if the land is sold to strangers the tenants suddenly find themselves in a worse position than the ordinary tenantry of the country, who, as a rule, have relations of long standing with their landlords. The case seems one in which sound policy demands that those who prefer to become debtors to the State should be permitted to do so, the amount being, of course, treated as a first charge on the land. Of late some serious legal difficulties have occurred in enforcing Government claims on account of escheat lands: it is not necessary here to particularise these, as they have lately formed the subject of correspondence with the Board, and I need only say that in any case legislation would probably have been necessary :—

—	Current.		Arrears.	
	Demand.	Collection.	Demand.	Collection.
	Rs.	Rs.	Rs.	Rs.
1864-65	3,70,472	2,55,221	66,307	40,611
1865-66...	4,17,930	2,29,878	1,34,639	60,670
1866-67...	3,22,276	1,23,595	2,62,021	82,621
1867-68...	3,36,198	1,44,710	3,76,763	1,15,846
1868-69...	3,08,107	97,353	5,82,347	2,13,480
1869-70...	2,43,105	95,456	5,58,659	1,94,275
1870-71...	2,15,626	41,334	5,12,032	1,45,913

16. In regard to the proposal now under discussion I have consulted several of the most experienced native officials, and they are of opinion that very great difficulty would arise in realizing interest, unless it were declared by a special enactment to be leviable in the same manner as ordinary arrears of revenue. I

believe these fears are well grounded, and I can see no objection to a special measure for the purpose.

17. The settlement provides for the instalments being realized as shown in the margin, and, so far as the settlement has gone, the total amount of interest which would eventually be realized, supposing the offer to be universally accepted, would be Rs. 60,500.

	Rs.
1871-72	1,59,689
1872-73	1,20,362
1873-74	96,168
1874-75	81,365
1875-76	64,201
1876-77	40,834
1877-78	26,149
1878-79	17,700
1879-80	13,046
1880-81	8,900
1881-82	8,753
1882-83	7,848
1883-84	2,200
1884-85	2,200
1885-86	2,200
Anjengo and Tangacherry	28,314
Total...	6,79,929
Add Arrears...	5,29,770
Grand Total...	12,09,699

18. A moderate but permanent increase to the revenue such as this appears, in an administrative point of view, decidedly preferable to the large but uncertain and temporary increase hitherto obtained; the latter vitiates all comparisons and adds to the causes which lead to unreliable budgets.

19. I am strongly of opinion that the option of this mode of settlement should be offered throughout the district.

This letter will be submitted to Government, with reference to Government Order, 24th February 1871, No. 338.

2. The Collector reports, on a suggestion made by the Secretary of State, that in Cochin, where the landholders have complained of the valuation of the *jenm* or proprietary right in their lands, they should be allowed the option either of purchasing it outright, or of paying, with the annual assessment, a sum equivalent to 5 per cent. per annum on the valuation, with the power of redeeming this whenever they choose at twenty years' purchase.

3. This arrangement was suggested by the Board in the case of Anjengo and Tangacheri, which was a peculiar one for two reasons, first, because the lands, though belonging to Malabar, were geographically situated in Travancore territory; and, second, because they were about to be transferred to the Travancore Government. These facts seemed to the Board to distinguish the case from that of any other of the Malabar escheats to such an extent that it would be possible to introduce a new species of settlement there without disturbing principles of settlement which have been in operation for twenty years in other parts of Malabar and in Cochin.

4. It would not only be *difficult* as the Collector rightly supposes, but it would be obviously harsh and unjust "to admit the principle of commuting the valuation to an annual payment of 5 per cent. in Cochin" without extending it to the rest of Malabar.

5. The position of Government as a *Jenmidar* in Cochin is very different from its position in Malabar.

6. In Cochin the property was acquired from the Dutch who owned it absolutely, managed it by official agents, and spent State funds on its improvement and maintenance. Under them the occupants were tenants-at-will, possessing no right to compensation for improvements and acquiring no prescriptive interest in the land by any length of occupancy.

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17th October 1872.

7. When the British Government assumed the control the properties ceased to be managed directly by the State, but they were farmed out on twenty-year leases, and the farmers sub-let their farms at the highest rent they could obtain to tenants who were still mere tenants-at-will.

8. Between 1847 and 1854 Mr. Conolly, who was then Collector of Malabar, ceased to renew the twenty-year leases, and gave the tenants then in occupation permanent rights of occupancy as regarded both the land itself and the improvements thereon. A valuable State property was thus distributed amongst tenants who but for this free gift would have had no claim to it. Government retained only the *jenm* and the right to a land-tax.

9. It is otherwise with the escheats of Malabar proper. There Government only occupy the place of the *jenmies* or hereditary proprietors whose right has escheated. Successive occupants have reclaimed, improved, and, in fact, created the property, and in consideration of this they have by law a lien on the land for all their improvements, and cannot be ousted till the improvements have been liberally paid for.

10. It is clear, therefore, that the circumstances of Cochin are not such as to call for exceptional consideration. The landholders have been allowed an important benefit to which they had no claim twenty-years ago, viz., compensation for their improvements, and the price fixed by the arbitrators for the *jenm* right has been reduced by 54 per cent. Even the reduced amount is not to be paid at once, but in instalments spread over many years.

11. Cochin is a prosperous sea-port and its people are comparatively wealthy. The valuation which they are required to pay for the *jenm* right is less than one-half of what it would fetch in the open market. If the occupants refuse to purchase there will be nothing harsh in selling the *jenm* to others, because it is extremely improbable that the purchasers would be able to buy out the tenants as is necessary before they can be ousted.

12. If the instalments are too heavy in individual cases they may be reduced and a further period allowed for payment. This is within the competency of the Board and the Collector, and is the utmost indulgence which ought to be shown.

13. The Collector is strongly in favour of adopting the Secretary of State's suggestion not only in Cochin, but in the whole of Malabar. He argues that the agricultural capital of the country has been seriously contracted by the payment of Rs. 22,00,000 to Government on account of escheat-sales from 1854 to 1871, that the collection of the demand is becoming more and more difficult as the resources of the purchasers fail them, and that it will be necessary to resort to resales, placing the occupants under strange *jenmies* in a large number of cases. He alludes to legal difficulties which have arisen from a decision of a local Court, which is in all probability correct, viz., that Government have no right to cancel a sale of their *jenm* and resell it unless a special power to resell in default of payment is entered in a written contract. This has been done very generally in the north but not in the south.

14. The Board are doubtful as to the alleged depletion of agricultural capital. Malabar is an exceptionally wealthy and fertile country. The average assessment is very light, and the whole land-revenue demand on this, one of the richest districts in the Presidency, is only twenty lakhs. If the revenue could have been settled there, as it has been in other districts, it would be double its present amount, and even then it would not press too heavily on the cultivators, though it would seriously curtail the unproductive expenditure of the *jenmies*.

15. The legal difficulties to which the Collector alludes are no doubt serious; but there is nothing yet to show that they are insuperable. True, Government cannot enforce their claim for purchase-money in many, perhaps in most, cases without the intervention of the Courts, but the result of such intervention must be tried, and the Board anticipate that two or three successful cases will put an end to all embarrassment on this score. As the settlement now stands the law is on the side of Government.

16. These legal difficulties will not only be increased, but will be absolutely insuperable if payments of 5 per cent. for all time to come are substituted for a limited number of instalments of the purchase-money. The number of cases in which payment will be withheld will be indefinitely increased, and the right to recover summarily will be absent in all. Nothing short of a legislative enactment can remedy this evil.

17. But even if a legislative enactment, making the interest on the price of the *jenm* recoverable like arrears of land-revenue, could be obtained, the commutation would not be altogether unobjectionable. The value of the *jenm* increases very rapidly, and it has now been fixed at a moderate amount. Five per cent. is a light rate of interest for Malabar, so that the payment would represent the value of the right conceded more and more inadequately as year after year passed by. Moreover, the *jenm* title thus given could not seem perfect to the people inasmuch as Malabar law and customs show no precedent for such a settlement. It must be remembered that when diminished by costs of collection, irrecoverable arrears, and so forth, the net rate of interest obtained by Government would be much less than 5 per cent. Under any conditions it would be a mistake to merge the value of the *jenm*, which belongs to Government as a *jenmi*, in the land-tax which is payable to it as the ruling power.

18. The Board hope that no change will be permitted in the terms of the settlement until the necessity for such a change has been fully proved.

No. 135. ORDER THEREON, 17th October 1872, No. 1,434.

Land Revenue.

THE Government has acquired the "Jennom" or proprietary right in certain lands in Malabar and Cochin; in the former by escheat and forfeiture, in the latter by succession to the Dutch Government.

2. The tenants are presumed to pay a combined landlord's rent and State-tax on their occupation.

Proceedings of the Madras Government, Revenue Department,
17th October 1872.

3. In Malabar they are entitled to certain compensation for improvements in the event of being removed. In Cochin this tenant-right is not admitted to exist in theory.

4. For some time past measures have been in course of execution for disposing of this Jennom right at a valuation according to the custom of the country, after deducting the value of the tenants' improvement-right; the privilege of pre-emption being reserved to the tenants, and payment being allowed by instalments.

5. In this way a large number of tenants have acquired the position of landlords, and a sum of Rs. 22,20,301 has been paid to Government since 1854.

6. No question as to the legitimacy of the transaction was raised save in Cochin, where some tenants, who were not disposed or able to buy the superior right, protested, by memorial, to the Secretary of State against its transfer to others who were not likely to prove such liberal landlords as the Government had been.

7. The Secretary of State recognized the force of the plea, and suggested that, instead of requiring payment of the capitalized value of the redeemed right, an annual payment, as interest at 5 per cent. on the amount, should be required in lieu of the landlord's rent, and the right (Jennom) conveyed subject to this charge, capable of being redeemed at any time at twenty years' purchase.

8. The question was referred to the Collector of Malabar for opinion, and his reply is now submitted by the Board. Mr. Macgregor is in favour of the change of system not only in Cochin but generally in his district, and points out that the tenants in Malabar proper are entitled to this consideration more than those in Cochin. He remarks also on the injury to the country which is likely to be caused by the continued drain on its capital, which must ensue if the present system be maintained, and states that its effects are already visible in the increasing difficulty of realizing the instalments.

9. So far as the settlement has proceeded the result would be that an annual payment of Rs. 60,500 would be substituted for a capitalized redemption charge outstanding of Rs. 12,10,000.

10. The Board of Revenue are strongly opposed to any change mainly, it would seem, on account of anticipated difficulties in realizing arrears in cases of default, owing to the omission in the southern part of the district to reserve to Government the power in such cases to cancel the original sale or transfer of the Jennom right to the tenant and to dispose of it to a third party.

11. Objection is, however, also urged on the score of the inadequate consideration which the proposed commutation would afford for the concession of the Jennom right, and a doubt is expressed as to the alleged depletion of agricultural capital.

12. To this last objection the Governor in Council is not disposed to attach much weight. Whether the pressure of the demand on the district has been excessive or not, it cannot be questioned that the withdrawal of some 35 lakhs of rupees from the capital in the hands of the land-owners must affect the resources of the district, and practically the security of tenure has been little, if at all, improved, although a valuable sense of property may have been created, for the abstract right of dealing with the occupants as mere tenants has, it is believed, never been exercised.

13. The political advantage resulting from the higher interest created in the soil will be equally assured by the proposed change of system, while the drain on the material resources of the district will be reduced.

14. The rate of interest proposed is higher than that on the bulk of the public debt, and the cost of collection will be at most a very slight addition to that now incurred on account of the land-revenue. The same facilities for realizing arrears could be easily provided by an enactment, extending Section 52, Act II. of 1864 (Madras) to these cases, and as the sale would be on behalf of the Jenmi-by-transfer, the objection at present raised to cancelling the transfer and disposing of the right to a third party on behalf of Government would not apply. But the Government are not satisfied that any such fresh legislation would be needed, as the additional annual payment would be added by mutual agreement to the assessment on the land, and the ordinary means for realizing arrears would suffice, the Court having no power to interfere with questions of assessment.

15. On the whole, the Government decidedly concur with the Collector in approving the adoption generally of the Secretary of State's suggestion, and direct that immediate steps be taken for carrying it out and applying it as rapidly as possible to all the lands of which Government still possesses the Jennom right, excepting Anjengo and Tangacheri which are exceptionally circumstanced.

(True Extract.)
(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
,, the Collector of Malabar.

2-1-26

Rev- 1872. Dep.t

Board of Revenue,

MADRAS.

W. 797

PROCEEDINGS, 28TH FEBRUARY 1872, No. 379.

Dep.t 6 March/72.

Encl

—

Received 7th.

FEBRUARY.

No. 379.

Escheat lands in Cochin.—Letter from Collector of Malabar, recommending adoption throughout the District of a suggestion made by Secretary of State for India in regard to—, submitted to Goverrnment with remarks.

No 134

S.O. No 1434 – 17th Oct/72

C.9 Oct/72 R 11 Oct.
R 12 Oct. R 16 Oct.

Madras Sept 26

1340

My dear Huddleston,

I papers w G.O.
5 July 69, 1920 the Bd
observed that lapse of time
can no way bound the
right of the Crown to
escheated Inams in Malabar

As Macleregor points
out in the enclosed letter
the new Limitation Act

not offer them a property which by the terms of an Act passed in 1870 had ceased to exist

Establishments are largely increased in the meantime the people will soon guess why & become obstructive

Perhaps it will be better then for us to keep quiet till the Settlement cease when the Limitation Act comes into operation

Calicut Sept. 24/72

1510

My dear Rose

I am sorry to hear to bother you often with a P.O. about Cocoanuts

It is however necessary to bring to notice that under the new limitation act which comes into effect on the 1st April 1873 the limitation period within which the Govt can lay the power of trying suit is reduced to 60 years this it appears to me shuts us out from proceeding to establish any claims, not hitherto acknowledged, against occupants of Escheat lands.

The Betelnuts, Cocoanuts & in fact

the bulk of estates subdivided more
than 60 years ago. It is difficult
to make any but a rough estimate
of the Odd revenue that will thus
to Govt. The inquiries into
forwarding about a [illegible] will
deed of neighbouring [illegible]
Pymarsh accounts &c &c perhaps leads to
discovery of 2 or 3 others over 250 ac.
The Betsetwad Estate was originally
estimated to produce 60,00 Rs. but
up to date realized more than 4
There are probably 3
Lakhs.
or 4 lakhs which might eventually
be realized from new discoveries

1710

of lands belonging to these old Estates.
It is more just that parties have not
come forward & admit the Govt. rights
& pay their malvisam owed I imagine
not amount to a pound such as C
remove the case from the operation
of the statute.

I have always held myself that after
our long silence the enforcement of
full rights of ownership was barely
justifiable & if the law and treaty,
as I gather that it does, that 60 years
silence bars our claim I shall not
be sorry. but it is right that the
Board should know beforehand what
the result will be.

Believe me
Yours sincerely
Albert Kaye Esqr

19 [illegible]

Memo.

I circulate to the Dept. notes from Mess[rs] Blackstone & Grace regarding the practical effect of the Indian limitation act 9 of 76. as to establishment of the Govt. right in these Endowt. Lds. I do not see that it affects the question of the system of commutation at Cabul. The act provides that as regards civil institutions after 1st April 73. the limitation period prescribed by such act shall be 60 years from the date of the mortgage - or from the date of any written acknowledgement of the right of the mortgagor - by

the Mortgagee or person claiming
such time. subject to the
provision (sec. 19) that in case
of knowledge of right or title existing
to hold by fraud, the time
shall run from the date when
the fraud was detected. or the
means of knowing it obtained.

The papers in support of
such claim in the nature of title
show that the person claiming
many of the Escheat Lands. or
persons claiming from the holders
in the early part of the century
claim to hold on mortgage
from the original purchasers.

The actual value of the
Escheated or forfeited lands
is only very imperfectly known.

The titles of many of the
present holders undoubtedly
derived "bona fide" from persons
who had competent authority.

But the case that for the case
of stock is to proceed

with the enquiry & examination
until such time as they
find the obstacles in the way
in the way of establishing
their rights.

From this record
it may be assumed that
the case in N.S. Wales
question such. with
all or for the most part
have been settled.

For the rest therefore
must accept the position
in N.S. Wales stands
for as it takes place many
a private individual. unless
it can be established
that the principle "nullum
tempus occurrit Regi". has
the position of the civil
law. I believe it to be

difficult to obtain the admission of this plea in such a case as the inquiry at the Sudder Court officiating in 1851. & the settlement spoken in progress since 1853. The first opening Extending as it proceeded. -

I do not think any immediate official action is necessary or possible

With the Collr's Report wrapper & letter & the two reports coming for dropping the investigation

Remains the considerable amount of valuable State property which have been realised & Cochin State that the easier terms proposed to Travancore might with advantage be offered to Cochin -

Govt. -

L.B. 8. Oct. 72

Revenue

Revenue Department.

No. 1434

2534

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 17 October 1872.

Read the following Proceedings of the Board of Revenue.

Submitting letter from Collector of Malabar, recommending adoption through out the District of a suggestion made by the Secretary of State for India in regard to Escheat lands in Cochin -

(M.G.C. 28th February 1872, No. 379)

The Govt. has required the "Jenmom" or Proprietary right in certain lands in Malabar and Cochin, in the former by Escheat and forfeiture in the latter by succession

to

to the Dutch Govt.

The tenants are presumed to pay a combined landlord's rent and State-tax on their occupation.

In Malabar they are entitled to certain compensation for improvements in the event of being removed. In Cochin, this tenant right is not admitted to exist in theory.

For some time past measures have been in course of execution for disposing of this Jenmom right at a valuation according to the custom of

of the country, after deducting the value of the tenants improvement right — the privilege of pre-emption being reserved to the tenants and payment being allowed by instalments.

In this way a large number of tenants have acquired the position of landlords — and a sum of Rs 22,20,301 has been paid to Govt since 1854.

No question as to the legitimacy of the transaction was raised save in Cochin where

some tenants who were not disposed or able to buy the superior right protested by Memorial to the Secy: of State against its transfer to others who were not likely to prove such liberal land-lords as the Govt had been.

The Secy: of State recognised the force of the plea and suggested that instead of requiring payment of the capitalised value of the redeemed right - an annual payment as interest at 5 per cent on the amount should be required in lieu of the Landlords rent and the right (Jenmom) conveyed subject to this charge - capable of being redeemed at any time at 20 years purchase.

The question was referred to the Collr of Malabar for opinion and his reply is now submitted by the Bd.

Mr Macleod

is in favor of the change of system not only in Cochin but generally in his District and points out that the tenants in Malabar proper are entitled to this consideration more than those in Cochin. He remarks also on the injury to the country which is likely to be caused by the continued drain on its capital which must ensue if the present system be maintained, and states that its effects are already to be in the increasing difficulty of realising the instalments.

27

So far as the settlement has proceeded the result would be that an annual payment of Rs. 60,500 would be substituted for a capitalised redemption charge outstanding of Rs. 12,10,000.

The Board of Revenue are strongly opposed to any change, mainly, it would seem, on account of anticipated difficulties in realising arrears in cases of default, owing to the omission in the southern part of the district to reserve to Govt. the power in such cases to cancel

the original sale or transfer of the Jenmom right to the tenant and to dispose of it to a third party.

Objection is however also urged on the score of the inadequate consideration which the proposed commutation would afford for the cession of the Jenmom right, and a doubt is expressed as to the alleged depletion of agricultural capital.

To this last objection the Governor in Council is not disposed to attach

much weight. Whether the pressure of the demand on the district has been excessive or not, it cannot be questioned that the withdrawal of some 35 lacs of Rupees from the capital in the hands of the landowners must affect the resources of the district, and practically the security of tenure has been little if at all improved although a valuable sense of property may have been created, for the abstract right of dealing with the occupants as mere tenants has, it

is believed, never been exercised.

The political advantage resulting from the higher interest created in the soil will be equally assured by the proposed change of system, while the drain on the material resources of the district will be reduced.

The rate of interest proposed is higher than that on the bulk of the public debt, and the cost of collection will be almost a very slight addition to that now incurred on account of the Land revenue.

The

The same facilities for realising arrears would can be easily provided by an enactment extending Sec: 52 Act 2 of 1864 (Madras) to these cases, and as the sale would will be on behalf of the Jenmi-by-transfer, the objection at present raised to cancelling the transfer, and disposing of the right to a third party on behalf of Govt would will not apply - X (see next page)

On the whole the Govt decidedly concur with the Collector in approving

I do not see the need of this - if the additional sum be added to the assessment by mutual agreement. what difficulty will there be. The tenant will be glad at the option of buying up at once or of annually keeping the interest of the capital sum: the Courts have no jurisdiction in the matter of the assessment.

H. D. S.

Should any legislation be necessary

(see next page)

but the Govt do not consider that any such legislation would be needed, as additional annual payments would be added to the assessment of the land & the ordinary means for realising arrears would suffice. the sustaining no loss in the transfer is to question the assessment.

approving the adoption generally of the Secretary of State's suggestion, and direct that immediate steps be taken for carrying it out, and applying it as rapidly as possible to all the lands of which Govt still possesses the Jenmom right, excepting Anjengo and Tangacheri which are exceptionally circumstanced.

I. D.

14 To the Govt of Fort St George Pub. Dept. dated 30th Oct 1872
4 a Collr of Malabar

2-9-26.
23/26
27.6.28
30.8.84
16-9-99

Govt. of [1872] Madras

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated October 17th.

Recd. Encl.

G. O., 17th October 1872, No. 1,434.

OCTOBER.

Nos. 134-135.

Escheat Lands in Cochin and Malabar.—Proceedings Board of Revenue submitting the Collector's recommendation for the adoption throughout the district of a suggestion made by the Secretary of State in connection with them, with orders thereon.