(1) Number of pages 10 pages

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(3) Initials of the Referencer

TAMIL NADU ARCHIVES.

GOVERNMENT OF TAMIL NADU

DEPARTMENT

G.O. No. / B.P. No.	Press. / Mis.
Dated	197 .

Not to be folded or roughly handled

Archives I—5,806—24-2-78.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

20th July 1878, No. 1,120.

Read the following paper :—

No. 237. Proceedings of the Board of Revenue, dated 9th July 1878, Miscellaneous No. 6,790.

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 11th June 1878, No. 154 :—

I HAVE the honor to bring to the notice of the Board that when the settlement of escheat lands in Cochin was being conducted in 1865 Mr. J. H. Fernandez, in whose name a large garden was settled, received no compensation whatever for 903 full grown areca palms planted thereon by him. According to the settlement conducted at the time in Cochin the value of these trees should have been Rs. 1,410, a moiety of which, viz., Rs. 705, Mr. Fernandez was doubtless entitled to; but there is no record to show why this allowance was not granted to him.

2. The individual has on several occasions preferred his claim to me for the amount, and as I consider his claims both just and reasonable I beg that the Board may be pleased to sanction the payment from the Escheat Fund. The amount would be applied in reducing Mr. Fernandez's debt to Government.

SUBMITTED for the sanction of Government.

(True Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

ORDER THEREON, 20th July 1878, No. 1,120.

No. 238. Miscellaneous. SANCTIONED Rs. 705.

(True Extract.)

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

To the Board of Revenue.
" the Accountant-General.

Exd. C. Howarth.

REVENUE DEPARTMENT.

Land Revenue.

No. 3 of 1870.

TO THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR INDIA.

My Lord Duke,—We have the honour to transmit a Memorial from certain land-holders in British Cochin, protesting against the appropriation by Government of the "Jenmum" or proprietary right in the escheated lands which are occupied by them.

2. As it appeared doubtful to which class of the land-holders referred to in the Collector's letter, dated 30th October 1868, Memorialists belonged, we referred their Memorial to the Officiating Collector for report, and that officer in his letter, dated 21st December 1869, No. 354, furnishes full particulars regarding their claim.

3. The Government having resolved to dispose of the fee-simple of all their lands in Malabar in 1865, appointed a Deputy-Collector of great experience, local knowledge, and ability, to estimate in each case the value of the land-lord's title. Full consideration was given to the proposals submitted by him, and eventually his scheme, which provided for the security of the tenant's right and the remission of the rent, therefore, due to Government on payment (by instalments) of a certain sum for the right of pre-emption, was adopted. Failing payment of this sum by the tenant, the jenm-right was to be put up to auction, in which case it was considered that the Government would be a large gainer.

4. Your Grace will perceive from the resumé of the case given by the Acting Collector, that the matter has been very carefully considered, and that Memorialists originally acquiesced in the valuations of the Government right. We have, therefore, no recommendation to make on Memorialists' behalf.

We have the honour to be,
My Lord Duke,
Your Grace's most obedient
and humble Servants,

Signed Napier
— " W. A. McLeverty
— " A. J. Arbuthnot
— " J. D. Sim

Ootacamund,
7th September 1870.

Exd. F. R. Bantleman.

FORT ST. GEORGE

REVENUE DEPARTMENT.

Land Revenue.

Copy.

Letter to the Right Honorable the Secretary of State for India.

Dated 27th September,
No. 3 of 1870.

FORWARDING Memorial from certain land-holders in British Cochin, protesting against the appropriation by Government of the "Jenmum" or proprietary right in the escheated land which are occupied by them.

REVENUE DEPARTMENT.

REVENUE DEPARTMENT.

No. 2986

Board of Revenue

Dated 9 July 187[illegible].

FOR ORDERS.

It is due under the Select Settlement & Subsequent Sanctions. Survey the old Jenmum Lands not claimed by Govt. as Escheats, but which Govt. reserved the right of Settlement & Sale in the Sec: 7 State-ment Para 152

[illegible] 1872

(") R. S. ELLIS.

FORT ST. GEORGE,
9th *December* 1872.

F. R. Bantleman.

FORT ST. GEORGE

REVENUE DEPARTMENT.

" Jen
ne escheated
by them.

REVENUE DEPARTMENT.

nd Revenue. No. 7 OF 1872.

THE RIGHT HONOURABLE
THE SECRETARY OF STATE FOR INDIA.

MY LORD DUKE,—We have the honour to forward for your Grace's information our Proceedings marginally noted, relative to the "Jennom" or proprietary

. of Govt., 17th Oct. 1872, Nos. 134, 135.

t acquired by Government in certain lands in Malabar and Cochin.

2. Your Grace is aware that for some time past this right has been disposed t a valuation according to the custom of the country; the privilege of preption being reserved to the tenants, and payment being allowed by instalnts.

3. In despatch dated 22nd December 1870, No. 33, your Grace, with refere to a memorial from certain landholders in Cochin, complaining of the valua of the "Jennom" right in their lands, suggested that instead of requiring ment of the capitalized value of the redeemed right an annual payment, as rest at five per cent. on the amount, should be required in lieu of the land- 's rent, and the right (Jennom) conveyed subject to this charge, capable of redeemed at any time at twenty years' purchase.

. Our Proceedings now forwarded contain the report of the Collector of bar on this question, together with the Revenue Board's Proceedings thereon.

5. The Collector is in favour of the change of system not only in Cochin, generally in his district; but the Board are strongly opposed to any change. e views expressed by these authorities on the subject are briefly noticed in ragraphs 8 to 11 of our Proceedings of 17th October 1872, No. 1,434. For sons stated in paragraphs 12 to 14 of the same Proceedings we have expressed r concurrence with the Collector in approving the adoption generally of your race's suggestion, and have directed that immediate steps be taken for carrying out and applying it to all the lands of which Government still possesses the nnom right, excepting Anjengo and Tangacheri which are exceptionally circumanced.

We have the honour to be,
My Lord Duke,
Your Grace's most obedient
and humble servants,

(Signed) HOBART.
(,,) J. D. SIM.
(,,) R. S. ELLIS.

FORT ST. GEORGE,
10th *December* 1872.

d. F. R. Bantleman.

FORT ST. GEORGE.

REVENUE DEPARTMENT.

Land Revenue.

Copy.

Letter to the Right Honourable the Secretary of State for India.

Dated 10th December,
No. 7 of 1872.

FORWARDING papers relative to the disposal of "Jennom" or proprietary right acquired by Government in certain lands in Malabar and Cochin.

Proceedings of the Madras Government, Revenue Department,
25th March 1873.

No. 234. Read the following despatch from the Right Honourable the Secretary of State for India, (Revenue,) to His Excellency the Right Honourable the Governor in Council, Fort St. George, dated India Office, London, 20th February 1873, No. 3 :—

THE despatch of your Excellency in Council, dated 10th December, No. 7 of 1872, relative to the jenmom or proprietary right acquired by Government in certain lands in Malabar and Cochin, has been considered by me in Council.

2. I approve of the proceedings of your Excellency in Council as set forth in the correspondence now submitted, founded as they are on a suggestion contained in my despatch of the 22nd December, No. 33 of 1870. I am inclined, however, to the opinion that it will be well to provide by legislative enactment for the levy of the interest in lieu of landlord's rent in the same manner as ordinary arrears of revenue. It is possible that a Court might draw a distinction between the payment of interest and an ordinary assessment, and it is very probable that litigation involving the question might hereafter be raised. I am desirous therefore that your Lordship in Council should re-consider this point.

3. I desire to be informed whether the sum of Rs. 22,20,341 alluded to in the 5th paragraph of the resolution of your Government has been funded or otherwise applied to the reduction of debt.

No. 235. ORDER THEREON, 25th March 1873, No. 358.

Land Revenue.

COMMUNICATED to the Board of Revenue, with reference to Proceedings of Government, 17th October 1872, No. 1,434.

2. The Board will, in communication with the Collector, re-consider and report upon the point adverted to by the Secretary of State in paragraph 2 of the foregoing despatch.

3. They will also furnish the information required in paragraph 3 of the despatch.

(True Extract.)

(Signed) W. HUDLESTON,
Chief Secretary.

To the Board of Revenue.

Exd. F. R. Bantleman.

Proceedings of the Madras Government, Revenue Department,
***22nd August* 1873.**

No. 179. Read the following Proceedings of the Board of Revenue, dated 23rd July 1873, No. 1,372 :—

Read the following Proceedings of the Madras Government, dated 13th June 1873, No. 599, Revenue Department :—

ABSTRACT.—*Escheat-lands in Malabar and Cochin.*—Deeds received from the Government Solicitor in connection with them, forwarded to the Board of Revenue for report; and Accountant-General requested to state how their sale proceeds appear from the records in his Office to have been disposed of.

THE Board are of opinion that no clause in the deed could make the executor liable to arrest or imprisonment under Act II. of 1864.

2. Whether it would legalize a seizure of property, in the manner laid down in Act II. of 1864, which would otherwise be illegal and punishable is a question for the law officers to decide. The Board think *not*.

No. 180. ORDER THEREON, 22nd August 1873, No. 890.

Miscellaneous.

MR. LOGAN'S forms of deed will be forwarded to the Advocate-General, through the Government Solicitor, and he will be requested to state whether he considers them or his own to be preferable; and further whether he is of opinion that any form of deed can, without a special legal enactment, conclusively bind its executor to submit to summary process for the recovery of the sums named in the deed.

2. His attention will also be called to the Indenture (Form "Y") executed when land is sold under the Waste Land Rules to a purchaser who agrees to pay a portion of the purchase-money in three yearly instalments, with interest at 6 per cent. per annum, and in default of such payments to admit of re-entry and re-sale on behalf of the Government.

(True Extract.)

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

To the Board of Revenue.
,, the Government Solicitor.

Ext. F. R. Bantleman.

Govt. of India.

REVENUE.

To

THE BOARD OF REVENUE,

&c., &c., &c.

Dated August 29th.

Read.

G. O., 22nd August 1873, No. 490.

AUGUST.

Nos. 179-180.

Deeds of Escheat lands in Malabar and Gobbir.—Forwarding to the Advocate-General, through the Government Solicitor, Mr. Logan's forms of— for report on the points specified.

No. 246. Read the following letter from F. LUSHINGTON, Esq., Accountant-General, Madras, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, dated Fort St. George, 16th August 1873, No. 247:—

WITH reference to G. O., No. 599, dated 13th June last, Revenue Department, referred to me for report as to how the proceeds of the sales of escheat lands of the Malabar District appear, from the records of any office, to have been disposed of, I have the honour to state that the sum of Rs. 22,20,301, as given by the Collector of Malabar and recorded in the above Proceedings, do not tally with the accounts of this office under the circumstances explained by the above officer in his letter, No. 1,968, dated 5th instant, copy herewith forwarded.

2. The sale-proceeds of Government escheat lands of the Malabar District from 1854-55 to 16th October 1861, Rs. 90,914, stand credited to "Sundry Sources of Revenue," and Rs. 19,59,221, being the net realizations from 17th October 1861 to 1872-73, have been disposed of as follows:—

Rs.	7,15,357,	from 17th October 1861 to 30th April 1866, originally credited to "Deposits," were remitted to the Comptroller-General and invested in Government Securities. These Promissory Notes were subsequently cancelled.
"	6,63,466,	from 1866-67 to 1868-69, were credited to "Government of India" under instructions from the Comptroller-General; and
"	5,80,398,	from 1869-70 to 1872-73, have, under instructions from the Government of India, in the Financial Department, No. 2,000A, dated 31st March 1869, been credited to "I., Land Revenue, Miscellaneous."
Total...	19,59,221	

ENCLOSURE No. 1.

From A. MACGREGOR, Esq., Collector of Malabar, to F. LUSHINGTON, Esq., Accountant-General, Madras, dated Calicut, 5th August 1873, No. 1,968.

ADVERTING to your Memorandum, dated 11th instant, No. 3,066, and the statement which accompanied it, I have the honour to state that the sum of Rs. 22,20,301,* shown as escheat collections in this office letter, printed with G. O., dated 13th June last, No. 599, is the total of the figures for a series of years as noted in the annexed paragraph of my letter printed with G. O., dated 17th October 1872, No. 1,434, paragraph 9:—

* This is the correct figure. Rs. 22,20,341 is due to a clerical error.

Proceedings of the Madras Government, Revenue Department, 29th August 1873.

"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	2,13,180	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

2. The difference noticed by you seems to be due to the following causes:—

1*st*.—The statement received with your Memorandum under reply does not include the collections made previous to 1861-62.

2*nd*.—It shows the net collection, excluding the costs of establishment, etc., as well as the 10 per cent. credited to the Local Fund as directed by Government in their Order, dated 11th February 1865, No. 295, while the figures in my letter above quoted represent the gross collections up to 1870-71, exclusive of those of 1871-72 and 1872-73, which are embraced in your statement.

No. 247.

ORDER THEREON, 29th August 1873, No. 923.

Land Revenue.

COMMUNICATED to the Board of Revenue, with reference to paragraph 4 of their Proceedings, dated 23rd May 1873, No. 855.

2. The Government of India in the Financial Department will be requested to inform this Government as to the final disposal of the sum of Rs. 6,63,466, said to have been credited to the "Government of India" under instructions from the Comptroller-General, in view to full information on the subject being placed before His Grace the Secretary of State for India.

3. It would appear that of the whole net collections, Rs. 20,50,135, only Rs. 7,15,357 have been applied to the extinction of debt.

(True Extract.)

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

To the Board of Revenue.
,, the Accountant-General.

Erd. F. R. Bantleman.

Proceedings of the Madras Government, Revenue Department,
21st July 1874.

No. 157. Read the following letter from R. H. HOLLINGBERY, Esq., Assistant Secretary to the Government of India, Financial Department, to the Chief Secretary to the Government of Madras, dated Fort William, 10th June 1874, No. 3,615 :—

In acknowledging the receipt of your letter, No. 924, dated the 29th August 1873, I am directed to state that the sum r ferred to, of Rs. 6,63,466 from Malabar escheats, was credited to Land-revenue, and that it was virtually applied to the reduction of debt. Credit was not taken for the moneys in the estimates of Ways and Means, and since the moneys were credited to Government very much larger sums have been applied to the construction of reproductive works and to the redemption of debt.

No. 158. Order thereon, 21st July 1874, No. 900.

Miscellaneous.

Ordered that the following letter be sent to the Right Honorable the Secretary of State :—

(Here enter No. 7 of 1874, Land Revenue.)
(True Extract.)

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

To the Board of Revenue.
„ the Accountant-General.

Exd. F. R. Bantleman.

Govt. of India.

REVENUE.

To

THE BOARD OF REVENUE.

Dated 31st July

Read.

Encl.

G. O., 21st July 1874, No. 900.

JULY.
Nos. 157-158.

Certain Sion received by Records of Parliament in Malabar Dist.—Directing transmission of Letter to Secretary of State regarding the final disposal by the Government of India et c—.

Revenue Department

Land Revenue N.7 of 1874.

To

The Right Honorable
The Secretary of State
For India.

My Lord Marquis,

Referring to the Duke of Argyll's despatch, dated 20 February 1873, N.3, we have the honor to submit, for your Lordship's information copies of our Proceedings noted in the margin, regarding the levy of interest in lieu of landlord's rent on the jenmom or proprietary right acquired by Government in certain lands in Malabar and Cochin.

Pro:. dated 28 March 1873 N. 234-35
" 12 May " 49-50
" 13 June " 824-826.
" 22 August " 179-180.
" 29 " " 246-248
" 18 December " 225-226
" 21 July 1874 " 157-158.

2. Your Lordship will observe that we have adopted the form of deed G.O, dated 16 December 1873 N.1436. prepared by our Advocate General stipulating that the arrear of interest shall be recovered by entering upon and taking possession of the lands. We do not at present consider any special legislation necessary.

3. Adverting to paragraph of the despatch under reply, we beg to refer your Lordship to the letters from the Accountant General dated 16 August 1873, N. 247, and from the Secretary to the Government of India, dated 10 June 1874 N.3.615, recorded in our Proceedings, dated 29 August 1873, N.923, and 21 July 1874, N.900, respectively, for information as to how the proceeds of the sale of escheat lands of the Malabar District have been disposed of.

We have &c.a
(Signed) Hobart
" T. P. Raines
" S. D. Sim
" W. Robinson

Ootacamund
7 August 1874.

No. 169. Read the following Proceedings of the Board of Revenue, dated 19th May 1875, No. 1,365 :—

Read again G.O., dated 12th January 1875, No. 53, recorded in Board's Proceedings, dated 20th January 1875, Miscellaneous No. 402.

Read also the following letter from A. MACGREGOR, Esq., Collector of Malabar, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 9th April 1875, No. 116 :—

I HAVE the honor to report as follows on the petition of Mr. Fernandez and others of British Cochin, forwarded with Board's Proceedings, dated 20th January 1875, Miscellaneous No. 402.

2. The mediators employed in valuing the land were not arbitrators in one meaning of the term.

They were selected by the Deputy Collector as impartial judges, and were not, so far as anything appears, objected to by the tenants. Neither party was bound to adopt their conclusions.

3. It is attempted to discredit their valuation by pointing to the great reduction made on it by the Deputy Collector. A careful consideration of the mode of valuation shows that this was effected by the Deputy Collector taking lower standards of average both as regards the value of the trees and the number of years' purchase adopted.

4. It will always be found in settlements in this country that the settlement officer, in proceeding to apply rates ascertained on inspection, adopts a somewhat reduced figure to ensure safety.

It must be remembered that, while the actual inspection presents a view of the average of each class, the settlement officer must look to the minimum in each class; else the settlement will press heavily on many.

5. Thus the Deputy Collector reduced the maximum value per tree from 1½ to 1 Rupee and in lower classes similarly, and adopted a minimum of twenty-five years' purchase.

6. It is not, therefore, fair to attempt to discredit the work of the valuators merely because their totals were reduced.

The valuations were made in detail, the productive trees being divided into classes and the young trees being separately valued.

The number of trees standing when the gardens were first leased was compared with those existing at the settlement, and the tenants were allowed compensation on the excess.

7. The lease drawn up in 1847 stipulated that the existing number of trees were to be maintained as part of the agreement, and further provided in favor of the tenants that no revenue should be charged on additional trees planted till after twelve years. As a matter of fact, however, no assessment has been fixed on the additional trees, and they have been enjoyed free by the tenants up to the present time.

8. To take the individual case of Mr. Fernandez, his name first appears as a tenant in 1847. Prior to that the lands had been rented on a twenty years' lease to a native, the tenants under the renter being tenants-at-will. (The gardens had

originally been made by the Dutch Government.) His lease shows that there were then 1,899 cocoanut trees, which number had only risen to 2,234 at the date of the settlement.

9. These facts seem alone to negative the statement that much jungle was cleared, and Rupees 60,000 laid out on the gardens by Mr. Fernandez.

10. One thing is certain, *viz.*, that he has for a long time held the lands on very favorable terms, and that by the delay in the completion of the settlement, caused by his numerous petitions, he has gained, by way of interest, a sum of Rupees 4,346 as shown in the margin.

	Rs.	A.	P.
Interest at five per cent. up to March 1875...	8,881	4	0
Jenmabhogam collected for eight years from 1867... ...	4,535	10	8
Total...	4,345	9	4

11. There is no reason to doubt that the value fixed on these lands by the Deputy Collector was somewhat less than they would have realised in the open market. Twenty-five years' purchase is undoubtedly a very favorable rate for lands such as these, which are situated in the heart of a populous municipal sea-port town, more especially when it is considered that Cochin is built on a narrow strip of land between the sea and the backwater, that all the building sites in the town are already occupied to overflowing, and that any further extension of the town must be on these lands.

12. The recent measure by which tenants are permitted to purchase their lands by merely signing a document creating a charge on the land to the amount of the selling price and paying annual interest thereon at five per cent. removes any trace of hardship from the settlement, and a considerable number of the Government tenants in Cochin, whose lands were valued on the same principle as petitioner's, have already executed the necessary documents.

THE disposal of the Government proprietary right in the escheats of Malabar has occupied the attention of the local revenue officers, of the Board, and of Government for more than a quarter of a century.

After much consideration and correspondence, the sale of this right was determined upon, tenants being allowed option of pre-emption on very favorable terms.

The settlement was systematically commenced about fifteen years ago by a special establishment, which was continued till the great mass of the work had been disposed of.

2. The method on which the settlement was carried on was briefly as follows:—

The value of the proprietary right which Government as landlord possessed in the properties was calculated by the settlement officers in communication with the ryots of the vicinity according to local rules immemorially established, which provide for valuations on transfers of property between individuals with wonderful minuteness, and which, though varying in minor details in different parts of the Province, proceed on the same general principles throughout. Full provision is

made by these rules, and was allowed in practice, for improvements effected by the capital and labor of tenants.

3. But, although the general principles of private conveyances obtaining in the country were thus followed, the facts that the transactions in question were between Government and private individuals, that they were being carried out simultaneously on a considerable scale, that the tenants had often been in long and undisturbed possession, and that their means were often scanty were prominently kept in view, and deductions were made which often reduced the valuations to one-half or one-third of the amounts that an adherence to the old local rules of valuation above mentioned would have fully justified.

4. From various circumstances connected with our assumption and occupation of Malabar for the first half of this century, the tenants of these properties had been allowed to occupy them on terms very much below what would have been universally admitted to be the legitimate and reasonable demands of Government as landlord.

The tenants were only too contented with this state of things; and when Government found itself in a position to ascertain, and proceeded to assert its unquestionable rights as a landlord, although its settlements were not only scrupulously moderate, but often arbitrarily liberal, there were tenants who, accustomed to continued long-suffering and inaction on the part of Government, desired the continuance of the existing order of things, and set themselves to object to any settlement whatever. Long over-indulgence in fact made any reasonable settlement disagreeable.

5. Such are simply the facts of the cases of the tenants whose memorial is now under notice. The preceding remarks have explained the general position. As regards the particular points noted in the despatch of the Secretary of State, it may be observed—

1*st.*—The assertion that the memorialists had no choice in the selection of the local arbitrators may be true, but it is specious. The "arbitrators" mentioned were not arbitrators in the usually-accepted sense of the term. They were simply the ryots called in by the Deputy Collector, who was in immediate charge of the settlement, to assist him in arriving at the valuations of the properties according to local rules. Neither he, on behalf of Government, nor the tenants who had the option of purchase, were in any way bound by the opinion of these valuators. The course followed, in fact, was exactly the same as that adopted without objection elsewhere in the Malabar escheat settlements.

2*ndly.*—It is attempted to discredit the valuations by pointing to the reductions made therein by the Deputy Collector himself. The remarks above made explain the nature of these. Some were made on general considerations of long occupancy, poverty of tenants, &c., whilst the material aggregate reduction is mainly due to the Deputy Collector having adopted lower rates of rental throughout than the ordinary local rates taken by the valuators originally and capitalized at twenty-five years' purchase only.

3*rdly.*—As already said, full account was taken of improvements effected by tenant's capital and labor. This principle, recognised in the old-established rules

which guided the valuations fundamentally, was laid down in repeated instructions and practically acted on throughout in the settlements as well as in the cases in immediate question.

6. Finally, the fullest inquiry shows that, taking all the circumstances into consideration, the valuations were liberal in themselves, and the concession based on the Duke of Argyll's despatch (*vide* G.O., dated 17th October 1872, No. 1,434), by which the tenants can pay five per cent. on the sale amounts, leaving the principal a charge on the land as long as they please, removes any shadow of hardship from the memorialists' case.

The Board have no hesitation in expressing their opinion that action on the careful settlements made should no longer be delayed.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Sub-Secretary.

No. 170.

ORDER THEREON, 21st June 1875, No. 941.

Miscellaneous.

THESE Proceedings will be communicated to the Secretary of State.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

Exd. J. W. Fischer.

Govt. of (1875) Madras.

REVENUE.

To

The BOARD of REVENUE.

Dated June, 21st.

Read.

Endorsement.

G. O., 21st June 1875, No. 941.

JUNE.
Nos. 169-170.

Memorial from Mr. Fernandez and others Holders of Jenmi lands in British Cochin, Malabar District.—Ordering to communicate to the Secretary of State Board's Proceedings submitting explanation on certain points referred to in this —

REVENUE DEPARTMENT.

Land Revenue.

No. 7 of 1875.

TO THE RIGHT HONORABLE
THE SECRETARY OF STATE FOR INDIA.

My Lord Marquis,—In returning the accompanying memorial presented by certain holders of Jenmi lands in British Cochin, we have the honor to state that, though the memorialists' case had already been the subject of much correspondence and been fully considered, we have again obtained reports on it from the Collector of Malabar and the Board of Revenue. These reports* we now forward for your Lordship's information.

* Board's Proces., 19th May 1875, No. 1,365, recorded in Govt. Proces. 21st June 1875, No. 941.

2. The memorialists state that the lands held by them were over-valued; and they endeavour to give color to this statement by imparting a wholly wrong impression of the mode in which the valuation was arrived at, and the part played in it by the so-called "local arbitrators."

3. In transmitting a similar memorial from the same persons in the year 1870, this Government stated that they had appointed a Deputy Collector of great experience, local knowledge, and ability, to estimate in each case the value of the landlord's title; and this officer was for many years employed in valuing similar lands throughout the district of Malabar, of which he was a native. To aid him in arriving at correct values according to local customs, it was his practice to seek the aid of some of the cultivators of the locality whose valuation he took simply as a basis for his own calculations, in which he made such deductions as were likely to secure an easy settlement, or as seemed called for by special circumstances, such as the indigency of the holders, or the facts that they had reclaimed or improved the land. In the present instances, the valuators fixed the ordinary local value of both trees and land at far higher rates than the Deputy Collector, on the principle above stated, finally adopted in his settlement, and thus it came about that the memorialists were charged so much less than the valuators estimate.

4. Full information regarding these lands was afforded in the despatches marginally noted and the papers that accompanied them; and we desire now to point out that, before the Deputy Collector's settlement was finally sanctioned, the Collector of Malabar visited Cochin, and, as the result of his personal inquiries, reported that the valuations were perfectly justified by local custom. The present Collector of Malabar is also of opinion that the value fixed on these lands was less than they would have realised in the open market.

To Secretary of State, 7th Sept. 1870, No. 3.
" " 10th Dec. 1872, " 7.

5. In the matter of compensation for improvements, we have only to remark that the memorialists were allowed all that local custom demanded, and that could be granted under the terms of their leases.

6. We are of opinion that the memorialists have been treated with much consideration. They have been allowed ample time for payment; their objections to a settlement to which they themselves originally agreed, and in accordance with which many persons readily bought the proprietary right, have been patiently heard and considered; and, lastly, by the adoption of the new system under which they can secure the proprietary right by the annual payment of interest at 5 per cent. on the capitalised value of the redeemed right, all semblance of hardship has been removed.

We have the honor to be,
My Lord Marquis,
Your Lordship's most obedient
humble servants,

(Signed) W. ROBINSON,
(„) F. P. HAINES,
(„) R. S. ELLIS,
(„) W. HUDLESTON.

OOTACAMUND,
25*th June* 1875.

Exd. F. R. Bantleman.

FORT ST. GEORGE,

REVENUE DEPARTMENT.

Land Revenue.

Copy.

Letter to the Right Honorable the Secretary of State for India.

Dated 25th June, No. 7 of 1875.

RETURNING the memorial presented by certain holders of Jenmi lands in British Cochin, with remarks in reference to their complaint of over-valuation of the lands held by them. Forwarding also reports on the subject.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

30th November 1877, No. 2830.

Escheat Deeds.

Read the following papers :—

No. 238. *Proceedings of the Board of Revenue, dated 10th September* 1877, *No.* 12,426 (*Miscellaneous*) :—

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to the Secretary to the Board of Revenue, dated Calicut, 15th August 1877, No. 197 :—

In acknowledging receipt of G.O., Judicial Department, No. 1560, dated 3rd July 1877, communicated with the Board's Proceedings of the 23rd idem; Miscellaneous No. 10,326, I have the honor to point out that I have not been authorized to sign Escheat Deeds under the Resolution therein embodied, and it seems doubtful if I can do so now. I therefore beg to solicit orders, with reference to the Secretary of State's Despatch relating to Escheat Deeds, published with G.O., No. 1681, dated 24th November 1875.

2. I beg also to state that 1,829 Escheat Deeds have been executed since the 9th August 1871, the extreme limit of time which the Act (33 and 34 Vic., Cap. 59) covers.

Submitted for the orders of Government.

(A true Copy and Extract.)

(Signed) J. STURROCK,
Acting Sub-Secretary.

To the Secretary to Government, Revenue Department.

Transferred to Judicial Department.

FORT ST. GEORGE,
28th September 1877.

(Signed) C. G. MASTER,
Secy. to Govt.

No. 2176.

G.O., 13th December 1876, No. 2582.
" 19th June 1877, " 1466.
" 3rd July " " 1560.

Referred for the opinion and advice of the Acting Advocate-General, with reference to the Proceedings of Government noted in the margin.

FORT ST. GEORGE,
24th November 1877.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

No. 239. *Opinion from the Hon. P. O'SULLIVAN, Acting Advocate-General, to the Chief Secretary to Government, dated Madras, 26th November 1877.*

With reference to the Order of Government, No. 2176, dated 24th November 1877, it appears to me that the Collector of a District is not authorized to sign deeds for the conveyance of immoveable property on behalf of the Secretary of State in Council. Such deeds must be signed by a Secretary to Government.

2. As to deeds which have been heretofore executed by Collectors, two courses may, I think, be adopted. One is for the Secretary to Government to execute new deeds in every instance. The other is for the Secretary to indorse upon deeds already executed a Memorandum adopting the execution by the Collector and signing it. If the vendees under the existing deeds are satisfied with their present title neither of these courses is necessary. Probably in most cases the vendees will be content with their present title, which would be sufficient for the purpose of repelling any trespass upon, or other invasion of, their property; and twelve years' possession would give them a good title against any person except the Government, and the Government would not question it.

No. 240. ORDER THEREON, 30th November 1877, No. 2830.

Communicated to the Collector of Malabar.

2. He will observe that in future these deeds must be signed by a Secretary to Government. In regard to the past, no action appears to be called for.

(True Extract.)

D. F. CARMICHAEL,
Chief Secretary.

To the Collector of Malabar.
" Advocate-General.
" Revenue Department.

Exd. J. Wright.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

4th March 1878, No. 342.

Read the following paper :—

No. 32. Endorsement of the Chief Secretary to Government, dated Fort St. George, 28th January 1878, No. 147.

Read the following letter from W. LOGAN, Esq., Collector of Malabar, to the Hon. D. F. CARMICHAEL, Chief Secretary to Government, dated Calicut, 24th January 1878, No. 8 :—

WITH reference to the Proceedings of Government, No. 2,830, dated 30th November last, I have the honor to forward herewith twenty-two jenm deeds for signature, and to inform you that they should be presented for registration within four months from the date of signature. The date of signature should be entered in the blank space left in the first paragraph of the deeds.

TRANSFERRED to the Revenue Department for disposal.

(Signed) D. F. CARMICHAEL,
Chief Secretary.

No. 33. ORDER THEREON, 4th March 1878, No. 342.

Miscellaneous.

ORDERED that the deeds received with the foregoing letter be signed by the Secretary in this Department and returned to the Collector of Malabar, who will arrange for the registration of the documents.

2. In several of these deeds the settlement value of the lands has been omitted (in line 12) to be expressed in writing. The omission has been supplied in this office.

3. In future similar deeds, which should be submitted through the Board of Revenue, the settlement value should invariably be entered in writing as well as in figures. Erasures and interlineations in the deeds should also, in each instance, be initialled by the Collector.

(True Extract.)

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

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

Exd. J. W. Fischer.

Govt. of India, 1877 [illegible]

JUDICIAL.

To

THE COLLECTOR OF MALABAR,

&c., &c., &c.

Dated November, 30th, 1877.

Issued

Rec'd.

G.O., 30th November 1877, No. 2830.

NOVEMBER.
Nos. 238–240.

Secretary of State in Council.

Assistant Clerk.—Communicating opinion of this Office that the Collector of a District is not authorized to sign Deeds for the conveyance of immovable property on behalf of

Revenue Department

Dis: No 6790

Proceedings of the Board of Revenue
Dated 9 July 1878.
Read the following

1120/3

Govt. of [1878] Madras.

REVENUE.

To

The COLLECTOR of MALABAR,

&c., &c.

Dated March 4th.

Read

Read

G.O., 4th March 1878, No. 343.

MARCH.
Nos. 32-33.

Town Deeds.—Ordering the Secretary to Government in the Revenue Department to sign the ——and to return them to the Collector of Malabar for registration. Directing that future similar deeds should be submitted through the Board of Revenue and the settlement value invariably entered.

FOR ORDERS.

Revenue Department

Inis: No 6790

Proceedings of the Board of Revenue

Dated 9 July 1878.

Read the following

No 154

From,

W. Logan Esqre

Collector of Malabar

To

C. A. Galton Esqre

Actg: Secretary to the

Board of Revenue

Madras

Sir,

I have the honor to bring to the notice of the Board that when the settlement of Escheat lands in Cochin was being conducted in 1865 by J. H. Fernandez in whose name a large garden was settled, peccissed no compensation whatever for 903 full grown Areca palms planted thereon by him. &c. according to the settlement conducted at the time

1120/5

tree should have been Rs. 1510 a moiety
of which viz Rs. 905 the Fernandez was
doubtless entitled to; but there is no
record to show why this allowance
was not granted to him.

2. This Individual has on several
occasions preferred his claim to me for the
amount and as I consider his request
both just and reasonable, I beg that
the Board may be pleased to sanction
the payment from the Escheat Fund.
The amount would be applied in reducing
the Fernandez' debt to Government.

I have &c
/Signed/ W. Logan
Collector

Malabar Collectors office
Calicut, 11 June 1878

Submitted for the sanction
of Government.

/True Copy/ Entered

/ Illegible /
Ag: Secretary

To

The Secretary to Government R.D.

Date

RS

Revenue Department

Proceedings of the Madras Govt.

Read the following Con.
of the Board of Revenue dated 30th
April 1878 No 4318 on letter
from the Collector of Malabar
dated 20th March 1878 No 62.

In forwarding herewith
one out of the twenty two
jenm deeds returned with G.O.
dated 4th March 1878 No 342, I
have the honor to point
out that it has been signed
by the Secretary to Government
at the foot of the record
sheet and not at the foot
of the document itself.

2. I beg that the Board
will therefore be so good

Revenue 1878 October
No 1786.

Proceedings of the
Board of Revenue
dated 29th July 1878.

Read a letter from
the Collector of Malabar
dated 20th March 1878
No 62

Submitting for the Sanction
of Government the
orders of the Board regarding
the assignment of Rs 705
Sicca Government Rent
Rs 705 Sicca being
Commutation for Grain
Rents Granted by him
in favour of Kochi
Raja

Sanctioned do 705.

Rs 705 Sicca

Rs 705 Sicca

Proceedings of the Madras Government
26 June 1878 No 1565

Read the following
Proceedings of the Board of Revenue, dated
8 June 1878, No 5683, on letter from
the Collector of Malabar, No 117 dated
the 10 May 1878.

In accordance with
the Proceedings of Govt. dated 30th
November last, No 2830, I have the
honor to forward herewith a bond
for interest and to request that
it may be returned with the sig-
nature of the Secretary to Govern-
ment obtained thereto.

Submitted for the
Signature of Government.

The erasures and
interlineations in the bond
should have been initialled
by the Collector as already
pointed out in G.O. dated
4th March 1878, No 342.

Order

As to the return of the bond after
obtaining the Revenue Secretary's
signature at the proper place.

Submitted for the signature
of Government.

Order thereon 4th May 1878 No 1112

Signed and returned
accordingly.

(True Extract)
(sd) C.G. Gordon
Secy to Govt.
(True Copy)

Orderthereon, 26th June 1878, No 1866.

Ordered that the Deed received with the foregoing Proceedings be returned for correction.

2. It is observed that the two clauses entered at the end of the Deed in Malayalum only are not in accordance with the authorized form - In lieu of those, the concluding clause, viz "Executed &c" as laid down in the form printed in Gd. 13 June 1873, No 699 should be entered in English, as also in Malayalum, as is done in the rest of the Deed.; the date of execution by the Secretary to Government being left blank to be filled up in this office.

3. As pointed out by the Head, the erasures and interlineations in the Deed should have been initialled by the Collector - This will now be done

4 The undermentioned alterations should also be made under the Collector's initials in each instance.

Page 1 line [illegible] - The entries between the words "consideration" and "and" being unnecessary should be struck out.

Page 1 line 20. The word or to be altered into for.

Page 2 [illegible]. It is presumed that [illegible]er has been incorrectly [illegible] instead of October which [illegible] is the 8th Month after [illegible] if so, the necessary alteration should be made

Page 3 line 11 - The misprint in the word the said to be corrected.

5 - Page 4, the word "Schedule" should be entered at the [illegible]

(Extract)

(Signed) [illegible]

To Registrar [illegible]