

- (1) Number of pages 40. Pages
(2) Date of repair 2.5.72
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue, DEPARTMENT

G.O. No.	836,	Press
B.P. No.		Mis.
Dated	22. 2. 1884.	197.

Not to be folded or roughly handled

No. 1360.

From

the Advocate General.

Dated 8 October 1883.

FOR ORDERS.

Yes - but I think
better if we should
have the committee
the committee of the
advisors of the
and so on.

13/10

This opinion should be kept
strictly confidential.

I do not think the Advocate
General quite apprehends the
objection to the view which
is not to disturb possession but
to confirm it by setting at rest
the questions of doubtful title. The
investigation directed in G.O.C.
may have come forward and
may I think proceed. Whether
legislation may hereafter be
necessary to give effect to
the rights acquired by the State
in 1866 where they have not been
kept alive may be considered
when the result of the enquiry
now on foot makes the way
a little clearer than it is at
present. I trust my Hon^{ble}
Colleague will record his
views at length. H.S.

12/10

FOR ORDERS.

REVENUE DEPARTMENT.

No. 7886

From *The Advocate General*

Dated 10th Dec 1883.

FOR ORDERS.

W.A. 12.12.83.

We may defer the consideration of whether legislative may be necessary or expedient until we are informed of the result of the inquiries now being conducted. If in the course of a month or six weeks we do not receive a report from Mr. Stuart through the Director of Public Instruction we be called for. Stuart is working energetically and we shall see our way clear. Then we are in possession of the information which he is collecting.

18/12/83. W.A. ell

C No 7886.

FOR ORDERS.

Advocate General's opinion regarding
Wynad Revenue dated 8th October 1883.

Advocate General's opinion regarding

How the word

C. 12. 12. 83.
R. 12. 12. 83. R. 22. 1. 84.

Note on C. No 6260. 3

Advocate General's opinion regarding
Wynad Revenue dated 8th October 1883.

The papers relating
to the early history of these
revenue, so far as they are
available, have been collected
with much labor, but they
are not sufficiently complete.
The facts bearing on the se-
veral points raised in the
Advocate General's opinion,
so far as they can be ga-
thered from these papers,
are as follows:-

2. This hill district
formed an appendage
to the dominion of the Raja
of Kottote, whose capital
was Kottani in North Malabar,
and

From this name is derived
the word "Kottote" which literally
means in Kottani

was Kottani in North Malabar,
and
through

and who was one of the
chiefs who held the country
in small independent chief-
ships. In 1753-54, Tipu un-
animally annexed this dis-
trict to his dominions under
a deed of relinquishment
which he obtained by force.

From the Kottah Raja, ⁽²⁾ but
he never attempted to reduce
it in fact. ⁽³⁾ Upon the cession of
Malabar to the East India
Company in 1792, a dispute
arose as to whether the
Wynaad was included in the
cession or not; but it was
eventually decided that it
was not. In 1797, the famous
Pychi Raja, a junior member
of the Kottah family, and who
was the most prominent
of the chiefs that had risen

against

(4) History of the Madras
Army. Vol. III page 28.

(5) Ibid.

against the British Govt in
Lower Malabar, took his
residence in the Wynaad
and was allowed by Tipu
to remain in possession
of the greater part of the dis-
trict without paying tax
bute. ⁽⁴⁾

3. Matters stood in this
position until the fall of
Seringapatam in 1799, when,
under the Partition Treaty,
the Wynaad district fell
to the share of the East
India Company. The
Pychi Raja then claim-
ed to hold it in sovereign-
ty under an alleged grant
by Tipu, but these pretensions
were, on investigation by a
Commission, found to be
without foundation. ⁽⁵⁾ It was
however
strongly

however not possible to eject
him without resort to arms,
and after some delay caused
by the absence of troops, he
was, at the beginning of
1801, thrust out by a detach-
ment from Mysore under
the command of Colonel
Stevenson. He then fled and
took refuge in Travancore,
but was not long in return-
ing. Under the powerful
influence of the chief and
his adherents, the Wynad
thence forward remained
in a state of more or less
continuous insurrection
until November 1805, when
he and his principal fol-
lowers were destroyed by
a detachment of troops,
aided by a strong body of
the

(6) History of the Madras Ar-
my, Vol. III, page 29.

(7) Ibid page 30.

(8) literally clubmen.

(9) History of the Madras
Army, Vol. III, page 35.

the Police Corps called Kolthars,
under the direction of Mr. J. H.
Beaber, the Sub Collector of the
Northern Division of Malabar.
It was thus not before the
end of 1805 that the authority
of the British Government
was established and peace restored
in the Wynad. It appears that
there was another revolt there in 1812,
but it apparently had no connec-
-tion with the previous
series of rebellions and
was of a casual nature
and soon suppressed.
Military posts seem to
have been maintained,
however, up to a later
date⁽¹⁰⁾.

4 There seems thus to
be little doubt that the
position of the Pychi
Raja was, to all intents
and purposes, that of
a quasi independent Chief.
The Wynad district,
though

though it had nominally
passed to the East India
Company as part of Tipu's
conquered territory, was
in fact conquered by
British arms. etc in
Lower Malabar, all lands
excepting such as were
in the enjoyment of
reigning chiefs as crown
property, were held by
Jenmis in freehold; but
presumably the Wynad
Raja, like the Malabar
Rajas generally, was col-
lecting royalties on
all forest produce and
appropriating all fines
and forfeitures as well
as levying contributions
in times of war. Mr. Thomas
Warden, the Principal
Collector of Malabar in his
settlement report for
Fasli

Fasli 1214, dated 15th Sept.
1805, says that the Wynad
district had been at that
time under the uncontro-
lled power of the Pythia
Raja and his ministers,
and that the Wynadians
had during the previous
three years been tributary
to his Agents. The same
officer, on 8th December
following, in reporting
the defeat and death of
this chief, offers his
cordial congratulations
to the Right Honorable
the Governor in Council
upon the extinction of
an enemy to the Hon^{ble}
Company's government
in Malabar, who, for a
series of years, had kept
this province in a
state of confusion
and agitated it with
the most intricate
and

in many wars,
in which the best of
officers and troops have
at various times been
engaged to the melancholy
loss of many valuable
lives and the expenditure
of as many lakhs of
rupees;

5 The information
with respect to the
confiscation of property
for rebellion is by no
means complete or
specific, though, from
what has been shown
above, it seems sufficiently
clear, that whatever was
done was in exercise
of powers beyond the
pale of municipal law.

So far as can be judged
from the papers that
are available, the
matter seems to have
been left entirely to
the

the District authority.
No order of Government
directly bearing on this
subject is to be found
in the records of the
Govt. office, and none
is quoted anywhere
in the subsequent volumi-
nous correspondence
relating to the constantly
recurring subject of the
Hynad-cohats. With
the letter from the
Resident in Mysore and
the Commissioner for
the affairs of Malabar
to Government, dated
14 February 1801, there
is a copy of the in-
structions from
them to Capt. Osburne,
bearing date 10 idem,
in which the latter
is directed to confiscate
the

the property of certain
adherents of the Pythi
Raja named in an
Schedule accompanying,
who had stood proscribed,
as well as to capture
those proscribed persons.
With the same letter
is a copy also of certain
later instructions, dated
23rd idem, with a sup-
plementary list of
insurgents and a
Schedule of the property
of the Pythi Raja and
his adherents. In these
a later instruction,
Capt. Osborne is told
to act on the earlier
instructions with
respect to moveable
property only, and is
informed that it
will be prudent
until our authority

197 is more firmly establish-
ed and the fate of the
rebels positively determined
not to proceed to the
confiscation of landed
property.
6. During the period
the Wynad was in a
state of insurrection,
proclamations were
from time to time
published by the Civil
as well as military
authorities declaring
various persons to be
proscribed rebels and
offering rewards for
their apprehension, as
well as inviting those who
were wavering or had not
openly rebelled, to return to
their allegiance to the
Govt., but none of a date
preceding or
immediately.

immediately succeeding
the event, declaring
particular properties
or the properties of
particular persons to
be vested in Govt; can
be traced. The first
mention of the fact of
confiscations having
been made appears
in Mr. Lyne's report
of 1822, but Mr. Vaughan's
proclamation of 1823
seems to be the first
issued in which an
attempt was made
to specify or define
the properties which
were vested in Government.
But this document
was restricted to
cultivated lands and
one Cardamon hill,
which alone were sub-
ject to the payment of rental
in

(10) para 1378.

(11) Mr. Ballard's letter - para 10.
in G. O. & 4th May 1866, no: 1065.

(12) Mr. Ballard's letter - para 10.
in G. O. & 4th May 1866, no: 1065 &
G. O. & 6th May 1882, no: 471 -
paras 3 & 11.

(13) Vide G. O. & 6th May 1882,
no: 471 - para 13.

in addition to a payment,
and did not include
forest and waste tracts
on which no payment
was leviable.⁽¹²⁾

7 x x x x It is to be
observed, that the question is
of importance as regards only
forests and waste lands occupied
by various parties within the
last forty years, and as these⁽¹³⁾
belonged not to jenn holdings
but to Sovereign power, the ques-
-tion of reversionary interest
vested in a Tarmâdor
united Malabar family
does not seem to arise.

8. After this epitome
of the history of the
Wynaad escheats, the
several questions
asked in the Advocate
General's paper may
be briefly answered.

Questions put by Advocate Genl.

1. Whether it was before or after the Pychi Raja's death that his property was declared to be vested in Government?

as follows:-

As stated above, there is no order of Government declaring the property to be vested in Govt. and the matter seems to have been left apparently entirely to District authorities. Such confiscations as were actually made appear to have been made after the Pychi Raja's death. Mr. Procmie's report para 1383.

2. Whether it was on the ground of rebellion against the E. I. Company or partly on that ground and partly from failure of heirs that the property had passed to Govt.?

It has been shown that it was a forfeiture for rebellion and not an escheat from failure of heirs.

3. What the precise position of the Pychi Raja was?

Was he a dependant sovereign, a quasi sovereign or a mere subject?

A quasi sovereign not a subject.

4. Was he a member of a Tarnad or Malabar family in which the property is jointly vested?

From Mr. Logan's note (para 11) of the 30th Decr. 1880 inq. 11, of 3rd July 1882, no 678, it does appear that he was a member of a Tarnad.

5. Whether the act of Confiscation purported to be under municipal law, or partly under it and partly as an act of State?

It was purely as an act of State.

6. If the latter, was any thing more done than the issue of a proclamation?

As stated above, it does not appear that there was any proclamation; but all cultivated land of the rebels (vide para 6 supra) were actually confiscated. There was no confiscation of forests and waste lands which were by far the more extensive, apparently because these were not in any one's occupation. These though they were not guarded so as to prevent squatting and encroachments, were

were always held to be
vested in Govt.: Some
of the forests were brought
under regular Conservancy,
and land to the extent
of 5,671 acres ⁽¹⁴⁾ had been
sold until the beginning
of 1879 (there is no informa-
-tion as to the subsequent
period) under the rules
for the sale of waste land.
It is to be observed that
the Wynad, like lower
Malabar, is a proprietary
country, and it is only
by forfeiture for rebel-
-lion or as escheats for
want of heirs, that
property in land could
have become vested
in Govt. of property
escheated under the
latter head, there is no
information, and
probably there is very
little of this in the

(14) Vide G.O. dated 27th September
1879, No 1943.

Trinidicuter
Secy: to Govt.

Nov 6860
1868?
1861? 1865?
7586?

In the closed Court, there
are three undisturbed
papers it is believed that
highland has received
reference to some other
cases.

To supply the
while the
if you will
Court

22/2

Malabar Collectors Office

Dated 27th November 1883.

From,

S. A. Galton, Esquire,
Collector of Malabar,
Calicut.

To,

E. J. Webster, Esquire,
Secretary to Government,
Revenue Department,
Madras.

Sir,

With reference to your official memorandum No. 391 of the 16th instant, I have the honor to inform you that the jammathogam fees are levied, in this District, under Madras Act II of 1864. From the enclosed form of Patta in use in this District, it will be seen that jammathogam is included in the total sum leviable under the Patta.

2. Act No. II of 1864 is in force in this District in respect of ordinary assessment or revenue on land.

I am,

I have the honor to be
Sir,
Yours most obedient Servant.
James Oglethorpe
Secretary of the Colony.

Revenue (1883) Report

No 7568

From Collector of Malabar.

To Secretary to Government
Rev. Secy. Madras

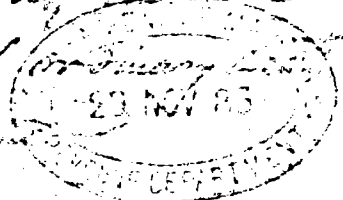
27 Nov 83

Recd 27/11/83

No 4868

Encl.

Informing that Jummabhogam fees
are levied in Malabar, under Revenue
Act II of 1864 in the case of lands
of which the proprietary right is
vested in Govt by ~~act~~
also in respect of ordinary assessment
or revenue on land.



Dist- O. M. No 391.

The Collr of Malabar is
requested to report whether
in the case of lands of
which the proprietary right
is vested in Govt by
act, the Jummabhogam
fees are levied under
Revenue Act II of 1864.

2 The Collr is requested
also to report whether or
not the said enactment is
in force in his District
~~or~~ in respect of
ordinary assessment or
revenue on land.

For W. George
16 Nov 83

To The Collector of Malabar
Dated 19-11-83.

Sept. 15. 1891
W. G. L. L. L.

[Faint handwritten notes, possibly "A.C.H."]

2701

Revenue 1883 Department
No 7568.

From
Collector of Malabar

To The Secretary to Government
Rev. Dept. Madras.

Dated 27. Nov. 1883.
Recd. 29 -

No 4858.

Enc. 1.

Informing that Jamma
- bhogam fees are levied in
Malabar, under Madras
Act II of 1864 in the case
of lands of which the pro-
prietary right is vested
in Govt by Escheat, also
in respect of ordinary
assessment or revenue
on land.

Mis. No 836.

Read the following papers:-

1. Letter from the Advocate
General of 8. Oct. 1883 forwarding
opinion regarding certain
questions as to the legal position
of Govt in respect of Wynad
Escheats.

2. Letter from the Collector
of Malabar of 27. Nov. 1883
No 4568 furnishing informa-
- tion regarding the Jamma
- bhogam fees levied in
Malabar in certain cases.

3. Letter from the Advocate
General of 10. Dec. 1883 forwarding
further opinion regarding
Wynad Escheats.

Recorded.

22-2-84.

Re: Wymond Escheato.

Ms. B. 1. 586 of 22 July 1856

1856

(1) Number of Pages..... 14
(2) Date of repair..... 11.9.68
(3) Initials of the Referencer..... 22.9.68

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 932 (S.C.) Press
~~B.P. No.~~ ~~Mis.~~

Dated 12-8-1884 -196- .

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