

Revenue (1898) Department.

MISCELLANEOUS SERIES.

G.O., No. 4459

DATED 15th November 98

[Despatch Abstract.]

Agreeing with the Board in considering that there is no necessity for the present appointment of a special settlement officer for Malabar in place of Mr. Parsons and stating that the Govt. sees no reason to reconsider its decision in No 1152 of 3.12.91 in the matter of amending Act II of 1864.

BACK PAPERS.

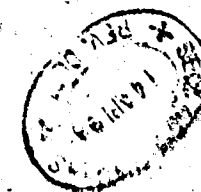
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1898) Department.

CURRENT No. 2860.



From

The Board of Revenue,
Revenue Settlement,
Land Records and
Agriculture
Madras

No. 2482 Mis.

Order

Dated 11th April 1898.

Received 14th

Registered 15th

Enclosures 3.

Spare copies

SUBJECT.

Submitting for the information
of Government, with Board's
remarks, letters from the
Special Settlement Officer
Malabar and South Canara
regarding the counting of trees
in the Ponnani and Ernad
Taluk.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

Dated 9th March 1898.

No. 1721 Mis.

READ

The following letter from the Special Settlement Officer, Malabar and South Canara, No 353 dated 23rd February 1898.

I have the honor to reply to you of Board's Proceedings, Assistant Superintendent, dated the 1st February 1898, offered 2. My remark that the post was work is out of date, was intended to apply to preparation of records and tree counting. This work was commenced in Ponnani in 1891 when Mr Stuart was in charge of the Party and the bulk of the original work was finished by September 1893. There lapse of so much time would render records and tree counting unreliable. Besides this

Classification
98
2703 Mis.

The voluminous reports and orders issued since 1891 have put an entirely different complexion on our Settlement work. Our records have now to be prepared in such a way as to enable us to carry out any one of a multitude of proposals which in 1891 did not exist.

3. So far as soil classification is concerned, the inspection of the Assistant Commissioner is useful; but Ponnani will again have to be inspected by an officer to see that records are correct and trees properly counted before Settlement can be introduced. I wish to avoid double expense by

this Officer's inspection
completely inspect each

den ^{we visit.}
4. (The ^{was only classified last year.} Assistant Commissioner can check classification, records and tree counting in that taluk. I have asked the Assistant Commissioner to inspect there and I solicit the Board's approval of my action.

5. The diary returned with Board's Proceedings No 703 this dated 1st February 1898 is enclosed for reference.

I request that it may be returned

Read also the following letter from the Superintendent, Madras Survey, No 57, dated 7th March 1898: -

Reference:

Board's Proceedings (Settlement) No 665 dated 13 October 1897, regarding the employment of Mr Thompson, Assistant Superintendent, Madras Survey in supervising the writing of the Settlement Registers of Malabar & Wynad.

I have the honour to inform you that Mr Thompson, Assistant Superintendent, Madras Survey has been offered and has accepted a post under the Bochin Government with much better pay and prospects than he could expect if he remained in the Madras Survey Department. He is an excellent Officer and it would not be fair to him to stand in his way.

I enclose a letter from Mr Greene, No 53 dated 27 February 1898, proposing arrangements

The arrangements which I trust will
meet with your approval.

Resolution

The Superintendent of Survey reports
that Mr. Thompson, Assistant Superintendent,
who has been supervising the preparation
of the Myriad Settlement Registers, has
been permitted to accept an appointment
in the Kochin State. The Special Settlement
Officer is therefore, requested to withdraw
the Assistant Commissioner from in-
spection work and send him to
Canannore at once to complete the
task on which Mr. Thompson has been
engaged.

2. Para 3 of the Special Settlement
Officers' letter dated 23rd February
1898 No 353 is not very intelligible to
the Board. Presumably Mr. Parsons
contemplates that the trees must be re-
counted before they are "inspected by
an Officer to see that the records are
correct and the trees properly counted".
Otherwise it seems obvious, that the
 sooner the said inspection is undertaken,
the better. But if a recounting of the
trees is contemplated, the Board's objection
is not met. How is it proposed to satisfy
Government

Government that a recounting is
necessary until errors have been
brought to light by inspection?

(True Copy and Extract)

(Signed) R. J. Simons
Secretary

To

The Special Settlement Officer
" Superintendent of Survey (Pam.)
with diary returned.

(True Copy)

R. J. Simons
Secretary.

rdly

12/4/98

Region
From G.P. Greene Esq. Camp Edavanna
Deputy Superintendent Ernad Taluk,
Madras Survey No 53
No 3 Party. Date 27 February 1898
To The Superintendent,
Madras Survey.

(Reference to a previous letter, if necessary.)

From The Superintendent, Madras Survey.
To The Deputy Superintendent, No III Party
No 587 dated 24 February 1898. ^{Madras Survey}

Sir

In reference to your No 587 of 24th February 1898, directing me to arrange to relieve Mr. Thompson for employment under the Kochin Government on receipt of a telegram from you, I have the honor to report that the re-writing of the Mynaad Registers is now far advanced and the staff employed so conversant with the work that it will be possible to complete the Survey technical part of it without Mr. Thompson.

The Board have, however, ordered a memoir to be prepared for each Desam. To supervise the preparation of these memoirs, which is purely settlement work, and to finally examine

examine and sign the Registers I think a Settlement Officer should be appointed. Mr. Parsons has now an Assistant Commissioner working under him in this District, whose services he can possibly spare for a few months.

I therefore suggest that the Board be asked to place him in charge of the work, which Mr. Thompson is now employed on, until its completion.

I leave the honor to be

Yr,

Your most obedient servant

(Signed) C. P. Greene

Deputy Superintendent Madras
Survey No 3 Party

(True copy)

R. V. Srinivasan
Secretary

294

12/4/95

12/4/95

Enc.

must show
and temporary

No 4

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Deputy Superintendent Madras
Survey No 3 Party

(True copy)

R. V. Srinivasan
Secretary

294

12

12/4/95

Enc. No.

Statement showing the Trees Counted by the Special Settlement Officers, Assistant Commissioners, Inspectants and Temporary Supervisors in Ponnani Taluk.

No & names of Deam	Tree Counting				No & names of Deam	Tree Counting			
	Previous to Inspection		At Inspection			Previous to Inspection		At Inspection	
1	Cocconut	3	Jack	4	Cocconut	7	Jack	8	
2		5		6		11		12	
3		7		8		15		16	
4		8		9		17		18	
5	Cocconut	3	Jack	4	Cocconut	7	Jack	8	
6		5		6		11		12	
7		7		8		15		16	
8		8		9		17		18	
9	Total 44		Total 44		Total 44		Total 44		

53	6	10	46	11	5	36	18	Angamood	89	17	4	86	22	4
not counted		18		13					25			26		
183	776	14	204	456	9				45	509	2	73	405	2
72	342	3	106	177	3	37	21	Chennattur	56	249	10	63	372	9
5	7	2	3	3	2	38	22	Mindallur	15		5	30		2
20		1	23		1				12	120	2	12	120	2
5			17						16	63		18	61	
25		16	33		8				10			10		
		1	30		2	39	23	Tanahur	15			21		
13	57		13	52					12			12		
87	79	2	55	35	1				44	135	1	61	145	1
100		5	118		12				2	7		6	4	
86	216	14	106	277	15				15	1		30		
16		5	17						3	3		8		2

22 45 Kaniyapuram

23 46 Perumama

24 28 Chembra

25 14 Sriachapula

26 12 Olu

12	37	26	53	25	25	35	20	2	65	68	2
218	339	8	303	34	21	7	20	1	9	4	61
46	96	3	54	120	3	5	1	4	14	2	
110	23	3	115	26	4	40	16	Angayy	12	139	5
34	161	11	82	115	9	2	30	4	6	85	
11	109	4	13	105	2	90	2	1	68	2	2
3	51	1	8	42	1	28	4	4	32	4	
47	8	2	51	7	2	43	33	1	65	40	4
42	11	16	53	12	5	25	385	3	112	424	8
13	4	5	13	4	4	120	16	2	69	24	3
35	4	4	36	4	4	45	116	5	112	68	7
34	4	4	34	4	4	4	4	1	10	4	3
25	7	1	27	9	1	16	121	1	18	328	2
10	1	10	10	11	10	12	10	1	23	17	3

27	"	"	27	"	48 101	Paravannur	15	70	1	22	255	3	
26	"	"	28	"	"	"	4	60	"	12	263	2	
45	28	"	48	30	"	"	25	380	5	50	491	9	
32	"	"	38	"	"	46 103	Kalungattu	63	"	2	75	4	
22	"	4	69	"	17	"	16	10	1	46	13	4	
15	"	"	14	24	3	"	40	"	1	76	"	2	
20	398	2	20	184	5	47 53	Punnaithala	45	105	7	67	115	8
12	38	3	30	26	3	"	"	213	"	"	241	"	
4	"	2	16	"	7	"	5	287	3	4	269	3	
31	"	2	43	"	1	48 51	Kaivannur	50	3	9	56	3	
25	1	2	55	6	"	"	27	13	5	35	11	10	
12	88	5	27	345	10	49 52	Chellur	12	"	3	16	"	

Grounded by uncommissioned Assistant in 1895-96.

50 2 Eravalur

14 " " 31 " " 68 27 Jinn

96 " " 145 " " 0

57 4 Panangattur

56 " " 98 " " 69 266 Jolukkara

25 91 3 24 108 3

52 337 Chellur

230 " " 312 " " 70 267 Mattur

4 62 19 6 94 20

52 337 Chellur

48 635 3 43 642 3 71 365 Paruppankula

2 4 2 145 03

53 363 Vengimthara

20 118 3 21 116 2

62 268 4 56 264 2

54 311 Thalavanda

83 82 11 75 82 6 72 362 Puluvanthara

158 287 16 122 242 7

55 282 Anedikkara

57 4 18 27 " 9 22 " 4 19 2 2 6

2 2 11 134 2 2 6

56 281 Kumaramallur

1 1 2 2 2 2 1 101 134 84 3

14 19 17 378 2

57 283 Vellalur

36 282 " 26 335 " 75 277 Jolukkara

230 2 4 20 280 1

17 140 229 5 36 260 5 76 279 Kalathampadi

4 3 5 29 14 169 29

57 159 6 16 154 5 77 278 Kottapadam

18 25 29 14 169 29

58 197 Chellam

59 195 Cheralam

60 196 Pattam

61 221 Malu

62 276 Malu

63 274 Jamin Kod

64	793	12	64	785	10	78225	Madarandu	64	250	14	56	303	8
65	468	8	63	526	6			53	300	24	34	470	24
12	196	3	12	196	3			72	236	6	70	206	5
3	25		3	162		79	223	Margay	45	674	3	48	633
9	31	5	8	25	5			19	521	6	20	474	6
15	271	6	11	269	16			7	118	1	7	115	1
	150	3		160	3	80	198	Anavilam	21	384	2	27	391
12	74	4	12	85	4			17	308	4	22	304	8
36	395	5	20	410	7			26	537	1	32	408	3
35	565		53	510				3	300	8	15	454	19
10	208	1	10	294	1			16	354	2	18	341	14
60	352	9	61	347	7			33	215	6	32	166	6
13	377		19	372				22	250	1	22	276	01
85	228	1	12	244	2	81	194	Mallavada	22	170	3	22	217

25	342	7	25	362	3	82	227	Caladathu	11	260	4	16	219	7
10	348	2	11	350	2				3	258	7	16	256	05
32	589	2	36	605	2				18	160	1	20	201	2
27	80	2	31	82	7				67	246	2	76	282	2
13	70	11	26	166	1	83	189	Melunni	15	219	7	15	222	7
13	40	1	13	12	1	84	192	Muhu	27	294	6	25	273	4
20	100	1	38	167	2	85	220	Pattithana	127	827	9	117	1031	17
20	120	8	37	137	5				28	91	3	28	99	4
	1	1		14					50	374	4	51	585	10
16	294	6	17	319	5				49	362	2	38	347	3
12	218	5	12	247	4	86	275	Kappu	4	60		4	187	3
5	85	6	5	73	3				13	217	4	2	17	26

64 273 Pattinani

2	108	2	4	114	2	23	281	2	28	466	2		
4	143		12	191	3	9	350	2	10	466	4		
35	254	9	36	204	12	6	250	2	8	440	2		
2	364	2	2	364	5	17	199	3	2	186	2		
21	110	3	21	140	2	2	210	1	9	340	4		
17	225	7	17	214	4	87	222	16	410	3	388	3	
52	377	7	60	360	5	37	199	2	39	84	3		
10	43	2	23	180	2	49	318	7	39	282	-		
25	274	2	22	260	2	66	616	20	67	476	21		
34	300	6	29	292	4	88	300	2	13	311	7		
20	308	4	23	321	3	89	299	140	1525	18	109	1491	5
Counted by the Surveyor in 1896-97													
32	135	4	52	244	8	98	103	6	120	8	269	5	
16	42	1	31	45		40	12	1	74	2	2		

66 290 Kallakalipparam

67 297 Ennavallad

90 108 Kannirallala

91 102 Arinjani

92 105 Pantharus

25	182	2	99	406	4	6	70	23	129	1
28	98	4	10	146	3	7	60	13	184	3
30	150	2	34	246	5	12	100	63	355	4
nd	Counted			46	1	25	100	22	37	1
6	100	1	7	304	2	15	20	33	151	2
40	100	4	87	194	10	nd	Counted	67	778	3
33	102	2	36	354	3	14	60	3	559	1
4	70	1	4	142	2	34	60	12	241	6
12	2	1	21	2	3	42	93	88	334	3
16		3	27		2	13	12	15	18	1
12		3	19		2	27	262	28	198	1
16		2	38		3	64	77	60	335	9
18	116	3	53	164	7					
40	100	5	38	41	13					

99 104 Varanellur

100 101 Paravannur

101 54 Lavallanchi

93 54 Illam

2	85	1	145	4	"	24	"
50	450	17	63	59	4	2	56
41	32	2	43	22	525	4	31

94 107 Ananchus

15	35	3	12	9	131	8	10
20	198	2	32	51	55	3	52
16	250	2	23	2	150	"	2
not Counted				40	103	2	46
45	85	1	73	5	135	"	5

95 100 Kannan

67	115	2	55	16	134	1	22
35	"	"	43	9	144	2	8
21	42	1	55	16	"	4	18

96 109 Pottan

5	189	"	9	38	"	6	36
12	103	3	13	40	186	11	125
10	160	4	14	18	"	9	21
12	"	14	16	2	627	"	3
25	95	3	51	64	102	7	42

97 106 Nalliyann

8	160	3	23	42	189	3	36
22	"	2	19	23	98	"	28
2	120	1	15	8	58	2	13
8	90	2	8	16	126	9	18
12	82	2	20	"	"	"	"

Note: Each line shows the tree counting in a line
Survey subdivisions throughout this Malabar
Nine Dreams are shown twice as trees are
Counted in them both by the Assistant
Commissioner and the temporary Supervisor

Camp Trios
19th March 1883

Harman
Special Settlement Officer,
Malabar and South Canara



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture),

Dated 11th April 1898.

No. 2482 Miscellaneous

READ The following letter from the Special Settlement Officer, Malabar and South Canara, No 519, dated 19th March 1898:-

I have the honor to reply to this letter part of Board's Proceedings No 1721 Miscellaneous dated the 9th instant.

2. A recounting of trees in Ponnani is necessary because trees were counted there before the revision survey. The effect of this revision may be judged from the following figures relating to six desams taken at random in the first few groups.

owing

No and name of desam	Number of garden subdivisions		Increase
	Prior to revision Survey	Subsequent to revision Survey	
380 Perumballichavakkal	30	70	40
372 Perakam	143	191	48
399 Chennumarathayur	129	169	40
365 Aniyur	126	191	65
404 Pavaratti	181	247	66
419 Peringod	112	181	69
Total	721	1049	328

This means that the 721 gardens for which we have tree particulars have been divided up into 1049 for which we have no such particulars. All we can say is that the number of trees counted in 721 gardens is now distributed ^(among 1049 gardens, we cannot say exactly how they are distributed) nor can we prepare puttaks for the 1049 gardens if the entries in each puttak are to depend upon the number of trees in the garden to which the puttak relates.

3. The revision Survey referred to above was undertaken after it was decided to grant puttaks to gens in order to separate

holdings

Separate genman holdings. This Survey has been completed. Now we are faced with another Survey about to be conducted by the Special Deputy Collectors during their registration of Genman titles. I understand that the number of new subdivisions being made by these Deputy Collectors is very large. If this is so, it may be anticipated that the 1049 subdivisions mentioned above will become considerably larger.

4. The Board asks me if it is not necessary to inspect in order to bring errors in tree counting to light. I submit that sufficient inspection has been done to prove that the taluk must be recounted. I enclose a statement shewing the results of inspection. Officers' Counting in 104 desams. A perusal of this statement will show the Board that the gardens in which our records shew the correct number of trees are rare and often our records are hopelessly incorrect. In this statement I have only shown 14 desams inspected by the Temporary Supervisor. He has inspected 199 desams not shown in the statement and reported that in 103 of these desams trees require recounting owing to the incorrectness

our record.

and also the following letter from the Special Settlement Officer, Malabar and South Canara, No 521, dated 21st March 1898: -

I have the honor to request orders as to whether I am right in having trees counted in the Ernad taluk in view of the opinion expressed in Board's Proceedings No 680 dated 20th October 1897, para 14. I submit that our tree counting is likely to be rendered useless not only by the delay in registering Ganmani titles but also by the new garden subdivisions which I understand the Deputy Collectors are making in large numbers.

Resolution.

The two letters read above from the Special Settlement Officer, Malabar will be submitted for the information of Government.

In the Ponnani taluk the work done by the classifiers (including tree-counting) had been inspected by a Superior Officer in only 170 out of

a total of 460 deans. The Board was of opinion that the Assistant-Commissioner who was sent back to Malabar in November last should be set to work to overtake the arrears of inspection as rapidly as possible. To this the Special Settlement Officer demurred on the ground that the labour would be thrown away as a re-counting of the trees before a settlement can be introduced is inevitable.

3. In the letter ^{first} just read above he explains why the trees must be recounted. The taluk was first surveyed on the assumption that the settlement was to be with the tenants. The garden soils were then classified and the trees in bearing were counted. When orders were subsequently issued that the settlement must be with the ^{first} ~~garden~~ ^{ganman}, a revision survey was undertaken to map out ganman properties as a preliminary to the registration of ganman titles. This operation was found to necessitate a vast number of subdivisions in gardens. The accounts

show

now the number of trees in the garden, but the number in each new subdivision is unknown. Again, when the Registrars of gamman titles begin their enquiries in a desam, a further large number of subdivisions of gardens is found necessary, and until their enquiry is completed, it is impossible to count the trees, and assess tree-tax on these subdivisions. Finally, inspection shows that mere lapse of time has rendered the record of trees in bearing quite untrustworthy.

The Board brings this matter to the notice of Government, lest in deciding on the rival schemes of garden assessment now before Government, the tree-tax should be adhered to on the ground that so much progress has already been made in tree-counting that it is undesirable to incur the waste of time and labour which a change of plan must involve. The Board apprehends that the Special Settlement Officer is correct in his view that a general re-counting of the trees

will be found inevitable if resolved to adhere to the tree-tax.

(True Copy and Extract)

R. V. Shivadasu
Secretary

To

The Secretary to Government,
Revenue Department.

(with a statement in original to be
and with a copy of B.P. 1721
9.2.98 returned)

Copy to the Special Settlement Officer,
Inalabast. Causse.

sdly
Ck
12/4/98

Revenue (1898) Department.

CURRENT No. 2146.

From

The Board of Revenue,
Rev. Sett. L. & Agri.
Madras.

No. 1898 m.

Dated 15th March 1898.

Received *[initials]*

Registered *[initials]*

Enclosures

Spare copies

SUBJECT.

Replying to the official
Memorandum from Government
requesting to report whether
it is necessary that another
officer should be appointed
as special Settlement officer
Malabar and South Canara
as the Services of Mr. Parsons
are required on other duty.

Available for
reference
11/11/98
15/11/98

Order

BACK PAPERS.

G.O.	No.	Department.	Date.
O. M.	No. 65	10.3.98.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue

(Revenue Settlement, Land Records and Agriculture.)

Dated 15th March 1898.

189—.

No. 1898 Mis.

Read the following Memorandum from the Ag. Secretary to Government, Revenue Department, No. 35, dated 10th March 1898:—

As the services of Mr. Parsons, I.C.S., are required on other duty, the Board is requested to report, at a very early date, whether it considers it necessary or desirable that another officer should be appointed in his place as Special Settlement Officer, Malabar and South Canara.

Resolution.

In reply to the above, the Board begs to state that the present position is as follows:—

2. In para 4 of its review of Settlement operations in 1893-97 (J.O. No. 848, Revenue, dated 3th October 1897) Government expressed the opinion that the introduction of the new Settlement must be postponed, pending the enactment of a tenancy law and the completion of the registration of jammam titles.

It would probably be sanguine to hope that these two events can be accomplished within the next five years.

3. Act II of 1864 is shortly coming up for amendment, and an opportunity is thus afforded, should Government see fit, to legalise the Malabar custom, nearly a century old, of dealing with the tenant instead of with the landlord. All that is required are two simple amendments; one to declare that in Malabar

BACK PAPERS.

G.O.	No.	Department.	Date.
O. M.	No. 65	10.3.98.	

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3. Act II of 1864 is shortly coming up for amendment, and an opportunity is thus afforded, should Government see fit, to legalise the Malabar custom, nearly a century old, of dealing with the tenant instead of with the landlord. All that is required are two simple amendments; one to declare that in Malabar

Malabar the term landholder shall, for the purposes of revenue recovery, include the actual pattadar, and the other to add an explanation to Section 42 of the Act, declaring that the term "encumbrances" in that Section includes the interest of the Janni.

This would enable the Settlement Department to tender pattas at the new rates to the tenants, without awaiting discovery and registration of the Janni.

The loss to the State accruing from the postponement of the new settlement would be avoided, and (so far as the Board can see) the operation of registering jannam titles under Act III of 1893 might, without impeding the introduction of the new settlement, drag its slow length along until finally all pattas are transferred to the jannis in the manner which Section 13 of Act III of 1893 contemplates.

4. If this revised suggestion is deemed inexpedient, the Board apprehends that it is useless to push on Settlement operations in Malabar. Government has still to decide on a method of garden assessment, and the years which have already elapsed since tree-counting began, have so altered the numbers of trees in and out of bearing that the Special Settlement Officer has several times brought to notice that if the tax is to be on trees, the enumeration will have to be done again. Inspection of the old work reveals so many errors that in his opinion further inspection is unprofitable.

If a delay of several years is inevitable before orders can be passed, it is a waste of money to push on the task of counting and classifying the trees.

5. Holding this opinion, the Board, in para 14 of its Proceedings, No. 330 dated 20th October 1897, proposed that the Malabar Party should be deputed to the work of registering jannam titles with the Supervisor as Special Dy. Collector. On this proposal Government has not yet passed orders.

6. All that the Board can under the circumstances say is that there is no immediate necessity for appointing a Special Settlement Officer in Mr. Parson's place. The Assistant Commissioner is available to take charge of the Party. The strength of it can be reduced as opportunity offers, and it can be proceed on the lines which have

hitherto

hitherto been followed until Government is in a position to pass orders on the Board's suggestions above referred to.

(True Copy and Extract)

R. B. Srinivasan
Secretary.

To.

The Secretary to Government, Revenue Department.

Recd
16/2/98

Ord. No 65

Sp 10/3/98

Heard in info

As the services of Mr
Parsons U.S. are required
on other duty, the Board
is requested to report at
a very early date whether
it considers it necessary
or desirable that another
Officer should be appointed
in his place as Special
Left Officer Malabar &
Smith Canara

Fort St George }
10th March 1898 }

Wk
9.3.98

8703

Wm Roy Rev R.S. & R. & R.
Dec. 11-3-98

of 18
Note Please see
Minute of app 18 below

Mr. Dancer may have
his leave.
I propose Mr Parsons to
act as collector of
Malabar. The Board
should be asked if
they wish Mr Prepland
in settlement work

(Ind) A.R.H.
4-3-98.

Note for the Revenue Dept

Please take the
necessary action with
reference to the latter
portion of the marginally
quoted note of H.R. the
Governor.

Cms
7.3.98
At 7.3.98

To
The Revenue Department

Note

Mr. Winterbottom's
views as to the necessity for
a special officer in Malabar
will be found set forth in
his O.O. of 12th Nov: last
stitched with G.O. No 5990
of 19th Nov: last and it
seems doubtful therefore whether
there

e. 7/5/98 h. e. 19/5/98

proceed on the lines hitherto fol-
lowed until orders are passed
by Govt on certain proposals made
by it for the garden assessment
in Malabar, a tenancy law is
enacted for the district and the
registration of zemindari titles is
completed or, unless in accordance
with a proposal which the Board
now makes, the Govt would
amend the Madras Revenue Re-
gulation Act II of 1864 so as to
include under the term "landholder"
the actual "Pattadar" and under
"premises" in Sec 42, the
interest of the zemindar.

C 2 The Board points
out that if the introduction of the
settlement scales is to be postponed
till the completion of the
zemindari registration and the
enactment of a tenancy law it
will have to be delayed for another
2 years while if the simple
amendments to Act II of 1864
suggested above are carried out,
they would legalise an old estab-
lished Malabar custom and
avoid

This matter has
since been decided
10/11/88

avoid the loss accruing to the
State from the postponement
of the Settlement. The ques-
tion of amending the Act in
other directions will shortly
come up for consideration (the
opinions of the Collectors, the
Board of Revenue are it is under-
stood now in the Press) and
the Board suggests that the
opportunity may be taken to
carry out the alterations which
it now proposes. If however
this is deemed inexpedient
there is in the Board's opinion
no objection in pushing on Settle-
ment operations in Malabar
because final orders not having
been passed by Govt on the
question of the method of
garden assessment, ^{either the} the ~~Board~~ ^{Board}
counting and classification
of trees already completed
now being carried on will
have to be done over again
the method will have to be
put up, the result in each case
waste of Govt money. The

Bo

Board adds that this was the reason why it recently suggested the employment of a portion of Party No VI on janmami registration work.

3. The proposal to amend Madras Act II of 1864 is not new and it is not clear why the Board has not thought it necessary to make any reference to the previous correspondence on the subject. In the last paras of his letters printed on pp. 7 and 8 of G.O. No 1152 of 3rd Decr 1891, Mr Winkfield, as Collector of Malabar, while advocating the necessity for an investigation into janmami is expressed his opinion that Act should be amended in directions now indicated "for present protection of the revenue. This proposal did not however commend itself to the Board at the time. It said "It is objectionable to introduce into an Act dealing with the general question of the recovery of

B.P. No 680
20. 10. 97

Let 2709
24-11-98

Para 15 para 11 c

"of land revenue throughout the Presidency any special exceptions whatever. They are likely to render the construction of the Act more difficult than it is at present, and to lead to confusion where none exists. It is moreover very doubtful whether the amendments proposed would have the effect desired by the Collector * * *". In the Board's view it was desirable to undertake separate legislation legalising the existing practice and procedure in Malabar and also requiring that "in the case of lands attached for arrears of revenue a copy of the Pattadar or occupier, copy of all notices issued for the recovery of the revenue should be served on the Janmi". The Board on this remark, ~~admitted~~ as follows:-
"The suggestion that the term 'landholder' in Act II of 1864 should be defined so as to make it include the present Malabar pattadar is impracticable a

Para 23 of the
B.P. para 12
of this G.O.

Para 8 para
17 D

"as the rights of the various
Board tenure-holders in whose names
the patta are now made out
are extremely variable and there
would be no certainty as to the
effect which a sale for arrears
would have. The proposal
that the term 'free of all en-
cumbrances' in Section 42 shall
be held to include the interest
of the janmi amounts to a con-
fiscation of the landlord's rights
for a default for which he might
not be in any way responsible.
In pp's Mr Justice Shephard remarks
that it would be a strain on the lan-
guage of the section (42 of Act II
of 1864) to hold that the phrase
'or an encumbrance' which ordinarily
notes a burden imposed on land
the owner is intended to denote
the interest of the owner himself.
x x x x x x x x x x x x
an alternative proposal is to insert
that on default on the part of
the registered holder, the land
shall be liable to sale free, not
only of such encumbrances as
may

This remark applies only
only to the section as it
now stands

I don't think it should be re-
considered. I have noted in the
matter in the file in cir-
culation viz. which Mr. Winter
bottom's proposals about regis-
tering Janmi rights are
conceded - + which passed
some time ago.

"may have been put upon it by
the registered holder or occupier
but of all tenures and rights
which exist in connexion with it
including the proprietor's right.
This, however is a confiscatory
measure which the Govt is not
prepared to approve and the Legi-
slature would not sanction."

4. The original of
G.O. no 1152 Rev. dt 3rd Dec. 1891
is not just now available having
been put up with the Malabar
Settlement file now in circulation
but from the extracts given above
it will be seen that the question
of the amendment of Act II of
1864 in the directions now prop-
posed was once before carefully con-
sidered and negatived by Govt.
It is presumed therefore that
that question will not now
be reconsidered. In this course
however it is thought desirable
to bring to notice a point on which
a doubt is felt. In Malabar,
janmi fully knowing the conse-
quences of default and having

having the option to pay Govt
 revenue himself, elects to have it
 paid by the Kanomdar, while on
 the East coast a mortgage ad-
 vancing a large amount of money
 on a piece of land allows the
 assessment thereon to be paid by
 the landowner. The Jannin's right
 may commercially be of less value
 than the mortgage - both have
 civil remedies against the men
 who may default. Under existing
 law the mortgage's rights may
 be sold away by Govt and that
 without serving any notice on the
 Jannin. It is not, it is submitted
 therefore, very clear how it would
 be more inequitable or confiscatory if
 legislation is undertaken so as
 to make a Jannin also lose his
 rights by a revenue sale of a piece
 of land. As however already in-
 cated, the question need not
 perhaps be reconsidered now.

As regards the
 method of garden of assessment,
 the point that can if the law
 question is to be adhered to, the law

A Jannin's ownership is not
 an encumbrance. A mortgagee's
 interest is. A mortgagee on the
 E Coast is provided against the
 confiscation of his rights by
 having to pay the assessment.
 This is the custom. There is no
 custom on the W Coast for the
 Jannin to pay the assessment on a
 Kanomdar & it would take many years
 to create such a custom.

27.4.95

E

Last two parts
 of the R.P.
 in P.O.

187 F
 22.3.95

page 17
 of the note
 in the above
 P.O.

I am at work on it now,
 but it is not an easy
 matter to settle.

no. 2860 of 97

counting would probably have
 to be done over again was first
 brought to notice in the notes
 stitched with G.O. misc no 2902
 Rev. of 10th June 1897. It was
 again raised by the Board
 and early orders thereon solicited
 in connexion with its report
 on the petitions received from
 certain Malabar landholders.
 On the latter occasion, in view
 of the urgency of the matter
 a doubt was expressed in the
 Office note as to whether its con-
 sideration need be postponed
 pending the tenancy legisla-
 tion or the completion of Jannin
 registration. The then Secy
 in whose view the former
 concurred at the time, remarks
 "It need not be postponed
 till the legislation about the
 Malabar tenancy is complete
 but I am not prepared to
 say on it yet." With its Prop.
 2482 misc of 11th April 1898,
 Board now submits letters for
 the Special Settlement Office.

which he adduces specific reasons why "a general re-counting of the trees will be found inevitable if it is resolved to adhere to the tree tax" the question was specially raised in connection with the work of inspectors which the Board desired should be pushed on in the Ponnaiyaluq and which the Special Settlement Officer considered to be useless. ~~and~~ the reasons adduced though primarily applicable to that Ponnaiyaluq will more or less hold good in the case of the other taluqs also well. These reasons are that the original survey or clearing been undertaken on the supposition that the settlement would be with the present landlords or tenants, the Sub-Committee order that it should be made with the jammis has rendered a ~~recounting~~ ^{of trees} necessary with reference to the altered size of the jammam lands.

- (2) that as the Registrars of jammam titles are still going on subdividing the lands, until their enquiry is completed it is impossible to count the trees and assess the tax on subdivisions and
- (3) that mere lapse of time has rendered the record of trees in bearing quite untrustworthy.

The Board states that it has brought this matter to notice "lest in deciding on the rival schemes of garden assessment now before you the tree tax should be adhered to on the ground that so much progress had already been made in tree counting that it is useless undesirable to in the waste of time and labour which a change of plan would involve".

6. The relative advantages and disadvantages of the tree and land tax system have been placed before you

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 mined _____
 189 .

DATED

See from one

in
 Son
 Para

present
 continued
 to be placed
 The Govt. has
 is unable to

The Govt is unable to
 acceptance suggestion
 contained in para 3 of
 the first of the Prop read
 above & sees no reason

to reconsider

arrived at in the

n° 1152 Rev d/3rd & 1.

matter of amending the
 1864. ~~unstarred reports~~
 with report to
 2. 2nd The other may

referred to in the B.P. read
 the Govt will pass separate
 above are now engaging the
 special attention of Govt as

order
 8/11/11/8

It is submitted that, until
 final orders are passed thereon
 or until unless Act II of 1864
 is amended as suggested by
 the Board, it is clear that
 contribution for Mr. Parsons
 unnecessary, no officer need
 be sent to Malabar to take
 Mr. Parsons place. The Asst
 Commr. being already attached
 to the Party it seems also un-
 necessary to issue specific
 orders placing him in charge
 of it.

on 10/11/11/8
 See

It seems clear that
 no special det. Mr. is
 needed in Malabar at present.

As to the change, I
 being advocated by the
 Board; this question has been
 all known to the Govt.
 It is not known if
 in is any disposition to
 consider it.

Ull
 6558

May accept the Bd's opinion
 that the Asst Comr may be placed in charge
 of the party. As to the other points, they have been reported
 as to the lines on which
 legislation may proceed

Logue

It is raised again as I have stated
 above in a file now in circulation

that file, I think, is with H.E.
 & from this file may now also

H.E. the previous 8/19/1078