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MADRAS RECORD OFFICE.

Government of Madras.

Political DEPARTMENT.

G.O. No. 289 Press ~~Mis.~~ Original

Dated 26.7 1874

Not to be folded or roughly handled

Read the following papers :—

No. 25. From G. A. BALLARD, Esq., Resident in Travancore and Cochin, to the Officiating Chief Secretary to Government, Fort St. George, dated Trevandrum, 3rd April 1872, No. 35.

I have the honour to submit the following for the consideration and orders of Government :—

In August 1871 the Diwan of Cochin reported to me that the Adigari of the Pappanivattom Amshom, Ponani Taluq, Malabar District, had recently established two ferries within British Pappanivattom across the river near Caroopadanah and opposite to the Cochin Sircar ferry at Poovathum Caddavoo, and that thereby the Sircar ferry was placed in a very disadvantageous position.

2. In forwarding copy of the above communication to the Collector of Malabar I requested that the question might be inquired into and that if the ferries were found to be of recent date their discontinuance might be directed. To avoid misunderstanding in future I also requested the favour of being furnished with a complete list of the established British ferries on rivers and waters forming the boundary between Malabar and Cochin. The Diwan was likewise requested to furnish a list of the established Cochin ferries so situated.

I suggested that the lists should be duly examined and that after mutual approval by both the Governments orders should be issued that no ferries but those approved be hereafter started unless the consent of both Governments was previously obtained.

3. The Diwan of Cochin furnished the Sircar list in November last, and in forwarding it to the Collector I requested to be informed if the complaint noticed in paragraph 1 above had been inquired into and with what result. I requested also an early reply on the general question of the border ferries.

4. In December 1871 the Diwan wrote that the Sircar ferrymen had declined altogether to pay the Sircar dues, and I again requested the Collector for an early reply to letter No. 670, dated 18th November 1871.

5. In the letter noted marginally the Diwan again brings to notice that the Sircar ferry-renter loudly complains of the losses incurred by the continuance of the two new British ferries and urges early settlement of the question.

Dated 22nd March 1872, No. 207.

6. I have not heard from the Collector of Malabar on the subject; but it seems to me to require attention. If new ferries are established at will on either side of a water boundary between different Governments, it is evident that much inconvenience may be caused in the arrangements of the ferry farms.

When I was Collector of Malabar some correspondence passed with the then Resident in Cochin on the subject, and I ordered lists of the Malabar ferries to be prepared; but the matter was not definitely disposed of.

I send copy of this letter to the Collector, and trust a satisfactory arrangement may be soon arrived at.

Referred to the Collector of Malabar for early report.

FORT ST. GEORGE,
8th April 1872.

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

No. 26. From A. MACGREGOR, Esq., Collector of Malabar, to the Officiating Chief Secretary to Government, Fort St. George, dated Calicut, 22nd April 1872, No. 23.

I have the honour to report as follows on the subject of Mr. Ballard's letter regarding ferries between this district and Cochin forwarded with your endorsement of the 8th instant.

2. The subject under discussion relates partly to the recent renting of a particular ferry; but moots the entire question of the frontier ferries from near Palghaut down to the limits of the district in the direction of Cochin.

3. To deal first with the former question, the Diwan complained in his first letter that two new ferries had been started by the British authorities over the frontier stream in the vicinity of the Sircar Poovathum Caddavoo—one a short distance to the north and another a short distance to the south.

4. On referring to the local authorities for report it was ascertained that no ferry had been established to the south, and that the ferry to the north, rented for the first time, had in reality been working for a year.

5. In the Diwan's second letter he apparently withdraws the complaint as regards the southern ferry. Owing to his having forwarded no map with his complaint I have found great difficulty in tracing the exact subject-matter, especially as since the last time the dispute came up the Southern Deputy Collector's division has changed hands.

6. On a careful scrutiny of the records, however, I find that, in fact, this Poovathum Caddavoo, now alluded to as if it were a ferry to the proceeds of which the Cochin Sircar had an undisputed right, is the ferry which led to the last dispute, and the renting of which by the Sircar forced Mr. Ballard, when Collector, to pay compensation to the renters of two British ferries, as referred to in Proceedings of the Board of Revenue dated 20th October 1868, No. 7511. In his letter, printed with those Proceedings, Mr. Ballard states that the question as to which Government Poovathum ferry belonged had been mooted some time ago by the Resident and was then under investigation and would be settled shortly; but somehow this did not happen, and, as stated by Mr. Ballard in the penultimate paragraph of his letter of the 3rd April 1872, the matter was not definitely disposed of.

7. In regard to the selling of this particular ferry it seems to have been an oversight, the Deputy Collector not being aware of what had formerly passed, and I agree with Mr. Ballard that until some settlement is made the *statu quo* should be maintained. I have, therefore, given orders for shutting up the ferry in question.

8. The late Deputy Collector in charge of the Southern Division was of opinion that the Cochin Government had no right or jurisdiction whatever on the boundary river, its territories being confined to the margin of the stream. In proof of this he pointed to the fact that excepting the two ferries then claimed every

Proceedings of the Madras Government, Political Department,
26th July 1872.

single ferry on the frontier between the Ponani Taluq and Cochin had long since been rented out by the British Government, no part of the proceeds being ever paid to Cochin.

9. He further pointed to the fact that the jenmi shistom on the islands in the river had always been enjoyed by this Government. The Hoozoor records confirm this point, and it seems a conclusive argument on our side.

10. As regards the Poovathum ferry, the Deputy Collector denied any enjoyment by the Cochin State based on a lawful title, and attributed their *quâsi*-possession to the inattention of our officers, the Cochin ryots having first kept boats for their own convenience, and subsequently, a fair having been started at Madalagom, in our territory, the ferry became profitable.

11. Equity seems to suggest that a profit of this nature, arising owing to the establishment of a fair, should go to the authorities on whom falls the expenditure of various sorts created by fairs.

12. So far as I can learn the Cochin Government have never paid any portion of the expense of keeping open the water communication which for thirty miles forms the frontier and across which these ferries have been established. The Imperial Budget used to provide for this under the head "Canal from Ponani to Cochin Frontier, 60 miles, at 110 Rupees a mile," and a similar provision is now made in the Calicut Local Funds' Circle Budget. The first thirty miles are in British territory; but from the Yenamakal dam southwards the line of inland navigation forms the boundary.

13. The annexed map will show how our ferries are situated on this line, and the first step towards an adjustment appears to be for the Cochin authorities to fill in the ferries they claim in their correct relative positions.

14. The eleven frontier ferries in Ponani are sold together with three other ferries for a sum of 2,020 Rupees, so that the exact amount brought by the frontier ferries is not known.

15. It is, however, evidently considerably less than the cost of maintaining the canal, and there would be no great objection to some arrangement being come to for throwing the proceeds of ferries, both British and Sircar, together, and maintaining the canal with its bridges therefrom, the deficit being made good by equal contributions made by both Governments were it not that the subject of tolls on boats is likely soon to come up.

16. The question of setting in order the entire line of inland communication is now under discussion, and a report is, I believe, being drawn out by the Superintending Engineer on the subject. If any considerable improvement is to be effected, tolls would necessarily become a part of the scheme. Apart from this consideration these ferry tolls are not of great consequence, and it is chiefly the fear that encroachments on this source of revenue will be used in support of claims to toll the boat traffic that leads me to resist claims not supported by long custom.

17. Hitherto I have alluded merely to the frontier between Ponani and Cochin; but there is a water frontier along a portion of the Palghaut and Walluvanad Taluqs, the Ponani river being the boundary. In the Walluvanad Taluq it is reported that there are 15 ferries, all rented out by the Cochin Sircar. Four of these have been abandoned since the building of the Shoranore Bridge. There

is no question of the right of the Cochin Government to these frontier ferries unless they claim that all frontier ferries are to be divided. In the Palghaut Taluq there are reported to be five frontier ferries; but the sums realized by their sale are very trifling owing to the fact that the rivers rapidly run off and become fordable.

18. I observe, however, that even this has not saved them from the attacks of the Cochin Government, and I find Mr. Sewell, Head Assistant Collector, reporting under date 8th January 1868 that the ferries of Tarur, Kutil, Mukil, and Pardi Caddavoo (one lets for 5 Rupees and the other, added to three others, for 7 Rupees) had always been rented by the British Government, and that for the first time the Cochin Government had claimed them and rented them out, but that the British renters still retained possession.

19. I have called for a sketch from the Head Assistant showing the positions of these ferries in Palghaut and Walluvanad, which I will forward when received.

20. I fear from the tone of Mr. Ballard's letter that he is disposed to impute to me unnecessary delay in disposing of this matter; but to show that the subject is one requiring time to deal with I may fairly point to the fact that when Mr. Ballard left the district he had had the subject on hand for nearly two years, after which he appears to have had the papers with him yet a third year at Trevandrum, as I find they were returned by him to my immediate predecessor with a covering letter, dated 8th February 1870, stating that if the subject were again mooted he would be glad to give it attention.

21. The fact that the matter required final report appears thus to have been lost sight of till the present dispute came up.

Referred to the Resident in Travancore and Cochin for any observations he may desire to offer or to submit on behalf of the Cochin Sircar.

FORT ST. GEORGE,
29th April 1872.

(Signed) W. HUDLESTON,
Officiating Chief Secretary.

No. 26-A. From A. MACGREGOR, Esq., Collector of Malabar, to the Chief Secretary to Government, Fort St. George, dated Calicut, 12th July 1872, No. 38.

Adverting to paragraph 19 of my letter to Government, dated 22nd April last, No. 23, I have the honour to forward, herewith, a sketch plan showing the position of the Cochin Frontier ferries, situated in the Palghaut and Walluvanad Taluqs of this district.

No. 27. From G. A. BALLARD, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trevandrum, 17th July 1872, No. 81.

Adverting to the correspondence noted I have the honour to submit copy of a letter, No. 479, of the 6th instant, from the Diwan of Cochin on the subject of certain disputed ferries on frontier streams and waters between Cochin and Malabar.

From the Resident, to Government, dated 3rd April 1872, No. 35.
From the Collector of Malabar, to Government, dated 22nd April 1872, No. 23.

2. I believe Government will not desire that I should follow the correspondence in detail, for it seems to me that the settlement proposed by the Diwan in paragraph 19 of his letter now forwarded is correct in principle and will be neither difficult nor unsatisfactory in practice.

It is simply that the proceeds of the ferries on all the frontier waters should be equally shared by both Governments.

3. If this principle is approved I would only suggest that the management of the ferries should rest with the Government that has hitherto exercised it in each case—the few disputed cases will be very easily adjusted when it matters little to either Government which way decision goes—the net proceeds being divided annually, and that intimation of intention to establish any new ferry be mutually given hereafter.

From the Diwan of Cochin, to the British Resident in Travancore and Cochin, dated Ernacolum, 6th July 1872, No. 479.

I have the honour to acknowledge the receipt of your letter, No. 338, of the 6th May last, and of its enclosures herewith returned.

From Resident, to Officiating Chief Secretary to Government, 3rd April 1872, No. 35.
From the Collector of Malabar to Chief Secretary, 22nd April 1872, No. 23.

2. On a reference to former correspondence I find that on the 10th July 1867 I addressed the then British Resident complaining of an attempt made by the British authorities in Malabar to suppress the two Sircar ferries at Wullivuttum and Poovathum Caddavoo, which had always belonged to this Government, and to establish two British ferries in their room. The complaint appears then to have been considered a just one, for all interference with the farmers of the two ferries ceased soon afterwards, and I find from the sixth paragraph of the Collector of Malabar's letter* to Government that the then Collector of Malabar gave compensation to the renters of the two newly-started British ferries.

* 22nd April 1872, No. 23.

3. For three years or more the renters of the Sircar ferries above alluded to were not interfered with.

4. In July 1871, however, it was reported to me by the Moogoondapoorum Tahsildar that the British authorities had established two ferries, one on either side of the Sircar ferry at Poovathum Caddavoo, and I addressed you on the subject on the 16th August 1871.

5. It appears from Mr. MacGregor's report above mentioned that only one ferry was started by the authorities in Malabar and that it was to the north of the Sircar Poovathum Caddavoo ferry. There was, however, nothing to prevent the renter from having boats on either side of the Sircar ferry, the three ferries appearing from the Tahsildar's report to have been within a few yards of each other, and this circumstance probably led the Tahsildar to suppose that two new ferries had been established.

6. In the fifth paragraph of the Collector's report to Government he speaks of my having in my second letter apparently withdrawn the complaint as regards the southern ferry. This must be a mistake, for in that letter and the one which followed it, dated respectively the 13th November and 4th December, I complained of "the two ferries newly established," and in my letter of the 22nd March last I alluded to "the two newly-established ferries."

7. The late Deputy Collector in charge of the Southern Division is stated to have been of opinion that the Cochin Government had no right or jurisdiction whatever in the boundary river, its territories being confined to the margin of the stream, and in proof of this he appears to have adduced the following grounds, viz., that with the exception of the two ferries at Wullivuttum and Poovathum Caddavoo all the ferries on the frontier between the Ponani Taluq and Cochin had long since been rented out by the British Government, and that the jenmi shistom on the islands in the river had always been enjoyed by that Government.

8. With regard to the ferries I believe the Deputy Collector is correct in his statement if we except the ferry at Treparayar, which appears always to have been kept up by the Devaswam for the convenience of people resorting to the pagoda which is under the management of this Government. He admits, however, that this Government, too, have some ferries on the river, and I fail to perceive how the fact of the two Governments having had ferries on the frontier stream can militate against the rights of one of them in the river or in the ferries which it has hitherto had and which it may hereafter establish across the river even if the number of ferries belonging to the British Government happen to exceed those of this Government. I believe, however, that many of the ferries marked in the sketch accompanying Mr. MacGregor's report to Government are of recent origin. That similar ferries have not been lately started by this Government must be attributed to the negligence of the local officials and to the shallowness of the river, which renders new ferries of little profit to the Government establishing the same.

9. Now, as to the islands the possession of which is brought forward by the Deputy Collector as an argument in favour of the British Government's exclusive right to the boundary stream, I beg to state that that officer was labouring under a mistake if he supposed that all the islands in the river belonged to the British Government and none of them to this Government. One of the largest islands in the river is situated immediately to the north of Madalagom. You will find it marked in the lately-lithographed map of Cochin as "Toorttee" or island. This island has always belonged to Cochin and has never paid jenmi shistom or any other tax to the British Government.

10. The island alluded to in the correspondence noted in the margin is probably one of those the jenmi shistom on which is stated to have been always enjoyed by the British Government. This island is much nearer to the Cochin side of the river than to the British side; the channel on the east is not only narrower but is also much shallower than that to the west, and the island was assessed by this Government, and was in the possession of their tenant for about four years before the local officers of the British Government and their tenant took possession of it. And although the Collector of Malabar has asserted that the island appears unquestionably to belong to the British Government, I regret that I cannot acquiesce in this decision, and much less allow possession so obtained to be an argument for invalidating our rights in the stream. When, as in the present case, a river is the boundary between two States, the islands which form themselves should, in my humble opinion, belong to the territories which they adjoin or to which they may be most contiguous, and if from the neglect or inattention of the local servants of this Government the British Government have become possessed of any islands nearer to our side than to the British side of the river, justice requires that they should restore them to this Government.

Dewan to Resident, 10th November 1865, No. 636.
Resident to Dewan, 17th July 1866, No. 1259.

11. From the tenth paragraph of the Collector's report it would appear that both he and the late Deputy Collector were under the impression that the Wullivuttum and Poovathum Caddavoo ferries were of recent origin, and that their establishment by this Sircar was owing to the inattention of the officers of the British Government. This is evidently a mistake, for these ferries were, I believe, started by this Government many years before the British came into possession of the Chowghaut District. I have found a notice issued in Carkadagom 995 M.E. (July-August 1820 A.D.) by the then Diwan saying that the Poovathum Caddavoo and Wullivuttum ferries (with other ferries therein specified) for the ensuing year would be put up to auction and knocked down to the highest bidder at the Hoozoor cutcherry within eight days of the date of the notice. I find also from the records of my office that the Caroopadanah, Wullivuttum, and Poovathum Caddavoo ferries for the year 1000 (1824-25) were sold to one Kyally Moideen Cooty of Theckoom-kara Moory, in the Moogoondapoorum Proverty, for 5,040 Poothens or 916½ Gold Fanams.

12. These documents show that we have enjoyed these ferries for at least 52 years. The records at Tripoontorah if examined will, I believe, show that the Wullivuttum and Poovathum Caddavoo ferries belonged to this Government long prior to the dates above given.

13. To the two grounds alleged by the Deputy Collector the Collector adds a third, viz., that the Cochin Government have never paid any portion of the expense of keeping open the water communication which for 30 miles forms the frontier and across which these ferries have been established. Mr. MacGregor does not seem to be aware of the fact of the Edathoorthy Canal having been about the year 1845 repaired at the joint expense of the two Governments. The correspondence which took place on the occasion is noted in the margin. The then Diwan in his letter, No. 61, of the 16th February 1843, stated that "the channel in question equally belongs to the Company's and Cochin Governments, as it divides both of their territories in that direction."

Resident to Diwan, 13th February 1843, No. 240.
Diwan to Resident, 16th ,, ,, ,, 61.
Resident to Diwan, 3rd March ,, ,, 336.
Diwan to Resident, 6th ,, ,, ,, 87.
Resident to Diwan, 20th ,, ,, ,, 450.
Diwan to Resident, 23rd ,, ,, ,, 102.
Resident to Diwan, 27th ,, ,, ,, 472.
Do. 10th January 1844, ,, 34.
Do. 13th March 1845, ,, 317.
Diwan to Resident, 15th ,, ,, ,, 78.

14. That this channel has not been thoroughly repaired since is no fault of this Government, as on several occasions I brought the subject to the notice of the late Resident and expressed our readiness to bear a portion of the expenses. The correspondence is noted in the margin.

Diwan to Resident, 25th Oct. 1864, No. 600, paragraph 5.
Do. 6th July 1865, ,, 402.
Do. 23rd Feb. 1866, ,, 83.
Resident to Diwan, 28th March ,,
Do. 10th July ,, ,, 1196.
Diwan to Resident, 17th ,, 1868, ,, 472.

15. In his letter, No. 895, of the 3rd November 1868, Mr. Newill informed me that the Superintending Engineer had allotted Rupees 2,200 for clearing the water communication between the outlet of the Trichoor Lake and the southern boundary of British territory commonly known under the general name of the Edathoorthy Channel, and recommended an advance by this Sircar of a similar amount should more funds be required to complete the works. I at once agreed* to this proposal though the amount does not appear to have been called for afterwards. On the 25th May 1869 the Superintending Engineer stated in his letter to your address that in that year he proposed to spend Rupees 1,200 only between Edathoorthy and Madalagom, and that he should be glad if the Cochin Government could supply that sum, as the entire Imperial grant of that year was required to meet the estimated repairs and improvements north of Edathoorthy. As, however, no thorough repair of the channel appeared to have been contemplated, and the expenditure of small sums previous to such a repair seemed to be of little or no use, I communicated my views to you in my letter No. 485 of the 3rd August and requested that measures may be taken for a more complete repair of this channel.

*Diwan to Resident, 5th November 1868, No. 711.

16. On emergencies such as the passage through the channel of His Excellency the Governor and of His Highness the Maharajah of Travancore we have had to repair the worst portions of it at our own expense. In 1042 we expended no less than Rupees 3,080 in such temporary repairs.

17. From the explanations above given I trust you will be satisfied of the weakness of the claim now brought forward by the authorities in Malabar to an exclusive right to the stream which forms the boundary between the two States. I believe that this Government could with a greater show of reason claim this stream as its own. The Kurrovunnoor river runs through Cochin territory for several miles before it divides itself at Monayom into two branches, one following north towards Chetway and the other south to Cochin. These branches, although they form the boundary between the two States, are included within our limits in the large Trigonometrical Map of Cochin, the boundary line running along the western side of both. That the boundary lies to the west of the northern branch is clear from even the lithographed maps. The boundary line along the southern branch is not so clearly marked in this map; but all doubts on this head will vanish on a reference to the original in the Government Office, of which the manuscript copy in my office is no doubt a true copy. Again, in the Memoirs of Lieutenants Ward and Cornor both these branches are mentioned as rivers in the Yennamakul and Moogoondapoorum Districts of this State. It must also be remembered that the river and the country lying on both sides of it once belonged to Cochin, and the fact of the land towards the west having subsequently passed into other hands does not necessarily imply that any rights in the river have also been transferred.

18. It is not the intention, however, of the Sircar to claim any exclusive right in the river in question. From the position of the river with respect to the British and Cochin States it is evident that all rights in the river should be shared equally between the two Governments. These rights have hitherto been exercised by both Governments, and all that we ask is that we may not be deprived of them now.

19. To prevent any future misunderstanding I think it very desirable that some arrangement should be made between the two Governments with regard to the ferries on the frontier streams. The best arrangement that suggests itself is an equal division, at the end of each year, of the proceeds of all such ferries. Such an understanding will remove every inducement to the officers of one Government to start new ferries which may be detrimental to the interests of the other.

20. Should this be considered impracticable I would next propose that each Government should bind itself not to establish any new ferry except with the consent of the other, the two Governments being at liberty to enjoy the proceeds of the ferries now belonging to them.

21. Another arrangement which could be made, but which is by no means so good as either of the two above mentioned, is that the British and Cochin Governments do retain the ferries now belonging to them and be at liberty to establish new ones, provided that no new ferry shall be started by either Government which shall be within a specified distance, say two miles, of any ferry previously established by the other Government.

22. I have thought it unnecessary to enter into the question of the ferries at Tarur, Kutil, Mukil, and Pardi, alluded to in paragraph 18 of the Collector's report. I may mention, however, that this Government will be prepared to remove these ferries if it can be shown that previous to their establishment there were ferries at these places belonging to the British Government.

23. I have called for a sketch showing the position of the ferries across the streams on the northern and western frontiers of this State and it shall be submitted as soon as it is received. The Wullivuttum and Poovathum Caddavoo ferries appear to be correctly marked in the map accompanying the Collector's report, although the former place is called in it Pallivuttum.

24. I regret to find that the list of ferries forwarded with my letter No. 847, of the 13th November last, is incorrect. It is a list of all the ferries in this country and not merely of those established across the frontier streams. A revised list will be submitted without delay.

No. 28. ORDER THEREON, 26th July 1872, No. 289.

The Resident's letter above recorded will be referred to the Collector of Malabar for his opinion whether there is any objection to the proposal for mutual enjoyment of ferry proceeds combined with equal sharing of cost of maintenance of communication along the canal.

(True Extract.)

Acting Under Secy. to Govt.

To the Collector of Malabar.
,, Resident in Travancore and Cochin.

Exd. A. S. Rodgers.

To

THE COLLECTOR OF MALABAR,

&c., &c., &c.

Dated July, 26th.

Recd. Read.

G. O., 26th July 1872, No. 289.

JULY.

Nos. 25—28.

Forwarding papers on the subject of certain disputed ferries on frontier streams and waters between Cochin and Malabar for the opinion of the Collector on the points noticed.

11

Residents Office,
Trevandrum. 3d April 1872.

P. 35

From,

G. A. Ballard Esquire
Resident in Travancore & Cochin

To,

The Honorable W. Huddleston
Offg Chief Secretary to Government
Fort Saint George.

Sir,

I have the honor to submit the following for the consideration & Orders of Government.

In August 1871 the Diwan of Cochin reported to me that the Adigari of the Pappanivattom Umshom, Ponany Talook, Malabar district, had recently established two Ferries within British Pappanivattom across the river near Caroopadanah, and opposite to the Cochin Sirkar Ferry at Poovathur Caddavoo, and that thereby the Sirkar Ferry was placed in a very disadvantageous position.

2. In forwarding copy of the above communication to the Collector of Malabar, I requested that the question might be enquired into, and that if the ferries were found

found to be of recent date their discontinuance might be directed. To avoid misunderstanding in future, I also requested the favor of being furnished with a complete list of the Established British ferries on rivers and waters forming the Boundary between Malabar & Cochin. The Diwan was likewise requested to furnish a list of the established Cochin ferries so situated.

I suggested that the lists should be duly examined and that after mutual approval by both the Governments, orders should be issued that no ferries but those approved be hereafter started unless the consent of both Governments was previously obtained.

3. The Diwan of Cochin furnished the Sirkar list in November last, and in forwarding it to the Collector, I requested to be informed if the complaint noticed in para 1 above had been enquired into and with what result. I requested also an early reply on the general question of the border ferries.

4. In December 1871 the Diwan wrote that the Sirkar ferry men had declined altogether to pay the Sirkar dues. and I again requested the Collector for

for an early reply to letter No. 670 dated 18th Nov. 1871.

No. 207 of 23d March 1872.

5. In the letter noted marginally the Diwan again brings to notice that the Sirkar ferry renter loudly complains of the losses incurred by the continuance of the two new British ferries, and urges early settlement of the question.

6. I have not heard from the Collector of Malabar on the subject, but it seems to me to require attention. If new ferries are established at will on either side of a water boundary between different Governments it is evident that much inconvenience may be caused in the arrangements of the ferry farms.

When I was Collector of Malabar some correspondence passed with the then Resident in Cochin on the subject, and I ordered lists of the Malabar ferries to be prepared but the matter was not definitely disposed of.

I send copy of this letter to the Collector and trust a satisfactory arrangement may be soon arrived at.

I have the honor to be,
Sir,
Your most Obed't Servant,
Garraway
Resident.

D
Sr
Lr dd 6

Malabar Collector's Office
Calicut 22nd April 1872.

No 23

From

A. Macgregor Esqr
Collector of Malabar.

To

W. Hudleston Esqr
Offg: Chief Secretary to Government.
Fort Saint George.

Sir

I have the honor to report as follows on the subject of Mr Ballard's letter regarding ferries between this District and Cochin forwarded with your endorsement of the 8th Instant.

* Herewith returned

2 The subject under discussion relates partly to the recent renting of a particular ferry, but moots the entire question of the frontier ferries from near Palghaut down to the limits of the District in the direction of Cochin.

3. To deal first with the former question. the Dewan complained in his first letter that 2 new ferries had been started

Rec'd 15th
Read 8th
Ans. 7th

From
The Resident
Travancore & Cochin
To
The Offg Chief Secretary
to Government
Fort St George
No 1191 dated
Rec'd 8th April
Ans. 15th
No 365

Enclosure. Same
No

Subject
Re the inspection of
certain Ferries on the
Malabar District
and in Native Cochin

Reply

started by the British authorities on
over the frontier stream in the vicinity
of the Sirkar Poovatham Kadavu,
one a short distance to the North
and another a short distance to the
South —

4. On referring to the Local
Authorities for report, it was ascertained
that no ferry had been established
to the South, and that the ferry to
the North rented for the first time
had in reality been working for a
year.

5. In the Dewan's second letter
he apparently withdraws the Complaint
as regards the Southern ferry. Owing
to his having forwarded no map
with his Complaint, I have found
great difficulty in tracing the exact
subject matter especially as since
the last time the dispute came up,
the Southern Deputy Collector's Division
has

has changed hands.

6 On a careful scrutiny of the records
however, I find that, in fact, this
Poovatham Kadavu now alluded to
as if it were a ferry to the proceeds
of which the Cochin Sirkar had an
undisputed right is the ferry which
led to the last dispute, and the
renting of which by the Sirkar forced
Mr. Ballard when Collector to pay com-
pensation to the renters of two British
Ferries as referred to in Proceedings
of the Board of Revenue dated 20th Octo-
ber 1868 No. 7511. In his letter printed
with those Proceedings Mr. Ballard
states that the question as to which
Government Poovatham Ferry belonged
had been mooted some time ago by the
Resident and was then under investi-
gation and would be settled shortly,
but somehow this did not happen
and as stated by Mr. Ballard in
the

the penultimate para of his letter of the 3rd April 1872 the matter was not definitely disposed of—

7 In regard to the selling of this particular ferry it seems to have been an oversight the Deputy Collector not being aware of what had formerly passed and I agree with Mr Ballard that until some Settlement is made the status quo should be maintained— I have therefore given orders for shutting up the ferry in question—

8 The late Deputy Collector in charge of the Southern Division was of opinion that the Cochin Government had no right or jurisdiction whatever on the boundary river its territories being confined to the margin of the stream— In proof of this he pointed to the fact that excepting the 2 ferries then claimed every single ferry on the frontier

frontier between the Ponany Taluq and Cochin had long since been rented out by the British Government no part of the proceeds being ever paid to Cochin—

9 He further pointed to the fact that the Jenmy Shistom on the Islands in the river had always been enjoyed by this Government. The Anjur records confirm this point and it seems a conclusive argument on our side—

10 As regards the Poovatham Ferry the Deputy Collector denied any enjoyment by the Cochin State based on a lawful title and attributed their quasi possession to the inattention of our Officers, the Cochin ryots having first kept boats for their own convenience, and subsequently a fair having been started at Madalagom in our Territory, the ferry became profitable—

11 Equity seems to suggest that

a

a profit of this nature arising owing to the Establishment of a fair should go to the authorities on whom falls the expenditure of the various sorts created by fairs—

12. So far as I can learn the Cochin Government have never paid any portion of the expense of keeping open the water Communication which for 30 miles forms the frontier, and across which these ferries have been established. The Imperial Budget used to provide for this under the head "Canal from Ponany to Cochin frontier 60 miles at 110 Rs a mile" and a similar provision is now made in the Calicut Local Fund Circle Budget. The first 30 miles are in British Territory, but from the Yenamakal Dam Southwards the line of inland navigation forms the boundary.

The

13. The annexed Map will show how our Ferries are situated on this line and the first step towards an adjustment appears to be for the Cochin Authorities to fill in the ferries they claim in their correct relative positions.

14 The 11 frontier ferries in Ponany are sold together with 3 other Ferries for a sum of 2020 Rs so that the exact amount brought by the frontier ferries is not known.

15 It is however evidently considerably less than the cost of maintaining the canal and there would be no great objection to some arrangement being come to for throwing the proceeds of ferries both British and Sirkar together and maintaing the canal with its bridges therefrom the deficit being made good by equal contributions made by both Governments were it not that the subjects

of

of Tolls on boats is likely soon to come up-

16. The question of setting in order the entire line of inland communication is now under discussion and a report is, I believe, being drawn out by the Superintending Engineer on the subject. If any considerable improvement is to be effected Tolls would necessarily become a part of the scheme - Apart from this consideration these Ferry Tolls are not of great consequence and it is chiefly the fear that encroachments on this source of revenue will be used in support of claims to toll the boat traffic that leads me to resist claims not supported by long custom-

17. Hitherto I have alluded merely to the frontier between Ponany and Cochin, but there is a water frontier along a portion of the Palghaut and Wallwanad Talugs the ex Ponany

Ponany river being the boundary In the Wallwanad Talug it is reported that there are fifteen ferries all rented out by the Cochin Sirkar- Four of these have been abandoned since the building of the Shoranore Bridge. There is no question of the right of the Cochin Government to these frontier ferries unless they claim that all frontier ferries are to be divided- In the Palghaut Talug there are reported to be 5 frontier ex ferries, but the sums realized by their sale are very trifling owing to the fact that the rivers rapidly run off and become fordable-

18. I observe however that even this has not saved them from the attacks of the Cochin Government and I find Mr. Sewell, Head Assistant ex Collector reporting under date 8th January 1868 that the Ferries of Tanur Kutil

Kutil Mukil and Pardi Kadavu (one lets for 5 Rs and the other added to three others for 7 Rs) had always been rented by the British Government and that for the first time the Cochin Government had claimed them and rented them as out, but that the British renters still retained possession.

19. I have called for a Sketch from the Head Asistant showing the positions of these ferries in Palghaut and Wallowanad which I will forward when received.

20 I fear from the tone of Mr Ballard's letter that he is disposed to impute to me unnecessary delay in disposing of this matter, but to show that the subject is one requiring time to deal with, I may fairly point to the fact that when Mr Ballard left

left the District he had had the subject on hand for nearly 2 years, after which he appears to have had the papers with him yet a third year at Trevandrum, as I find they were returned by him to my immediate predecessor with a covering letter dated 8th February 1870 stating that if the subject were again mooted he would be glad to give it attention.

21. The fact that the matter required final report appears thus to have been lost sight of till the present dispute came up.

I have the honor to be
Sir
Your Most Obdt Servant

A Macfarlane
Collector

10½

Malabar Collector's Office
Calicut 12th July 1872.

No. 38

From
A. MacGregor Esqr
Collector of Malabar.

To
The Honorable R.S. Ellis C.B.
Chief Secretary to Government
Ootacamund.

Sir

Adverting to para 19 of my letter to Government dated 22nd April last No. 23, I have the honor to forward herewith a Sketch plan showing the position of the Cochin frontier ferries, situate in the Palghaut and Walluvanad Talugs of this District.

I have the honor to be
Sir
Your most Obedient Servant

A MacGregor
Collector

Revenue
1872
Ferries
No. 289
No. 1506.
Collr of Malabar
to
Chief Secretary to Government
Fort St. George.
Dated 22nd April
Rec'd 29th July
Read
Answered
Encl: 2.
Reporting on the subject of the Ballard's letter regarding ferries between the British & Cochin Districts.

showing
Cochin

to the
Govern

~~Hin ... ...~~

1872 Depts

From
The Collector of Malabar
To
The Chief Secretary to Govt.
Ootacamund.

Dated 12th July } 1872
Recd 16th " }

Recd 26 July/72 No. 289

No. 38
En: 1. No. 1356

Forwarding Sketch ~~Map~~ Plan showing the position of the Cochin frontier ferries.

papers
This ~~paper~~ is connected with Polt. Order No. 289 of 26th July /72 Sent to Madras

MALABAR

COCHIN

Tirtala

Patamby St.n

Cheruvannur St.n

Wanyacollom

Olapalom

Olapalom St.n

Lakadicolla

Lakadicolla St.n

Palghat St.n

Palla St.n

PALGHAT

Vaidyaccurchery

Scale

Furlongs 1 2 3 4 5 Miles

Residents Office,
Trevandrum, 17th July 1872.

No. 81.

From

G. A. Ballard Esquire
Resident in Travancore Cochin.

To,

The Chief Secretary
to Government
Fort St George.

Sir,

Adverting to the correspondence noted, I have the honor to submit copy of a letter No 479 of the 6th Instant from the Diwan of Cochin on the subject of certain disputed ferries on frontier streams and waters between Cochin and Malabar.

2. I believe Government will not desire that I should follow the correspondence in detail for it seems to me that the settlement proposed by the Diwan in para 19 of his letter now forwarded is correct in principle and will be neither difficult nor unsatisfactory in practice. It is simply that the proceeds of the

From the Resident Cochin } Original Received
" Dt 17th April 1873 No 35 } 23rd April 1873 No 23
" Collector of Malabar Dt 22nd April 1873 No 23 } Returned

57

the Ferries on all the frontier waters should be equally shared by both Governments.-

3. If this principle is approved I would only suggest that the management of the ferries should rest with the Government that has hitherto exercised it in each case,- the few disputed cases will be very easily adjusted when it matters little to either Government which way decision goes,- the net proceeds being divided annually- and that intimation of intention to establish any new ferry be mutually given hereafter.-

I have the honor to be,
Sir
Your most Obedient Servant,
T. Ballard
Resident.

T. L.
Ho. Sd. L.

From Resident & offg. Chief Secretary &c
Government 3rd April 1872. No 335.
From Collector of Malabar & Cochin
22nd April 1872. No 423.

Sir Mr. Ballard's letter

(Copy)

12 25

No 479
1872.

Hanzoor Cutcherry
Ernacolum in Cochin
6th July 1872.

To
G. A. Ballard Esquire
British Resident of
Travancore and Cochin

Sir,

I have the honor to acknowledge the receipt of your letter No 338 of the 6th May last and of its enclosures herewith returned.

On a reference to former correspondence I find that on the 10th July 1867 I addressed the then British Resident complaining of an attempt made by the British authorities in Malabar to suppress the two Sirkar Ferries at Wullivuttum and Pooathoom Kadavoo which had always belonged to this Government and to establish two British Ferries in their room. The complaint appears then to have been considered a just one, for all interference with

with the Farmers of the two Ferries ceased soon afterwards, and I find from the 6th para of the Collector of Malabar's letter to ~ x 22nd ult.
Government, that the then Collector of Malabar gave compensation to the renters of the two newly started British Ferries.-

3 For 3 years or more the Renters of the Sirkar Ferries above alluded to were not interfered with.

4 In July 1871 however it was reported to me by the Moogoondapoorum Tahsildar that the British authorities had established two Ferries one on either side of the Sirkar Ferry at Poothum Kadavu and I addressed you on the subject on the 16th August 1871.

5 It appears from Mr. MacGregor's report abovementioned that only one Ferry was started by the authorities in Malabar and that it was to the North of the Sirkar Poothoom Kadavu Ferry-. There was, however, nothing to prevent the Renter from having boats on either side of the Sirkar

Sirkar Ferry, the three Ferries appearing from the Tahsildar's report to have been within a few yards of each other, and this circumstance probably led the Tahsildar to suppose that two new Ferries had been established.-

6 In the 5th para of the Collector's report to Government he speaks of my having, in my second letter apparently withdrawn the complaint as regards the Southern Ferry.- This must be a mistake for in that letter, and the one which followed it, dated respectively the 13th November and 4th December, I complained of "the two Ferries newly established," and in my letter of the 22nd March last I alluded to "the two newly established Ferries"

7 The late Deputy Collector in charge of the Southern Division is stated to have been of opinion that the Cochin Government had no right or jurisdiction whatever in the boundary river, its territories being confined to the

Margin

margin of the stream and in proof of this he appears to have adduced the following grounds viz- that with the exception of the two Ferries at Wallivuttum and Poothoom Kadavu all the Ferries on the Frontier between the Ponany Tallook and Cochin had long since been rented out by the British Government, and that the Jenmy Shistam on the Islands in the River had always been enjoyed by that Government.

8 With regard to the Ferries I believe the Deputy Collector is correct in his statement if we except the Ferry at Trepparayar which appears always to have been kept up by the Devaswam for the convenience of people resorting to the Pagoda which is under the management of this Government. He admits however that this Government too have some ferries on the River and I fail to perceive how the fact of the two Governments having had Ferries on the frontier stream can militate against the rights of one of them in the river

river or in the Ferries which it has hitherto had and which it may hereafter establish across the river even if the number of Ferries belonging to the British Government happen to exceed those of this Government. I believe however that many of the Ferries marked in the sketch accompanying Mr. MacGregor's report to Government are of recent origin. That similar Ferries have not been lately started by this Government must be attributed to the negligence of the local officials and to the shallowness of the River which renders new ferries of little profit to the Government establishing the same.

9 Now as to the Islands the posession of which is brought forward by the Deputy Collector as an argument in favor of the British Government's exclusive right to the boundary Stream, I beg to state that that Officer was laboring under a mistake if he supposed that all the Islands in the River belonged to the British Government and none of them

them to this Government. One of the largest Islands in the River is situated immediately to the North of Madilagom. You will find it marked in the lately lithographed Map of Cochin as "Toorttee" or Island. This Island has always belonged to Cochin and has never paid — Jenny Shistom, or any other tax to the British Government.

10 The Island alluded to in the correspondence noted in the margin is probably one of those the Jenny shistom on which is stated to have been always enjoyed by the British Government. This Island is much nearer to the Cochin side of the River than to the British side, the channel on the East is not only narrower but is also much shallower than that to the West, and the Island was assessed by this Government and was in the possession of their Tenant for about 4 years before the local officers of

Dewan to Resident 16th November 1865. No 1636.
Resident to Dewan 17th July 1866. No 1259.

15-31

of the British Government and their Tenant took possession of it. And although the Collector of Malabar has asserted that the Island appears unquestionably to belong to the British Government I regret that I cannot acquiesce in this decision and much less allow possession so obtained to be an argument for invalidating our rights in the Stream- When, as in the present case, a river is the boundary between two States, the Islands which form themselves should in my humble opinion belong to the territories which they adjoin or to which they may be most contiguous, and if, from the neglect or inattention of the local servants of this Government, the British Government have become possessed of any Islands nearer to our side than to the British side of the River justice requires that they should restore them to this Government.

11 From the 10th para of the Collector's report

report it would appear that both he and the late Deputy Collector were under the impression that the Wulliwuttum and Poothoom Kadavu Ferries were of recent origin and that their establishment by this Sirkar was owing to the inattention of the officers of the British Government. This is evidently a mistake for these ferries were I believe started by this Government many years before the British came into posession of the Chowghaut District. I have found a notice issued in Cankadagom 995. M. E. / July-August 1820. A. D. by the then Dewan saying that the Poothoom Kadavu and Wulliwuttom Ferries (with other Ferries therein specified) for the ensuing year would be put up to auction and knocked down to the highest bidder at the Huzoor Cutcherry within 8 days of the date of the notice. I find also from the records of my office that the Carupadnum Wulliwuttum and Poothoom Kadavu Ferries for the year 1000 / 1824-25 were sold to one Kyally Mooideen booty of Theckoomkara Moory in the Moogoondapoorum Proverty for 5040 Poothens or 916½ Gold fanams. These

12. These documents show that we have enjoyed these ferries for at least 52 years. The records at Tripoontorah if examined will, I believe, show that the Wullyuttum and Poothoom Kadavoo Ferries belonged to this Government long prior to the dates above given

13. To the two grounds alleged by the Deputy Collector, the Collector adds a third, viz that the Cochin Government have never paid any portion of the expense of keeping open the water communication which for 30 miles forms the frontier and across which these ferries have been established. Mr. MacGregor does not seem to be aware of the fact of the Canal having been about the year 1845 repaired at the joint expense of the two Governments. The Correspondence which took place on the occasion is noted in the margin — The then Dewan in his letter No 61 of the 16th February 1843 stated that "the Channel in question equally belongs to the Company's and Cochin Government as it divides both of their Territories in that direction"

Resident to Dewan 13th Febry. 1843. No 240.
Dewan to Resident 16th " " " " 61.
Resident to Dewan 3rd March " " 336.
Dewan to Resident 6th " " " 87.
Resident to Dewan 20 " " " 450.
Dewan to Resident 23rd " " " 102.
Resident to Dewan 27th " " " 172.
Resident to Dewan 10th Janry. 1844 " 34.
Resident to Dewan 13 March 1845 " 317.
Dewan to Resident 15th " " " 78.

That

14. That this Channel has not been thorough-
-ly repaired since is no fault of this Government
as on several occasions I brought Duwan to Resident 25 Oct 1
the subject to the notice of the Duwan to Resident 6 July 1865 No 402.
late Resident and expressed Duwan to Resident 23 February 186. No 83.
our readiness to bear a portion Resident to Duwan 28 March " —
of the Expenses - The Correspond- Resident to Duwan 10 July " -1196.
-ence is noted in the margin. Duwan to Resident 17 " — 186 No 472-

15. In his letter No 895 of the 3
November 1868 Mr Newill informed me that the
Superintending Engineer had allotted Rs 2,200 for
clearing the water Communication between the
outlet of the Trichoor Lake and the Southern
boundary of British Territory commonly known
under the general name of the Edathoorthy
Channel, and recommended an advance by
this Sirkar of a similar amount, should more
funds be required to complete the works - I at
once agreed to this proposal though the amount
does not appear to have been called for afterwards.
On the 25 May 1869 the Superintending Engineer
stated, in his letter to your address, that in
that year he proposed to spend Rs 1200 only
between Eddalhoorthy and Maddagom and
that he should be glad if the Cochin Govern-
-ment

-ment could supply that sum as the entire
imperial grant of that year was required
to meet the estimated repairs and im-
-provements North of Eddathoorthy - As,
however, no thorough repair of the Channel
appeared to have been contemplated and the
expenditure of small sums previous to such
a repair seemed to be of little or no use, I com-
-municated my views to you in my letter No 485
of the 3 August and requested that measures
may be taken for a more complete repair of this
Channel -

16. On emergencies such as the passage
through the Channel of His Excellency the Governor
and of His Highness the Maharajah of
Travancore we have had to repair the worst
portions of it at our own expense. In 1862 we
expended no less than Rs 3,080 in such
temporary repairs -

17. From the explanations above given I
trust you will be satisfied of the weakness of
the claim now brought forward by the authorities
in Malabar to an exclusive right to the stream
which forms the boundary between the two
States - I believe that this Government could
with a greater show of reason claim this stream
as

as it's own. The Kurroovunnoor River runs thro' Cochin Territory for several miles before it divides itself at Moovayoor into two branches one following North towards Chetway and the other South to Cochin. These branches, although they form the boundary between the two States, are included within our limits in the large Trigonometrical Map of Cochin, the boundary line running along the western side of both. That the boundary lies to the West of the Northern branch is clear from even the lithographed maps. The boundary line along the Southern branch is not so clearly marked in this map but all doubts on this head will vanish on a reference to the original in the Government Offices of which the Manuscript copy in my office is no doubt a true copy. Again in the Memoirs of Lieut. Ward and Connor both these branches are mentioned as Rivers in the Yennamankul and Moofoondapoorom Districts of this State. It must also be remembered that the river and the Country lying on both sides of it once belonged to Cochin and the fact of the land towards the West having subsequently passed into other hands does not necessarily imply that

1837

that any rights in the river have also been transferred.

18. It is not the intention, however, of this Sirkar to claim any exclusive right in the River in question. From the position of the River with respect to the British and Cochin States it is evident that all rights in the River should be shared equally between the two Governments. These rights have hitherto been exercised by both Governments, and all that we ask is that we may not be deprived of them now.

19. To prevent any future misunderstanding I think it very desirable that some arrangement should be made between the two Governments with regard to the Ferries on the Frontier Streams. The best arrangement that suggests itself is an equal division, at the end of each year, of the proceeds of all such ferries. Such an understanding will remove every inducement to the Officers of one Government to start new ferries which may be detrimental to the interests of the other.

20. Should this be considered impracticable I would next propose that each Government should bind itself not to establish

establish any new Ferry except with the consent of the other, the two Governments being at liberty to enjoy the proceeds of the ferries now belonging to them.

21. Another arrangement which could be made, but which is by no means so good as either of the two abovementioned, is that the British and Cochin Governments do retain the ferries now belonging to them and be at liberty to establish new ones, provided that no new ferry shall be started by either Government which shall be within a specified distance, say two miles of any ferry previously established by the other Government.

22. I have thought it unnecessary to enter into the question of the ferries at Tanur Kutil Inukil and Ponody alluded to in the para 18 of the Collector's report. I may mention, however, that this Government will be prepared to remove these ferries if it can be shown that, previous to their establishment, there were ferries at these places belonging to the British Government.

23. I have called for a sketch showing the position of the Ferries across the streams on the Northern and Western frontiers of this State, and it shall be submitted as soon as it is received. The Wally written and Boathem Kadavor ferries appear to be correctly marked in the map accompanying the Collector's report although the former place is called in it Pallivettum.

24. I regret to find that the list of ferries forwarded with my letter No 847 of the 13th November last is incorrect. It is a list of all the ferries in this country and not merely of those established across the frontier streams. A revised list will be submitted without delay.

I have &c.
(Signed) T. Shungunny Menon
Dewan

True copy
Canavan
Resident

T. S.
Comp.
Sm. 2 L.

Enclosed in a letter from the Resident in Travancore & Cochin to the Chief Secretary to Government Fort St George dated 17th July 1872. No 281.

From The Diwan of Cochin

To The Resident in Travancore

Dated 6th July 1872.
Recd. 17th July 1872.

No 479.

Regarding certain disputed Ferries on the frontiers of Steams between Cochin and Malabar.

In Roll 299/72

Poll 1872 Departt.

From
The Resident in
Travancore & Cochin
To
The Chief Secretary
to Government
Fort St George

Dated 17th
Received 23rd July 1872.

No 81.

Enclosures four.

No 299

Forwarding copy of a letter from the Dewan of Cochin on the subject of certain disputed ferries on frontier streams and waters between Cochin and Malabar.—

With an Order

Read Nos 35 1506 & 299.
Ootacamund 26th July 1872 No 289.

Ringuts

The letter above recorded will be referred to the Collector of Malabar for his opinion whether there is any objection to the proposal for mutual enjoyment of ferry proceeds combined with equal sharing of cost of maintenance of communications along the canal.

R. Ellis

Collector of Malabar
Revenue Dept. 1/8

of {1872} Madras.

Political

Collector of Malabar.
&c

July 26 }

25 July . 1872, No. 287.

Nos. 25. 28.

~~Forwarding~~ ~~Opinion~~ Papers
regarding the subject of certain disputed ferries on frontier
streams and waters between
Cochin and Malabar,
& the Opinion of the
Collector on the points
noticed.