

Political (1896) Department.

ORDINARY MS.

G.O., No. 138

Dated 24th Feb. 1896

INDEXED.

[Despatch Abstract.]

YANAM FISHERMEN.

Recording Proceedings, Revenue Department, passing orders on papers relating to the alleged right of the---to fish in the Godavari river and its branches.

BACK PAPERS.

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No. 63, REVENUE, 8TH FEBRUARY 1896.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Land Revenue), Mis. No. 5601, dated 8th November 1895 :—

Read—the following letter from V. A. BRODIE, Esq., Acting Collector, Gó dávari District, to the Secretary to the Commissioners of Land Revenue, dated 8th October 1895, Ref. on C. No. 277-Ver. :—

I have the honour to enclose the Yanam Administrator's letter, No. 85, dated 14th December 1894, and copy of my Head-quarters Deputy Collector's report thereon. It would appear that in December 1894 there was a dispute between the British and the French fishermen as to the right of fishing in the Gowtami branch of the Gó dávari river. The dispute itself seems to have been amicably settled between themselves on the priority principle, viz., that those who are on the spot earliest have the right to the first cast. The only question for consideration is that casually raised by the Administrator, viz., whether the right of fishing in the Gó dávari and Coringa rivers and the several branches of these rivers is free to French subjects. I have no hesitation in answering the question in the affirmative, as the privilege of fishing does not involve any proprietary right. I am not aware of any orders of Government fixing the limits of the waters of the British and French Governments, but think that nothing is needed in this direction ; fishing is now free in all the rivers in the district, and so long as it remains so, I see no reason to make any distinction between French and British subjects. I request the Board's orders in the matter.

ENCLOSURES.

From M.E.Ry. V. PALLAYYA, Deputy Tahsildar, Cocanada, to the Deputy Collector, Head-quarters Division, Gó dávari, dated 24th August 1895, No. 906-C.

In reference to your Endorsement Order No. 763, dated 9th March 1895, on the Collector's letter, No. 706, dated 27th February 1895, on the subject of fixing the boundary line between Yanam and the English territories, I beg to report that the village of Yanam was duly demarcated on the land side with boundary stones which are now clearly visible and the Atreya and Gowtami rivers form its southern and major portion of eastern boundary. The rivers are jointly used by the two nations without limit or restriction for the purposes of navigation and traffic ; all the river margin on the Yanam side being considered as belonging to the French and that on the Nulapalli and Sankarariva to the British, so that no conspicuous boundary line now exists over the waters between the two territories.

2. I visited the Administrator on the 21st instant and he was pleased to inform me that he has not requested the Collector to fix the limits of the river, but that he informed him that the right to fish on the Gó dávari or any other waters is without restrictions open to all classes of people, and asked him that in case he finds any circumstances entitling the fishermen in English limits to fish in the aforesaid water to the exclusion of the French subjects, the particular cases or exceptions may be communicated to him. He adds that nothing is now desired in the direction of fixing boundaries of the territories over the waters. Moreover, to fix the boundaries on the waters is, to all intents and purposes, impossible or at least undesirable, as such a course would frustrate the frontier revenue under the Land Customs Act (about Rs. 2,000 is now collected) besides joint ferry rent, from which about the same amount is realized and the sale-proceeds apportioned between the two nations in equal shares.

3. The Administrator kindly promised to favour me with a true translation of his letter for the better understanding of his views in the matter ; it will, on receipt, be duly forwarded to you.

4. Under the circumstances, I think it is worth while to drop the matter on a reference made, if necessary, to the French Administrator.

From Monsieur LOUIS SICÈ, Administrateur p. i. de Yanaon, to Monsieur le Collecteur du District du Godavéry, dated Yanaon le 6 Avril 1895, No. 31.

Par ma lettre en date du 14 Décembre dernier, No. 85, j'ai eu l'honneur de vous transmettre une requête des pêcheurs de Yanaon qui se plaignaient de certains actes d'agression et de violence dont ils avaient été l'objet de la part des pêcheurs du territoire anglais. Je vous serais bien obligé, Monsieur le Collecteur, de me favoriser d'une réponse à cette communication et de me faire connaître la suite dont elle vous a paru susceptible.

J'attacherai surtout un grand prix à connaître votre opinion touchant le dernier paragraphe de ma susdite lettre.

Agréez, Monsieur le Collecteur, l'assurance de ma haute consideration.

Dis. No. 1538.

Submitted to the Collector in reply to his Ref. No. 277-Ver., dated 27th February 1895.

2. Under the circumstances reported by the Deputy Tahsildar there seems to be no necessity for fixing the boundary.

3. The French Administrator, on the complaint of some French subjects, simply pointed out that the subjects of both the English and French Governments are at liberty to fish anywhere in the river Gódávári and its branches without any obstacle on the part of subjects of either Government, and if it was held not to be so, also wanted to know if there was any station fixed for the right of fishing in these rivers to the exclusion of French subjects. I think no such restriction as that is ever placed. As the matter of dispute complained of is said to have been amicably settled among the ryots themselves, the French Administrator may simply be informed of this with an additional clause, if necessary, that no particular station for the right of fishing by the British subjects in these rivers was fixed to the exclusion of the French subjects. I think the insertion of the latter clause is unnecessary and not called for as this is only an answer to an alternative question raised by the Administrator.

16th September 1895.

(Signed) K. RUSTUM SING,
Deputy Collector.

Resolution—Mis. No. 5601, dated 8th November 1895.

Submitted for the orders of Government in the Political Department.

(True Extract.)

(Signed) L. M. WYNCH,
Secretary.

To the Chief Secretary to Government, Political Department,
with letter and two enclosures to be returned.

No. 2836.

Transferred to the Revenue Department.

25th November 1895.

(Signed) J. F. PRICE,
Chief Secretary.

To the Revenue Department,
with Government orders, in original, to be returned.

ORDER—No. 63, Revenue, dated 8th February 1896.

Miscellaneous.

The question of the right of the Yanam fishermen to fish in the waters of the Gódávári river and its branches was duly considered and disallowed by Government in March 1888, and a copy of the

letter addressed, at the time, to His Excellency the Governor of the French Settlement in India will now be forwarded to the Board of Revenue for information and for communication to the Collector of Gódávári. No subsequent letter adducing evidence to support the Yanam fishermen's contention has been received from the French Government in India. His Excellency the Governor in Council, in these circumstances, adheres to the opinions expressed in his communication to that Government. At the same time His Excellency in Council has no desire to prohibit French subjects from fishing in the Gódávári river. The privilege thus conceded does not, however, convey with it any permanent right, and is subject to any superior claims based upon prescription which the inhabitants of the neighbouring British villages may be able to establish in a competent civil court.

(True Extract.)

Secretary to Government.

To the Political Department.
the Board of Revenue (Land Revenue),
with copy of letter No. 243, Political,
dated 31st March 1888.

Exd. Shaik Karim.

40 Copies.

Govt. of {1896} Madras.
REVENUE.

Issued

Recd. 17-2-1896 Encl.

G.O., No. 63, 8th February 1896.

FEBRUARY.

Yanam Fishermen.

Passing orders on papers relating to the alleged right of the — to fish in the Gódáveri river and its branches.

WITH ORDER.

115:14.2.88
243:21-3-88

C.S.
Mr.
ORDER No 138d/24 Feb 96
Recorded
C.S.
20.2.96
No 221-4-96

When given for copying _____
When copied _____ } 189.
When examined _____
When signed _____

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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