

MADRAS RECORD OFFICE.

Government of Madras.

Political, DEPARTMENT.

G.O. No.	<i>4</i>	~~Press~~
	<i>Despatches to England</i>	~~Mis.~~
Dated	<i>27-7-1870</i>	<i>1870</i>

Not to be folded or roughly handled

No. 4 of 1870.

To

The Right Honourable the SECRETARY of STATE for INDIA.

My Lord Duke,

In continuation of the correspondence that has taken place, as noted marginally, in the years 1864 and 1865, and recently in 1869, on the subject of the rights claimed by the French authorities in India in respect of their factories and specially that of Calicut, we have to inform your Grace that a question involving these rights has recently arisen in connection with land owned by the French Government, situated within the Municipal limits of the Town of Masulipatam, and known as the French Pettah. The Municipal Commissioners of Masulipatam endeavoured* to levy Municipal taxes within this limited area of about fifty acres, and the question of their right to do so has been referred to us for decision.

Procs. 15th Decr. 1864,	Nos. 34 & 35.	
" 8th Feb. 1865,	" 14-16.	
" 16th Mar. 1865	" 13 & 14.	
" 23rd May "	" 34-37.	
" 25th July "	" 21-24.	
" 29th Apr. 1868	" 44-47.	
" 15th Jan. 1869.	" 14 & 15	
" 29th Mar. "	" 86 & 87	

Despatch to Secretary of State for India.
30th April 1868 No. 2.
20th March 1869 " 5.

* Letter 17th Decr. 1869
No. 48.

2. We beg briefly to lay before your Grace the circumstances under which the French authorities came into the possession of this land.

The French originally had a factory within the Fort at Masulipatam, and also possessed a piece of land situated about two miles to the north-west of the Fort and known as French Pettah. In pursuance of the treaty of Versailles (A.D. 1783) both the site of the factory and the land known as France Pettah were restored to the French in 1785. Some buildings had been erected by the English on the site of the factory in the Fort, and disputes having arisen about them, a piece of land was given in exchange for the Factory site. This compensation appears to have consisted in an addition to France Pettah.

This pettah again came into the possession of the British in 1792, and was finally restored in 1818, in pursuance of the treaties of 1814 and 1815.

In 1822 the French established an Arrack Shop in the

pettah, and, on the inconvenience being brought to notice, a proposal was made for the transfer of the pettah to the British either by sale or lease. The French Government objected to this, but suggested an exchange of territory. It does not appear that the Madras Government took any further action in this matter on this occasion. In 1829 the French endeavoured to establish an Arrack Shop at Calicut, (where they had a "loge" like that at Masulipatam), and claimed as a precedent the shop at Masulipatam. The Government of Madras explained their acquiescence in 1822 by saying that the British Government were "unwilling to raise a discussion on a matter then considered to be of trivial importance, and which was never expected to be drawn into a precedent."

Ext.Mins.Cons.27th
May 1831,
Foreign Department.

The Court of Directors in 1830, referring to the Madras proceedings on the occasion of the lands near Calicut and Masulipatam, expressed their regret that arrangements for the purchase or exchange of the French Pettah had fallen through; and remarked, "We conceive, however, that the French territory at Masulipatam, being a factory only, and not an independent possession, must, although the property of another nation, be held to form part of the British dominions, and may at the discretion of your Government be subjected to any regulations which may be found necessary for the security and good order of our own, territory and its inhabitants." The Toddy Shop in Masulipatam continued open till 1853. In

19th October 1849.

inconvenience caused by it, and in 1849 a proposal was made for an exchange of territory which was referred by the French authorities to their own Government.

In 1850 the Commissariat Officers at Masulipatam endeavoured to prevent or to restrict the importation of "tumma bark" (used in the distillation of arrack) into the French Pettah; and on the remonstrance of the French Government the question was again taken up. In Extract from Minutes of Consultation, 21st March 1851, the Government reviewed the whole question, and while asserting distinctly the sovereignty of the British, admitted that the long continuance of the shop conferred on the French Government a right to compensation should it be closed. It was accordingly ordered that a proposal for an exchange of territory, or for the immediate suppression of the farm on payment of compensation, should be made, and that the French Government should be called on to state the nature of

Though the Government in these Minutes rejected the French claim as regards Calicut, the Masulipatam Toddy Shop was suffered to continue.

the rights which they claimed in the pettah. The Governor of Pondicherry replied that he had asked the consent of the French Minister to an exchange of territory; that the rights of the French in the pettah were as full and complete as in any other of their possessions; and that he could not allow the shop to be closed pending a settlement

Ext.Mins.Cons. 24th June
and 11th Aug.1851.
Rev.Deptt.

steps for the suppression of the shop should there be any lengthened delay. In September 1851 the French Governor received authority to treat for an exchange of territory, and negotiations for the settlement of terms were commenced. The French declared that they treated on the assumption that the French Sovereignty in the pettah was full and complete, and that if this point was disputed, the negotiations must cease. The terms to which they finally

Ext.Mins.Cons, 18th Nov.
1851, Rev.Dept.

Ext.Mins.Cons, 13th Feb.
1852, Rev.Dept.

orders of the Court of Directors.

In their letter, dated 27th April 1853, the Court of Directors announced that the representatives of France and England in Europe had come to an agreement that the shop should be closed in consideration of a yearly payment to the French of Rupees 3550. No settlement of the question of sovereignty was arrived at.

3. There is every probability of questions such as that now raised at Masulipatam and those raised regarding the French Factory at Calicut constantly recurring, and we beg to suggest, for the consideration of your Grace, that it is very desirable to obtain from the Government of His Imperial Majesty the necessary powers to enable the French authorities in India to negotiate with this Government for an exchange of territory by which the French Pettah at Masulipatam and the factory at Calicut may be exchanged for a reasonable area of ground on the Pondicherry frontier, or of British ground actually surrounded by French territory. This minor negotiation would probably present fewer difficulties than are involved in a general adjustment of territories in India between the French and English Governments, and seems more urgently called for on account of the local difficulties which are of frequent occurrence.

4. In the correspondence connected with the question of levying Municipal taxes within the limits of French Pettah there is an indication of an intention on the part of the French authorities themselves to levy a house-tax

within French Pettah.

5. We have issued orders that, pending this reference to your Grace, the levy by the Masulipatam Municipality of taxes within French Pettah shall not be enforced. We shall inform His Excellency the Governor of Pondicherry of these orders, and of the reference for an exchange of territory which we are now making to your Grace.

6. We shall, should the occasion really arise, inform the French authorities that we cannot consent, pending a decision of the question by the respective Governments of France and England, to their imposing taxes within the limits of French Pettah.

We have the honour to be,
My Lord Duke,

Your Grace's most obedient
humble servants,

Ootacamund,
29th July 1870.

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