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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <u>1123.</u>	Press <u>Mis.</u>
<u>316-317.</u>	
Dated <u>29. 6.</u>	<u>18 7/.</u>

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
29th June 1871.*

No. 316. Read the following letter from the Acting Resident in Travancore and Cochin, to the Acting Chief Secretary to Government, Fort Saint George, dated Trevandrum, 29th May 1871, No. 33 :—

I HAVE the honour to forward copies of correspondence with the Dewan of Travancore regarding the settlement of the boundary between British territory and Travancore, for the adjustment of which the Government proposed that the water-shed should be accepted everywhere as the boundary, compensation being made for loss of actual revenue by equivalent cession elsewhere.

2. I have also discussed the question both with His Highness the Maharajah and the Dewan.

3. I was in hopes that an adjustment on this basis would have satisfactorily settled the question of compensation to the English Government for the villages of Anjengo and Tangacherry, but I find that there exist strong, and in some respects not unreasonable, objections on the part of Travancore to accepting the settlement proposed.

4. The Travancore Government is willing to accept the water-shed on the ghaut-range as the boundary between the two States to the north of the Mahendrigherry mountain; they object to it as the boundary to the south of that hill, in the first place, because it would involve the cession of more territory on their part than they would wish to yield up, even for any compensation; secondly, because they think it would not constitute a convenient boundary, nor answer the expectations of the Madras Government by putting an end to all sources of future contention.

5. As regards the first point, I believe that the value of the land in question has been correctly described by the Tinnevely authorities, and that it is almost worthless to the English Government. It contains one small coffee-estate by which Travancore evidently sets much store; and this State attaches a sentimental importance to the possession of the barren hill-slopes, quite incommensurate with their real value. *2d sentence - answer*

6. As regards the real rights of Travancore to these slopes on the line between Mahendrigherry and Arambuli, the question was minutely investigated by Mr. Puckle, the Collector of Tinnevely, and a line showing the boundary mutually accepted was laid down by that officer and the Dewan of Travancore.

7. The adoption of this well-defined line of boundary was recommended by Mr. Newill in his letter dated 30th June 1868, No. 35, in which he showed that it was impossible for Travancore to assent to Mr. McGregor's views in not recognizing unquestioned possession extending to half a century.

8. As regards the convenience of the boundary thus fixed the Dewan asserts that drawn up as it was by Mr. Puckle, an officer of great experience in settling boundaries, it is perfectly clear and well defined, and requires only to be marked out after ratification by the British Government, so as to prevent the possibility of any future misconception or difficulty.

9. On the other hand, the line along the crest of the hills could not be definitely marked out, and, however theoretically perfect, might often practically lead to difficulty in questions of jurisdiction.

10. As regards the line from Arambuli to the south of the Tinnevely District, no settlement has yet been come to; but it appears that the water-shed would here be really useless as a guide for the boundary, as, in fact, the chain of hills does not go farther south than the Arambuli Pass, and the actual water-shed could therefore settle nothing in dispute.

11. The Dewan proposes therefore that the boundary along this short line should be at once settled on the basis of actual rights, and that such boundary as be approved of by the Government be then definitely marked out by himself in conjunction with the Collector of Tinnevely.

12. I have no fear that Travancore will raise any unreasonable demand on this limited portion of the boundary-line between the States, and any unfounded claims will, of course, not be acquiesced in by the local authorities or the Government.

13. I believe, however, it is a fact that there is no water-shed on this portion of the line by which the boundary could be marked, and that it must be settled on the basis of existing rights.

14. I beg to mention that the Dewan has offered for the choice of the Collector of Tinnevely more than one spot on the boundary near Shenkotta, possessing land-revenue equivalent to that of the villages of Anjengo and Tangacherry about to be ceded to Travancore, and that the settlement of that question awaits only the election of that officer.

15. The sketch-map that accompanied the Dewan's letter is forwarded herewith.

No. 317.

ORDER THEREON, 29th June 1871, No. 1,123.

Miscellaneous.

THE Resident in Travancore now forwards the reply of the Government of His Highness the Maharajah of Travancore to the proposals made by His Excellency the Governor in Council, with a view to the determination of the boundary-line between the two territories near the Arambuli Pass.

2. A statement of the question at issue and the facts bearing on it is contained in the Proceedings of Government dated 10th May 1871, No. 816, with which the proposals above referred to were conveyed. It was suggested that the water-shed on the ghaut-range should be accepted as the boundary-line wherever Travancore marches with Tinnevely; the question of compensation for actual loss of revenue being reserved for distinct settlement by equivalent cession elsewhere.

3. In regard to this suggestion Sir T. Madava Row, expressing, it is presumed, the views of His Highness the Maharajah, observes: "I would deprecate an attempt to deal at once with the whole boundary between Travancore and Tinnevely. I would strongly urge the exclusion from present consideration of all that part of the frontier where disputes have not practically arisen, and which has not therefore been examined by either Government sufficiently to decide upon." The Dewan also adduces an apparently insuperable objection to the employment of the proposed method of adjudication south of the Pass, namely, the fact that here "there is no regular chain or range of mountains."

able territory north of the Arambuli Pass for the reasons which have already been laid before, and reviewed by, this Government, and which therefore do not call for comment in detail. But with respect to the territory in question south of the Pass, His Excellency in Council is altogether unable to concur with His Highness's Government as to the "conclusive" character of the reasons adduced in support of the Travancore claim. The Dewan of Travancore has evidently overlooked Mr. Pennington's letter dated 7th April 1870, No. 82, the purport of which considerably lessens the value of evidence which was, according to the previously expressed opinion of that officer "of scarcely any value whatever in settling the question." Nor has he noticed Mr. Kindersley's decided opinion on the matter at issue referred to in paragraphs 3 and 19 of G. O. dated 10th May 1871. The Government must also observe that the Government of His Highness, while laying considerable stress on the fact that the disputed territory north of the Pass has been in the "long actual possession" of Travancore, disregard the analogous circumstance of the territory south of the Pass being and having been for long subject to the authorities of Tinnevely.

5. His Excellency in Council cannot therefore on any consideration consent south of the Pass to Travancore, nor does he investigation in which has been th

, can he authorise unconditional abandonment of the claim set up on behalf of this Government to the tract north of the Pass. With respect to the latter tract, however, it is to be observed that the claim of Travancore is comparatively stronger; besides which, His Highness is understood to attach great importance to the possession of this tract. Under these circumstances His Excellency the Governor in Council is now persuaded that the happiest solution of the difficulty will be found by deciding the question as it affects each tract on the principle of *uti possidetis*. According to this principle the line fixed upon by Sir T. Madava Row in conjunction with Mr. Puckle would be allowed as the boundary north of the Pass, while the claim of Travancore to the tract in British territory south of the Pass would be abandoned.

6. These Proceedings will be transmitted in the Political Department to the Resident in Travancore, who will acquaint the Government of His Highness the Maharajah with the views of the Governor in Council as above expressed.

(True Extract.)

(Signed)

D. F. CARMICHAEL,

Acting Secretary to Government.

To the Board of Revenue.
,, the Political Department.

Exd. F. R. Bantleman.

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

REVENUE.

THE BOARD OF REVENUE.

G. O. 1304 June 1871, No. 1,123.

JUNE
HCS. 310-317.

Disputed boundary between British territory
and Travancore—Reviewing observations on
interference relating to the request, and
settling the proceedings to the pointed De-
partment, with the object of the Government
business that Maharajah being acquainted
with the views of the Governor in Council.

113-114
16-5-71

To the Dewan No 240 dated 25th May 1871
From ... 2nd ... 1821 ... 26th ...

No 33.
From

Residents Office,
Travancore, 29th May 1871.

J. I. Minchin, Esquire
Ag. Resident in Travancore & Cochin
To
W. Huddleston, Esquire
Ag. Chief Secretary to Government
Fort Saint George.

Sir,

I have the honor to forward
copies of correspondence with the Dewan of
Travancore, regarding the settlement of the
boundary between British Territory and
Travancore, for the adjustment of which the
Government proposed that the watershed
should be accepted every where as the boundary,
compensation being made for loss of actual
Revenue by equivalent cession elsewhere.

2. I have also discussed the question
both with His Highness the Maharajah
and the Dewan.

3. It was in hopes that an adjustment
on this basis would have satisfactorily settled
the question of compensation to the English
Government for the villages of Anjengo, and
Tanjacherry.

Tanjacherry, but I find that there exist strong and in some respects, not unreasonable objections on the part of Travancore to accepting the settlement proposed.

4 The Travancore Government is willing to accept the watershed on the Ghats range as the Boundary between the two states, to the North of the Mahendragherry Mountain. They object to it as the Boundary to the South of that hill, in the first place because it would involve the cession of more territory on their part, than they would wish to give up, even for any compensation. Secondly because they think it would not constitute a convenient Boundary, nor answer the expectation of the Madras Government by putting an end to all sources of future contentions.

5 As regards the first point, I believe that the value of the land in question has been correctly described by the Tinnevely authorities, and that it is almost worthless to the English Government. It contains one small Coffee Estate by which Travancore evidently sets much store, and this State attaches a sentimental importance to the possession of the barren Hill slopes, quite incommensurate with their real value.

As

6 As regards the real rights of Travancore to these slopes, as the line between Mahendragherry and Arambuly, the question was minutely investigated by Mr. Puckle, the Collector of Tinnevely, and a line showing the Boundary mutually accepted was laid down by that officer and the Dewan of Travancore.

7 The adoption of this well defined line of boundary was recommended by Mr. Newill in his letter, dated 30 June 1868, No. 35, in which he showed that it was impossible for Travancore to assent to Mr. McGregor's views in not recognizing unquestioned possession extending to half a century.

8 As regards the convenience of the boundary thus fixed, the Dewan asserts that drawn up as it was by Mr. Puckle, an officer of great experience in settling boundaries, it is perfectly clear and well defined, and requires only to be marked out after ratification by the British Government, so as to prevent the possibility of any future misconception or difficulty.

9 On the other hand, the line along the crest of the Hills could not be definitely marked

marked out, and however theoretically perfect might often practically lead to difficulty in questions of jurisdiction.

10 As regards the line from Aramboly to the South of the Tinnevely District, no settlement has yet been come to, but it appears that the water shed would here be really useless as a guide for the boundary, as in fact the chain of Hills does not go further South than the Arambooly pass, and the natural water shed ends, therefore, settle nothing in dispute.

11 The Dewan proposes, therefore, that the boundary along this short line, should be at once settled on the basis of actual rights, and that such boundary as he approved of by the Government, he then definitely marked out by himself in conjunction with the Collector of Tinnevely.

12 I have no fear that Travancore will raise any unreasonable demand on this limited portion of the Boundary line

line between the States, and any unfounded claims will of course not be acquiesced in by the local authorities, or the Government.

13. I believe however, it is a fact that there is no watershed on this portion of the line by which the boundary could be marked and that it must be settled on the basis of existing rights.

14 I beg to mention that the Dewan has offered for the choice of the Collector of Tinnevely, more than one spot on the boundary near Shenkotta, possessing Land Revenue equivalent to that of the Villages of Anjengo and Tangacherry about to be ceded to Travancore, and that the settlement of that question awaits only the election of that Officer.

15 The sketch map that accompanied the Dewan's letter is forwarded herewith.

J

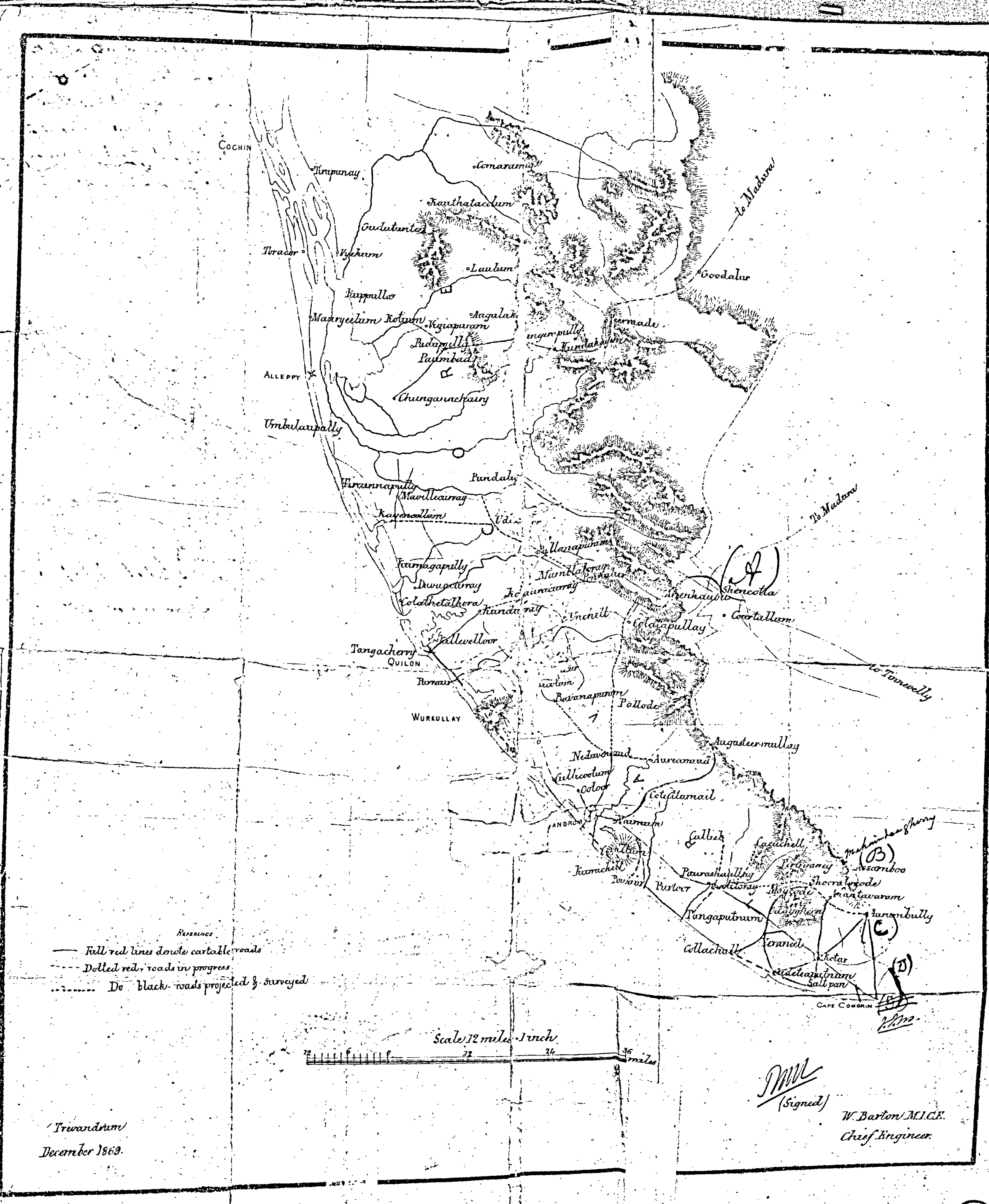
Have the honor to be
Sir,
Your most Obedient Servant
James James Munroe
J. J. Ag. Resident

J. J.

29 June 1942. RES 1226

10 May 1871 - 113-114
 30 September / 71 No 43

11th Novemr 1871. Recd
 New York. Dec 1873.
 The Ag President in
 Saratoga & Wash
 to Mr. Chief Secretary
 to Government
 Wash D.C.
 Date 29 May 1871
 Received.
 N. 33.
 Enclosure No.



13
Enclosed in a letter
from the ¹³ ~~Ady~~ Resident
Travancore & Cochin to
the ~~Ady~~ Chief Secretary
to Govt. Fort St. George
No 33 dated 29th May 1871

²
New 1803/71

27-6-71

316-17

A sketch map of
Travancore.

No 290

Residents Office,
Trevandrum, 25th May 1871.

To

The Dewan of
Travancore.

Sir,

I have the honor to forward
for the consideration of His Highness
the Maharajah's Government, Proceed-
ings of the Madras Government, Revenue
Department, dated 10th May 1871, reviewing
the question of the disputed Boundary line
between British Territory and Travancore
from the North East spur of the Mahendragiri
Mountain to the extreme South of the
Tinnevely District.

2
With a view to permanent settle-
ment of the Boundary, and the avoidance
of all possible complications, the Government
propose to adjust the question by an agree-
ment between the two States, that through-
out the line in question the Watershed
be accepted as the Boundary, and that
compensation to Travancore for any loss
of actual Revenue be made by equivalent
cession elsewhere.

Unless

3

Unless the authorities in
Tinnevely have been misinformed, the
present actual Revenue of the Travancore
State, from lands situated to the East
of the Watershed, must be inconsiderable
probably not more than is required to be
given by Travancore in compensation for the
Villages of Anjengo and Tungaachary.

4 The proposal made appears to
me most favorable for adjustment possibly
of both questions in the most satisfactory
manner, and I beg to recommend it for
the early consideration of His Highness' -
Government.

I have &c

Signed/ J. I. Neichin

Ag. Resident

JM

N^o 1821
R 511

J. B. Wygon Butcher,
Sperandrum, 26th May 1871.

S

J. I. Neichin, Esq
Acting British Resident
of Travancore

Sir,

I have the honor to acknowledge
your letter, No 290 dated the 25th Instant, together
with its enclosure, marginally noted.

2. The subject of these boundary disputes
has been dragging its slow length along for
so many years, that it seems to be extreme-
ly desirable to expedite a settlement by every
means possible. I therefore do not lose a
day in replying to your letter. And I am
aware that His Excellency the Governor in
Council is equally solicitous to arrive at an
early decision.

3. It may answer the commission of
both Governments for me to premise that
the boundary between Travancore and Tinne-
vely has, in recent times, been disputed
at certain points only.

4. These points will be found roughly
indicated in the accompanying sketch map.

At-

Proceedings of the Madras Government, No 113 and order thereon
No 816 dated 10th May 1871.

5. At the part marked by the letter (A), where the Travancore Salug of Shenestah is situate to the east of the Ghauts, a considerable dispute existed, but it was finally settled between the two Governments in the time of the Resident General W. Cullen; and boundary stones have been erected to mark the frontier in a permanent manner. We have, thus, nothing whatever to do with this matter now.

6. The frontier between the points (B) & (C) was that which Mr. Puckle and myself went over in great detail in 1868. We were happily able to agree upon a line mutually satisfactory. The line thus agreed upon still awaits the ratification of the Madras Government.

7. The boundary between the points C & D was subsequently examined by Mr. Pennington and our Dewan Pishar Nannu Pillay. This part of the question has also to be decided.

8. I may remark that the dispute between (B) & (C) is much more important than that between (C) & (D).

9. I proceed now to submit my views regarding a final adjustment, for the favorable consideration

14
consideration of the Madras Government.
10. I would deprecate an attempt to deal at once with the whole boundary between Travancore & Sennelly. I would strongly urge the exclusion from present consideration of all that part of the frontier where disputes have not practically arisen, and which has not therefore been affirmed by either Government sufficiently to decide upon. While I admit the desirableness of taking up at leisure the whole boundary including parts not yet disputed, I venture to suggest that the settlement of parts where disputes have actually arisen need not be postponed in reference to a desire to anticipate all possible disputes hereafter in parts where disputes have not yet arisen. I apprehend very much that an attempt to bring about a perfect & all-comprehensive arrangement, would entail indefinite delays such as have already occurred, delays during which administrations change, men who have thoroughly mastered the merits of particular questions pass away, valuable evidence perishes, and pending disputes get more and more hopelessly complicated.

11. I would, therefore, earnestly advocate the

the immediate settlement of those parts of the boundary where disputes have arisen, and which have therefore undergone sufficient examination to furnish data for a decision. Every part of the boundary settled cannot but be a decided step towards the settlement of the whole boundary.

12. Assuming that the Madras Government will not object to this principle, which does not appear otherwise than reasonable, I proceed to remark upon the two pending disputes, namely of the frontier between (B) & (C) and that between (C) & (D). It is these that are now ripe for a final decision.

13. I beg to repeat that the first of these constitutes the more important of the disputes, and will therefore be first disposed.

14. In my humble judgment, very strong grounds can be pointed out for the settlement of this dispute in the manner agreed upon between Mr. Puckle and myself. These grounds may be thus summarized.

I. Mr. Puckle went into the matter more thoroughly than any other officer representing the Madras Government and has advocated

advocated such settlement. - 21

II. Such settlement involves a just recognition of the legal presumption of right arising from very long actual possession by Travancore of the Tract covered by that proposed settlement, a possession which is held to this moment. It is to be remembered that the onus of rebutting that legal presumption is entirely rests with the British Government, but that it has not been rebutted at all.

III. Such settlement gives due weight to the circumstance that the Travancore accounts bear much stronger testimony in favor of Travancore than the Simeelly accounts bear in favor of Simeelly as clearly admitted by Mr. Puckle and cannot but be admitted by others.

IV. Such settlement involves the recognition of the right of Travancore to a tract, which "Mr. Puckle describes as utterly 'valueless, entirely uninhabited and almost 'uncultivated,' vide para 12 of the Proceedings of Government under acknowledgment. This shows that so far as the Madras Government is concerned, no interests are involved of sufficient magnitude.

- vide

- And to make it worth it, while to prolong the discussion and postpone settlement, though what is unimportant to an Empire may be important to a small native Principality which can never hope to acquire an inch of new territory in any direction.

V. Such settlement is clearly advocated by the Board of Revenue - vide para 4 of their Proceedings embodied in the order of the Madras Government under acknowledgment, wherein the Board say "They would rather suggest: (as they have already done in their Proceedings No 7014 of the 21st September 1869) that the boundary line proposed by Mr Puckle should be adopted so far as that part of the dispute goes, for the reasons stated in paragraph 7 of those Proceedings."

VI. Such settlement is agreed to by Travancore and hence there can be no difficulty or delay in giving effect to it at once if ratified by the Madras Government.

15. I trust that the force of these half a dozen principal reasons, brought together in one view, will be recognized by the Madras Government as sufficient and that that Government will see fit to ratify the

yes: but
now condition
that the
watershed
was accepted
as the boundary
for the rest

the settlement of this part of the boundary concurrently proposed by its own experienced officers and the Travancore State.

16. It remains now that I speak of the frontier between (C) & (D). The interests involved here are still smaller than those involved between (B) & (C), and may therefore be easier of settlement.

17. Now, I beg to draw attention particularly to paras 3 & 6 of Mr Pennington's letter, No 81 dated 7th April 1870, quoted at length in the Government Proceedings under acknowledgment. Under the reasons urged by Travancore as summarized in that letter, under the recognition of those reasons by Mr Pennington in paras 6 & 7, under the admission made by that Officer in his

hon'ble 8th para to the effect that the balance of evidence derived from accounts "is in favor of Travancore," I entertain the hope that this comparatively smaller dispute will be decided in favor of Travancore.

18. The boundary between (B) & (C) and between (C) & (D), in other words that between (B) & (D), being thus finally adjusted, the rest of the frontier where scarcely any

preparing

preparing disputes have arisen may be dealt with at leisure.

19. It appears to me that the grounds for the proposed adjustment between (B) and (D) are little short of conclusive. That they are at least as strong as can well be attained in a matter which has been pending so many years; but that some confusion has evidently arisen from an unconscious attempt on the part of Messrs. Chalcyre, Pennington and Stuart to mix up with the question of right, that of political convenience. I humbly think these questions are quite distinct and ought not to be allowed to get mixed up. Each should be discussed quite apart from the other for the sake of clearness and justice. It should first be decided upon its own merits what is the boundary according to the rights of the two States. I respectfully contend that a decision in respect to right ought to be arrived at on its own merits even though its result should be a frontier politically the most inconvenient. The rectification of an inconvenient frontier is indeed desirable, but must be regarded as a distinct process. I would deprecate strongly any attempt to solve the problem concerning right under an imperative condition that the solution evolve a boundary that shall

shall be politically convenient.

20. While I advocate the separate consideration of two questions which are naturally distinct from each other, I do not shrink from entering upon the second question, namely that of securing a convenient boundary line.

21. His Excellency the Governor in Council is "strongly in favor of making the watershed the boundary wherever possible" and enquires if I am aware will consent to this basis. To this I have no hesitation in giving an affirmative reply, because His Excellency has considerably qualified the basis. I have not had occasion or opportunity to study other parts of the boundary than those between the points (B) and (D), and therefore am at present only able to state generally that wherever the watershed can be made the boundary without entailing undue sacrifice on the part of this State, the principle will be gladly followed.

22. In regard, however, to the part between (B) and (C), of which I have personal knowledge, I beg to state that I am convinced that the frontier agreed upon between Mr. Pickle and myself, and recommended for adoption by the

the Board of Revenue, is not only the most just, but also the most convenient. The base of the hills in this part forms a decidedly better defined line than the crest. The crest-line would be a most whimsical and in some parts an impracticable frontier, but the strongest objection to it would be that it would involve the cession by Travancore of an area of country much larger than it would wish to surrender even for an equivalent. If the base-line agreed upon as already stated were really inconvenient, the many inconveniences attendant upon an exchange of territory in view to rectification may be incurred as the lesser of the two sets of evils. But I have no reason to anticipate any difficulty in regard to the line following the base of the hills, and in this Mr. Puckle, I believe, was quite in accord with me. I may also point to the fact that there are not wanting many instances both in India and in Europe wherein the base-line forms the boundary instead of that of the crest.

23. As regards the part between (C) and (D), the principle advocated by the Madras Government does not seem to have much

much scope for operation, for there is no regular chain or range of mountains. There are only straggling hills, between which the boundary must be artificially marked. If the dispute existing here be settled on its own merits, I would propose that the Collectors of Trimmale and myself personally go over and fix upon a line which would take in as many natural land-marks as possible without materially disturbing the rightful possessions of either State. I anticipate little or no difficulty in this operation.

24. I would then propose the construction of a bridge path 6 feet wide from (B) to (D) throughout, to mark the boundary permanently, the path being planted with an avenue of Casuarina or other trees which would unmistakably distinguish it. The cost of the path and avenue may be equally borne by the two States.

25. Between (A) and (B) the crest-line will probably be the best.

26. To sum up - what I would respectfully propose is

I. That the line already agreed upon between (B) and (C) be finally adopted.

That

II. That the small dispute between (C) and (D) be settled at once upon its own merits.

III. That soon after such settlement the Collector and I go to the spot and fix upon as good a natural boundary as can be obtained without much disturbance of the rightful possessions of each State.

IV. That a hedge-path with an avenue of trees be formed at joint expense to mark the boundary between (B) and (D).

V. That throughout the rest of the boundary between Spanawane and Tinnissilly, the crest-line or watershed be adopted as the line of partition, unless where sufficient reason is shown to depart from it. At the point (A) the boundary having already been settled some years ago and permanently marked, no change is of course to be made.

27. I trust that the plan thus proposed with the reasons in support of it, will recommend itself to the favorable consideration of the Madras Government.

I have &c

Signed / J. Madava Rao
Dewan

True copies

J. S. Minchin

Acting Resident.

Gros of the Madras Govt
Under date the 29th June 1871

Recd the following
letter from the Ag. Resident in
Travancore and Cochin.

Forwarding copies of correspondence
with the Dewan of Travancore
regarding the settlement of the
Boundary between British Territory
and Travancore.

H. E. 29 May 1871. N^o 33

The Resident in Travancore
now forwards the reply of the
Govt of H. H. the Maharaja
of Travancore to the
proposals made by H. E.
the Governor in Council with
a view to the determination
of the boundary line between
the

J. O. S.
N. A.

Copies sent to Govt
with the 12th 1871 30 Sept 71

Enclosed in a letter
from the Ag. Resident in
Travancore & Cochin to
the Ag. Secy. Secy. Secy.
to Government Fort St George
No. 33 dated 29 May 1871

No 1803/71

29-6-71
29-16-71

Copies of correspondence
with the Dewan of Travancore
concerning the boundary
dispute between Travancore
and British Territory.

the two territories near the
Arumbuli pass.

2. A statement of the
question at issue and the
facts bearing on it is con-
tained in the Proceedings of
Government dated 10 May
1871, No 816 with which
the proposals above referred
to were conveyed. It was
suggested that the water-
shed on the ghaut range
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compensation for actual
loss

loss of revenue being reserved
for district settlement by
equivalent cession elsewhere.

3. In regard to this
suggestion Sir J. Madava
Row, expressing it is pre-
sumed, the views of H.H.
the Maharajah, observes:
"I would deprecate any
"an attempt to deal at once
"with the whole boundary
"between Travancore and Tin-
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"urge the exclusion from
"present consideration of
"all that part of the frontier
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"practically proven; and
"which has not therefore
"been examined by either
"Govt sufficiently to decide
"upon." The Dewan also
adduces an apparently
insuperable objection to
the employment of the pro-
posed method of adjudica-
tion South of the pass - viz.
the fact that there is no
"regular chain or range of
mountains."

4. The Govt of Navau-
core still adhere to their
claim to the debatable terri-
tory north of the Arambuli
pass for the reasons which
have

6
35
have already been laid out
before, and reviewed by
the Government, and which
therefore do not call for
comment in detail. But
with respect to the in-
territory in question South
of the pass His Excellency
in Council is altogether in-
capable to concur with
His Highness's Government
as to the conclusions or
character of the reasons
adduced in support of
the Navancore claim.
The

The Baron of Havancore
has evidently overlooked
Mr. Permyngton's letter
dated 7th April 1870, No.
82, the purport of which
considerably lessens the
value of evidence which
was according to the
previously expressed opinion
of that Officer of scarcely
any value whatever in
settling the question.
Nor has he noticed Mr.
Kendall's decided
opinion

37
opinion on the matter
at issue referred to in
paras 3 and 19 of G.O.
dated 10th May 1871. The
Government must also
observe that the Govern-
ment of His Highness
while laying considerable
stress on the fact that
the disputed territory north
of the pass has been in
the "long actual possession"
of Havancore, disregards
the analogous circumstances
of

of the territory south
of the pass having and
having been for long
subject to the authorities
of Immurelly.

5. His Excellency in
Council cannot therefore
on any consideration consent
to hand over the tract south
of the pass to Travancore,
nor does he see any object
in ordering a fresh investiga-
tion into a subject which
has been thoroughly ventilated
on at least two occasions - once
in the presence of a Durum Pishcar
of Travancore. Nor, having

besides which,
H. H. is under-
stand to attach
great importance
to the preservation of
the tract;

39
regard to the facts
adverted to in paras
4, 15, 17 & 18 can ^{be} autho-
rise the unconditional
abandonment of the
claim set up on behalf
of this Government to the
tract north of the pass
with respect to the latter
tract however it is to be
observed that the claim
of Travancore is com-
paratively stronger
and besides that
in the opinion of His
Highness the question
raised is of greater
importance

importance than in the
case of the latter.
Under these circum-
stances His Excellency
the Governor in Council
^{now} is persuaded that the
happiest solution of
the difficulty will be
found by deciding the
question as it affects
each tract on the prin-
ciple of uti possidetis.
According to this prin-
ciple the line fixed
upon by Mr. Schomberg
Roe in conjunction
with Mr. Bickel
would

Since the
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41
would be allowed
as the boundary north
of the pass, while the
claim of Travancore
to the tract in British
territory south of the
pass would be abandoned.
b. These Proceedings
will be transmitted in
the Political Department to
the Resident in Travancore
who will acquaint
the Government of
His Highness the
Maharajah with the
recurrence of the
Governor

Governors in Council
as above expressed.

all the ...
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14. To the ...
5. Political ...

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40
Finance and Comptroller
of the Treasury

Revenue Department

45
Memo. for Orders.

The Resident in
Travancore now forwards the
reply of the Travancore Govt.
to G.O. dated 10th May 1871
regarding the Travancore and
Tinnevely boundary dispute.

2. A summary of
the case will be found in
the G.O. above referred to.
It is therefore only necessary
to briefly recapitulate with
the view of considering Sir J.
Madava Row's objections.

3. It will be remem-
bered that there are two distinct
(although adjoining) portions of
the

the boundary in dispute - viz
that North of the Arambuli
pass (B to C, in Sir J.
Madava Row's map) and
that South of the Arambuli
pass (C to D). The boundary
near Shencottah is not at
all involved in the present
question.

4. North of the
Arambuli pass the question
is simply whether the
boundary line is to follow
the Crest or the base of
the Ghats. The Travancore
Government strongly
urges a settlement on
the

47
the latter plain which
is of course in their
favour, and the fact
that lends most
support to their view
is that Mr. Puckle and
Sir Madava Row who went
over this part of the
disputed tract together
agreed that the base
of the Ghats would form
a just and proper
boundary. The arguments
on the other side will
be found in paras 4, 15, 17 & 18
of

of J. O. dated 10th May

1871

5. South of this
pass the question is whether

a portion of de facto

British territory is or
is not to be handed over
to Travancore.

6. The Govt (G.O. dated
10th May) proposed that

the watersheds on the ghat

range should be accepted
as the boundary line where

ever Travancore marches
with Travancore.

7. question of compensation for

actual loss of revenue

being reserved for

49
"for distinct settlement
"by equivalent cession
elsewhere.

7. Sir Chadwika
Row expresses the wish

lingers of the Travancore

Travancore Government
to accede to a settlement
on this basis but

he still vigorously

maintains their

right to the slopes

north of the pass
and adduces six "reasons"

"in favour of

it. Some of these

are only reasons in

name

name: nor has any
thing been adduced
which was not pre-
viously before the
Government.

At the same
time Sir Madava
Row deprecates
any attempt to
deal at once with
the whole boundary
between Travancore
and Tinnevely: be-
cause such attempt
would awake difficulties
which

51
which have not
yet arisen, and so
far as we can tell
may never arise. He
would prefer the
two questions to be
settled on their own
merits, before poli-
tical convenience
in the matter of a
boundary is consulted
and he agrees that as
right is a distinct con-
sideration from conve-
nience the question
of

of the watershed
being the natural
boundary does not much
affect the question at issue.
9. As to the tract
south of the pass Sir
Madava Row proposes
that he and the Col of
Tinnevely should per-
sonally visit it and fix
upon a line which would
take in as many natural
landmarks as possible
without disturbing the
rightful possessions of
either State. The Dewan
further observes that
here the principle
advocated

advocated by his Government
of making the watershed
the boundary would have
no scope: as there is no
chain of mountains - only
straggling hills. So also
it would appear from the
maps.
10. Finally Sir Madava
Row proposes that though
out the rest of the
boundary between Tan-
javore and Tinnevely
the crest line or water-
shed be adopted as
the line of partition,
unless

"unless when sufficient cause
is shown to depart from it."

11. It is observed that there
is an inconsistency in the
reasoning of T. Madava Row.
North of the pass he lays
great stress on the fact that
the disputed tract is in
possession of Travancore;
South of the pass he altogether
disregards the fact that the
disputed tract is in possession
of the British Govt.

12. [It is submitted that]
the best way of settling the
dispute would be (as T. Madava
Row originally recom-
mends) to confine
it to the spots
where it has hitherto
arisen, & to let each (side) Govt
retain

On further deliberation, H.E.
being has come to the opinion,
that

55
retain the territory
which it now possesses.

This arrangement would
be tolerably square
for both governments.

The Travancore Govt.
would retain the barren
highlands north of the pass,
which, as the Resident
says, have a sentimental
value in the eyes of the
British Govt. would
retain the disputed
land (cultivated fields)
south of the pass.
There

13. There would be
no objection to Sir J.
Madava Row, in-
specting the disputed
land south of the pass,
but he & the Collector
should be informed
that their agency need
only extend to the question
of de facto occupation:
such occupation
having been recognised
by both parties as ac-
knowing a right north
of the pass.

14. It is further
submitted that the
former

H. S. in C further
determines

if key are rightly
informed,

former proposal of this
Govt to accept the
watershed as the boundary
everywhere else (with
the exception of the
Shenota district) may
be withdrawn. At
present, the boundary
leaves the watershed in
several places, as I
have been informed by
Mr Pennington. If the
whole boundary line
was revised, needless
unnecessary trouble
would result, & if, as
is

is probable the question
was only opened in the
spots where persons
would be to the ad-
vantage of the Iron-
core fort. this fort
would lose a great
deal of territory.

Other
I think see that any
other disposal of the case
can be made

I think there is
the best chance
for adoption here
within the
space of time
Sept 1878

Refills to 250
30 September/71
J. L. 13 Mui
Kendall
T. J. J.
Clary. C.

Refills to 250

Refills to 250