No. 42. Read the following letter from the Officiating Secretary to the Chief Commissioner of Mysore, (Revenue,) to the Secretary to Government, Revenue Department, Fort St. George, dated Nandidroog, 3rd May 1872, No. 580-5 R:—

Referring to your letter No. 69, with annexures, dated 7th June last, on the subject of the disputed tract of land in the bed of the Cauvery river between the districts of Coimbatore and Mysore, and in the concluding paragraph of which it was requested that the claims of Mysore to the same might be conclusively abandoned, I am directed to state that a perusal of the correspondence having satisfied the Chief Commissioner that the merits of the question at issue had not been properly placed before the Madras Government, he found himself unable to comply with the request so made to him till after a further examination of certain points bearing on the case, a complete understanding of which appeared to him to be essential to the formation of a just opinion as to the claim of either side to the said tract.

2. The ground on which the Madras Government considered its claim to the island to have been finally established is set forth in paragraph 2 of the letter under reply, namely, the admission of the Superintendent of the Ashtagram Division that, "beyond a reasonable doubt, the submerged land, which now comprises the island, originally belonged to the Collegal Taluq of Coimbatore," and the opinion of the Advocate-General that "this is a case of land submerged, and then re-appearing in a place where it can be identified as being the land which originally belonged to the British Government."

3. But a careful perusal of the reports that had been submitted in the case convinced the Chief Commissioner that the Superintendent's admission had been made without any sufficient ground, and, in fact, in opposition to the real circumstances; and that the Advocate-General's opinion based thereon was not applicable to the facts of the question at issue, it being clear from them that no part of the island, as now existing, could ever have formed part of the submerged land originally belonging to the Collegal Taluq, and that it had no connection whatever with that taluq or its bank of the river.

4. The facts, as gathered from the correspondence in the case, may be summarised as follows:—

Twenty-six years ago a portion of the Collegal bank was washed away by the current, and since then the erosion has continued until 148 Acres altogether have disappeared from that bank.

Twelve years ago an island formed on the Mysore side of the river, within 70 yards of the bank on that side, which has gradually increased until it now measures 51 Acres in extent. This tract is only an island during the time the river is in flood, the channel between it and the Mysore bank being at other times dry, while the stream of the river then runs wholly between the island and the Collegal bank.

It is asserted that the bed of the river has much increased in width at this point, as it now measures 1,428 yards above the island, whereas the old Paimashy Accounts (of 1799) state it to have been only 136 yards, but it appears to be

incredible that the stream could ever have been confined within so limited a space.

5. On receipt of your letter under reply the Chief Commissioner, deeming the accurate survey of the bed and banks of the river at the site in dispute to be essential to a due understanding of the facts of the case, directed such to be carried out, and carefully laid down in a chart, which should also show, if possible, each bank as it existed previous to the invasion of the Collegal bank by the stream, and the exact position and extent of the island as it now stands.

6. A survey was made and a plan prepared accordingly, but the river was then and for some time subsequently in flood; and the correctness of some of the measurements appearing to be doubtful the Superintendent was instructed to proceed to the spot himself and to verify the accuracy of the plan in all respects as soon as the subsidence of the stream enabled him to do so satisfactorily.

7. Unfortunately the then Superintendent, Lieutenant-Colonel Elliot, C.B., was compelled from illness to defer the execution of this order, and it has fallen to Major Campbell who has since relieved him, and whose admission in this case, when formerly officiating as Superintendent, is referred to in paragraph 2 of this letter to carry the same out.

8. After visiting and carefully examining the site and the chart prepared of it, Major Campbell has submitted a report,* of which a copy is appended with accompanying plan.

* No. 68-29, dated 22nd ultimo.

9. In this document Major Campbell explains that his admission, already referred to, was wholly based on the rough plan of the site furnished to him by Mr. Sullivan, the Acting Collector of Coimbatore, which was quite incorrect as to scale and the relative positions of the points of the locality more immediately bearing on the question at issue; and he states that "he is now satisfied that the space occupied by the island must have been a portion of the old bed of the river, and could never have belonged to the Collegal side."

10. The plan which accompanies his report, and which has been filled in from a careful and accurate survey of the site, appears to the Chief Commissioner to confirm this view and to establish incontestibly that the island and its site are wholly unconnected with the Collegal bank of the stream or the submerged land of that bank, and that its formation has taken place, in the natural course of events, in the enlargement of the Mysore bank at that spot where there was probably a back or dead water on the current's establishing its course against or along the opposite bank.

11. If, on a re-consideration of the case, this view is concurred in by His Excellency the Governor in Council, the Chief Commissioner ventures to express a hope that the question at issue being no longer one of "boundary" but of "alluvion," the accretion being clearly on the Mysore side of the mid-stream of the river, the claim of this province to the island will be admitted, and that the Collector of Coimbatore may be instructed to withdraw from further interference with it.

Proceedings of the Madras Government, Revenue Department,
5th June 1872.

Enclosure No. 1.

From Major J. A. CAMPBELL, Officiating Superintendent, Ashtagram Division, to the Secretary to the Chief Commissioner of Mysore, dated Mysore, 22nd April 1872, No. 68-29.

With reference to former correspondence on the subject of an island in the bed of the Cauvery, the right to which is claimed by the Madras Government, I have the honour to report as follows, for the information of the Chief Commissioner:—

2. I was in charge of this division in 1870, and in September of that year I replied to a letter from Mr. Sullivan regarding the island in dispute in the following terms:— "I think that the information derived from the village accounts referred to by you, and the facts which have been collected regarding the change in the course of the river Cauvery, prove beyond a reasonable doubt that the submerged land and that comprising the island originally belonged to the Collegal Taluq." I observe that this admission is strongly relied upon by the Madras Government in consequence of the opinion of the Advocate-General that the law of accretion does not apply to this case, "which is one of submersion and subsequent re-appearance of land *apparently all along capable of identification as part of the territory of this* (the Madras) *Government.*

3. When I replied to Mr. Sullivan's letter as above I was not in possession of the measurements of the locality, and I relied more than I should have done, and probably more than Mr. Sullivan intended me to do, upon the rough sketch made by him upon the spot, and which I have now before me. This sketch being only what it purports to be, is entirely incorrect as to scale and the relative positions of points, particularly with reference to the supposed original Mysore bank of the river opposite the island; and looking at the sketch I had no difficulty in believing that the space, as therein shown, between that original bank and the present north bank of the island afforded ample bed for the river during the period antecedent to the year* when it began to change its course. Seeing no reason to doubt upon this point, I was ready to admit that the land in dispute was that referred to in the Humpapoor village accounts. Having this morning carefully inspected and measured the locality, I find it impossible to believe that the river was ever confined to the space† between the northern bank of the island in dispute and the line of utmost limit of original Mysore bank. The consequence to my mind is that the space now occupied by the island must have been a portion of the old bed of the river, and that it never could have belonged to the Collegal side. The lands of the Humpapooram ryots have no doubt been submerged.‡ They are so still, and no part of them has reappeared in the shape of the island, which, therefore, the ryots had no right to begin to cultivate in 1859. If it be said that the village accounts of Humpapooram exhibit a certain extent of land as belonging to it, and that to make good this extent in a northerly direction the island in dispute must be included, my reply is, first, that village accounts are not always to be trusted; and, in the second place, I solicit an inspection of the accompanying plan, which, assuming that the measurements are correct, and for this I can vouch, speaks for itself more forcibly than any words can do.

* About 20 years ago, as stated by Mr. Sullivan.

† Shaded blue in the plan.

‡ Shaded yellow in plan.

4. The important point, of course, is to determine, as nearly as possible, the original line of Mysore bank; for the further back on Mysore ground that can be fairly placed, the less untenable will be the position taken up by the Madras Government, which claims the northern bank of the island as the original boundary of the Collegal Taluq. I have gone all over the place from the village of Kookoor to the point K., where the waste water stream joins the river. From Kookoor to the point B., the current of the river is against the Mysore bank, which is being worn away. From the point B. to the point K., the current is the other way, and there are clear signs of accretion to the Mysore side; but nowhere is the breadth of such accretion more than 100 yards, and opposite the island the greatest possible breadth is 100, for the ground slopes inwards and downwards from that point into wet cultivation in the low grounds bordering the waste water channel.

5. From the appearance of the soil and other signs I would give 70 yards as the breadth of accretion at that point, but allowing 100 yards as the line of utmost limit, and adding to it 62 yards for the channel, we have only 162 yards as the original average breadth of the river up to about 26 years ago, when it is said to have begun to change its course, and to enlarge into its present breadth of quite 800 yards. How this can have become physically possible of accomplishment within the memory of any man now living, without the occurrence of some wonderful freak of nature, I am at a loss to understand.

6. Should the facts and the reasoning I have above endeavoured to put forward be accepted, I conclude that there will be no difficulty in deciding that the land in dispute should be considered the property of the Mysore State.

7. I beg to return the enclosures of your docket No. 6,124-256 of 22nd March 1872.

No. 43. Order thereon, 5th June 1872, No. 878.

Miscellaneous.

The Government observe that the survey map and exact details of measurement furnished by the Mysore authorities go to establish the correctness of Mr. Wedderburn's surmise in his letter of 14th July 1871 in Revenue Proceedings, 21st September 1871, No. 1,651, that the island is not a formation of soil washed away from the Collegal side, and is not in fact the re-appearance of land submerged by encroachment of the river on the southern bank, but is an independent formation nearer to and in the dry season attached to the Mysore or northern bank.

2. Under these circumstances the Government have no hesitation in relinquishing all territorial claim to the island.

3. The rights derived from the occupation and improvement of the land in question since 1850 by the Hunnapoorum ryots are matter for adjudication by the Mysore authorities.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

No. 580
5th R

Mysore Chief Commissioner's Office.

From

The Officiating Secretary to the
Chief Commissioner of Mysore.

To

The Secretary to Government,
Revenue Department,
Fort Saint George.

Dated Bangalore the 3rd May 1872.

Revenue

Sir,

Referring to your letter No. 69, with enclosures, dated 7th June last, on the subject of the disputed tract of land in the bed of the Cauvery river, between the district of Combatore and Mysore, and in the concluding para. of which it was requested that the claims of Mysore to the same might be conclusively abandoned, I am directed to state that a perusal of the correspondence having satisfied the Chief Commissioner that the merits of the question at issue had not been properly placed before the Madras Government, he found himself unable to comply with the request so made to him till after a further examination of certain

points bearing on the case, a complete understanding of which appeared to him to be essential to the formation of a just opinion as to the claims of either side to the land tract.

2. The ground on which the Madras Government considered its claims to the island to have been finally established is set forth in para 2 of the letter under reply, viz. the admission of the Superintendent of the Colaroon Division that, beyond a reasonable doubt the submerged land which now forms the island originally belonged to the Collegal Talook of Combatore" and the opinion of the Advocate General that "this is a case of land submerged, and then re-appearing in a place where it can be identified as being the land which originally belonged to the British Government."

3. But a careful perusal of the reports that had been submitted in the case convinced the Chief Commissioner that the above conclusion had been arrived without any reference entered, and in fact on

in opposition to the real circumstances; and that the Advocate Generals opinion based thereon was not applicable to the facts of the question at issue, it being clear from these that no part of the island, as now existing, could ever have formed part of the submerged land originally belonging to the Collegal Talook, and that it had no connection whatever with that Talook or its bank of the river.

4. The facts, as gathered from the correspondence on the case, may be summarised as follows.-

Sixty six years ago, a portion of the Collegal Bank was washed away by the current, and since then the erosion has continued until 148 acres altogether have disappeared from that bank.

Twelve years ago, an island formed on the Mysore side of the river, within 70 yards of the bank on that side, which has gradually increased until it now measures 51 acres in extent. The tract is only an island during the time the river is in flood, the channel between

letwism et and the Ryeore bank being at the
times dry, while the stream of the river ran
in mine entirely between the island and the
Collegal bank.—

2. It is asserted that the bed of the river has much increased in width at this point, as it now measures 1428 yards above the island, whereas the old Examsky Account (of 1799) state it to have been only 136 yards, but it appears to be incredible that the stream could ever have been confined within so limited a space.

3. On receipt of your letter under reply the Chief Commissioner, deeming the accurate survey of the bed and banks of the river at the site in dispute to be essential to a due consideration of the facts of the case, directed such to be carried out and carefully laid down on a chart, which should also show, if possible, each bank as it existed previous to the construction of the Collegal bank by the stream, and the exact location and extent of the island as it now stands.—

4. A survey was made and a plan prepared accordingly, but the river was then, and for some time subsequently, in flood, and the correctness of some of the measurements appearing to be doubtful, the Superintendent was instructed to proceed to the spot himself, and to verify the accuracy of the plan in all respects, as soon as the subsidence of the stream enabled him to do so satisfactorily.—

5. Unfortunately, the then Superintendent, Lieutenant-Colonel Elliot C.B., was compelled from illness to defer the execution of this order, and it has fallen to Major Campbell, who has since relieved him, and whose admission in this case, when formerly officiating as Superintendent, is referred to in para 2 of this letter, to carry the same out.

7 No 68 dated 22nd ultimo.

8. After visiting and carefully examining the site and the Chart prepared of it, Major Campbell has submitted a Report, of which a copy is appended with accompanying Plan.

9. In this document, Major Campbell explains that his admission, already referred to,

ber was wholly based on the rough plan of the
time sale furnished to him by Mr. Sullivan, the acting
Asst. Collector of Coimbatore, which was quite incorrect
Coll as to scale and the relative positions of the points
of the locality given immediately bearing on the
has question at issue, and he states that "he is
as i "now satisfied that the space occupied by the
wher island must have been a portion of the old
stan bed of the river, and could never have belonged
appl to the Collegad side."
ever 10. The plan which accompanies
a of his report, and which has been filled in
5. from a careful and accurate survey of the
repl sale, appears to the Chief Commissioner correct to scale
acco as given thus more, and to establish incontestably
have that the island and sluices are totally distant
to a nuclear with the Collegad bank of the stream or
rese the submerged land of that bank, and that
any of the formation are taken place, in the ordinary
thro course of events, in the encroachment of the
to a Pyaree bank at that spot, where there was
doll probably a beach or dead water on the occa-
sion of establishing the course against or along
the opposite bank.

11. If, on a re-consideration of the case, this view is concurred in by His Excellency the Governor in Council, the Chief Commissioner ventures to express a hope that the question at issue being no longer one of "accretion" but of "alluvion," the accretion being clearly on the Moyaar side of the said channel of the river, the claim of the Province to the Island will be admitted, and that the Collector of Coimbatore may be instructed to withdraw from further interference with it.

I have the honor to be,

Sir,

Your most obedient servant,

[signature]

Secretary.

Offg. Secretary.

ber was wholly based on the rough plan of the
ince site furnished to him by Mr Sullivan, the acty
mer Collector of Coimbatore, which was quite incorrect
Coll as to scale and the relative positions of the points
of the Coast most immediately bearing on the
has question at issue, and he states that he is
as "now satisfied that the space occupied by the
ther island must have been a portion of the old
star bed of the river, and could never have belonged
apli to the Calicut side".

ver to The plan so sent accompanies
e of the report, and which has been filled in
. from a careful and accurate survey of the
ple coast, appears to the Chief Commissioner to con-
ecc firm the map, and to establish incontestably
ver that the island and the nearer shore which
a meet with the Calicut bank of the stream or
ace the backwater and of that bank; and that
ing the formation was taken place, in the natural
ion course of events, in the embankment of the
a opposite bank at that spot, where there is no
Co probable a back- or dead water on the con-
ace sequence of obstructing the course against or along
an the opposite bank.

11. If, on a re-consideration of the case, this view is concurred in by His Excellency the Governor in Council, the Chief Commissioner ventures to express a hope that the question at issue may no longer one of "boundary" but of "alluvion," the accretion being clearly on the Tapore side of the mid-stream of the river, the claims of the Zamorin to the Island will be admitted, and that the Collector of Coimbatore may be instructed to withdraw from further interference with it.

I have the honor to be,

Sir

Your most obedient Servant,

[signature]

[illegible]

Vol No 65
Folio 29

1872.13

Rubbagrama Superintendent's Office

Myaree 22nd April 1872.

To

The Secretary to the

Chief Commissioner of Ingoor.

Sir,

With reference to former correspondence on the subject of an island in the bed of the Cauvery, the right to which is claimed by the Madras Government, I have the honor to report as follows for the information of the Chief Commissioner.

2. I was in charge of this District in 1870, and in September of that year, I forwarded a letter from Mr. Sullivan, regarding the island in dispute on the following terms, "I think that the enclosed from the village accounts referred to by you, and the facts which have been collected regarding the change in the course of the river Cauvery, prove beyond a reasonable doubt that the submerged land, and that comprising the island, originally belonged to the Collegal Taluk." I observe that this admission is strongly relied upon by the Madras Government in consequence of the opinion of the Advocate General that the case

of accretion does not apply to the case which is one of submersion and subsequent re-appearance of land apparently all along capable of rightly being considered as part of the territory of the Native Government.

3. When I applied to the Collectors letter as above I was not in possession of the measurements of the locality, and I admit more than I should have done, and probably more than submission intended me to do, upon the figures sketch made by him upon the spot, and which I have now before me. This sketch bears out what is purported to be, is utterly incorrect as to scale and the relative positions of points, boundary with reference to the supposed original Mapore Bank of the river opposite the island, and looking at the sketch I had no difficulty in seeing that the space as shewn between that original bank and the present middle bank of the island, afforded ample land for the river during the period, and that for the great inducement to begin to change its course, being no longer to double upon the point, I was ready to contend that the land in dispute was that referred to

* about 26 years ago, as stated by the Collector.

in the Nampapon Village accounts. Having this morning carefully inspected and measured the locality, I find it impossible to believe that the river was ever confined to the space between the northern bank of the island in dispute, and the line of utmost limit of original Mapore bank. The consequence to my mind is that the space now occupied by the island must have been a portion of the old bed of the river, and that it never could have belonged to the Collegal side. The lands of the Nampapon can justly have no doubt been submerged. They are no more, and no part of them has reappeared in the shape of the island, which therefore the right had no right to begin to cultivate in 1859. If it be said that the Village accounts of Nampapon can exhibit a certain extent of land as belonging to it, and that to make good this extent in a northerly direction, the island in dispute must be included, I reply in first that village accounts are not always to be trusted, and in the second place, I object an inspection of the accompanying plan, which, assuming that the measurements are correct, and for this I can vouch, speaks for

† Shaded black in the plan.

Shaded yellow in plan.

steps more forcibly than any words could.

4. The important point of course is, to determine as nearly as possible, the original line of Mysore bank; for, the further back on Mysore ground that can be fairly placed, the less untenable will be the position taken up by the Madras Government, which claims the northern bank of the island as the original boundary of the Collegal Taluk. I have gone all over the place from the village of Hookan to the point K, where the waste water channel joins the river. From Hookan to the point B, the current of the river is against the Mysore bank, to which it is doing more and more damage. From the point B to the point K, the current is the other way, and there are clear signs of accretion to the Mysore side; but nowhere is the breadth of such accretion more than 100 yards, and opposite the island, the greatest possible breadth is 100, for the ground slopes everywhere up and down, as soon as from that point it is not cultivation or the low ground bordering the waste water channel.

5. From the appearance of the bank and other signs, I would give 70 yards as the breadth of accretion at that point, but allowing 100 yards as the line of utmost limit, and adding to it 62 yards for the channel, we have only 162 yards as the original average breadth of the river up to about 26 years ago, when it is said to have begun to change its course and to enlarge into its present breadth of quite 800 yards. Now this can have become physically possible gradually and without the occurrence of any remembered within the memory of any man now living, without the occurrence of some wonderful freak of nature. I am at a loss to understand.

6. Should the facts and the reasoning I have above endeavoured to put forward be accepted, I conclude that there will be as a matter of fact in deciding that the land in dispute should be considered the property of the Mysore State.

7. I beg to return the enclosures of your docket No 6024/256 of 22nd March 1872.

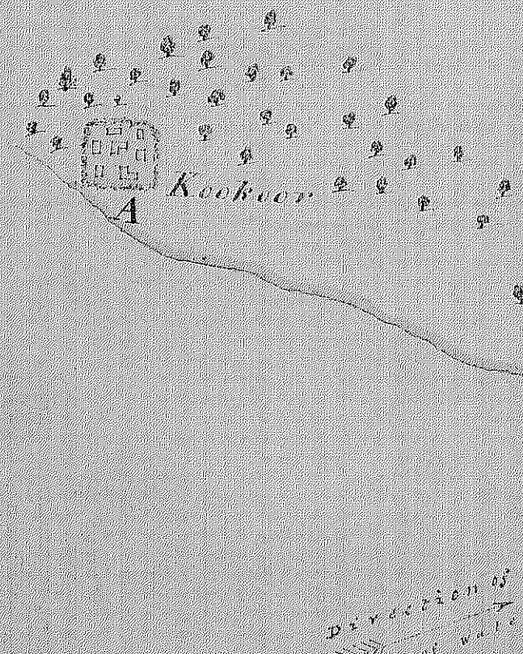
I have &c
(Signed) J. A. Campbell
Offg. Superintendent
Obligations Duty.

Copy
Secretary
Collecting Secretary

Sur

Of portion of
the Island which
tween the Mysore

Gis

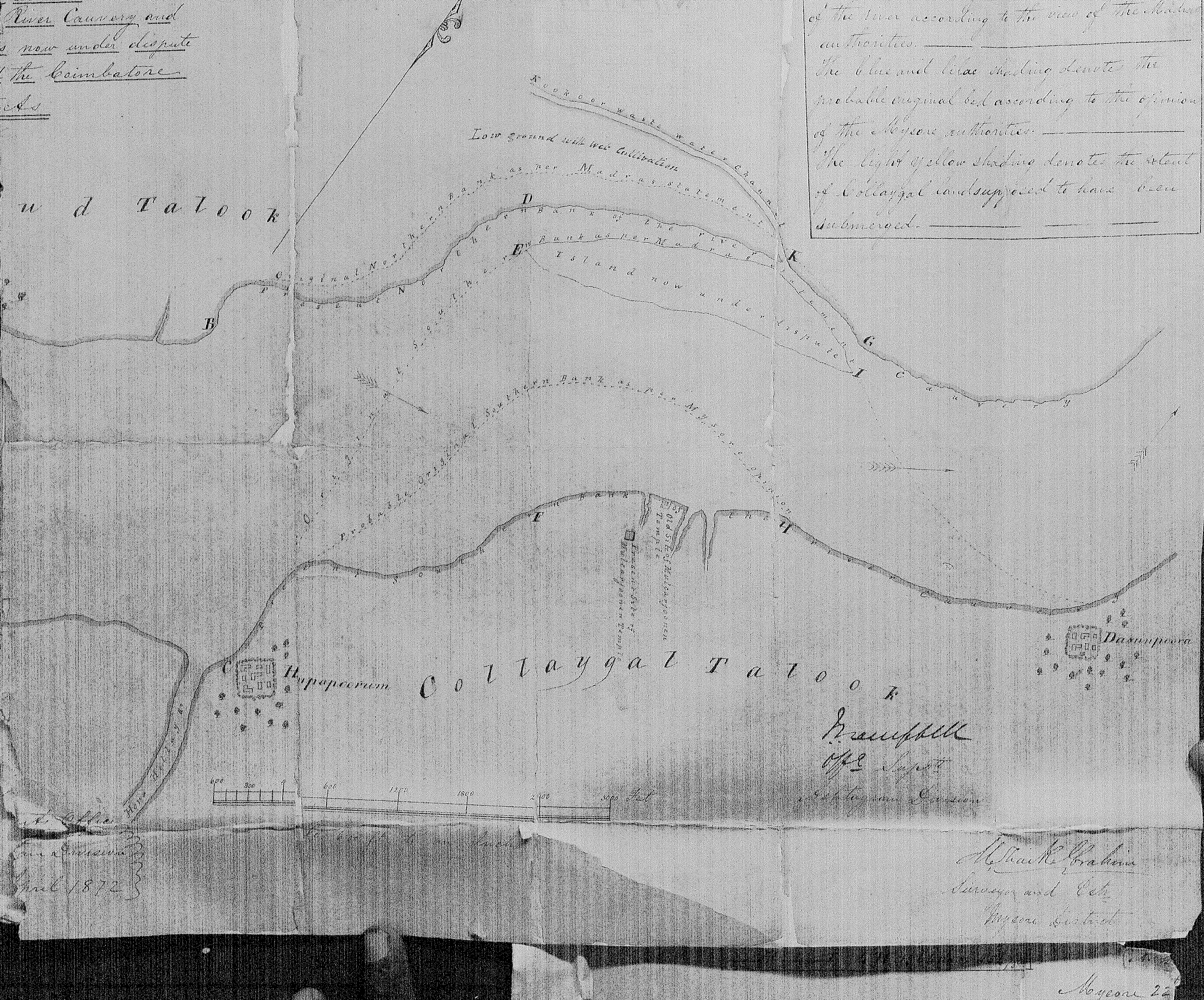


T u l c



Distance from	A	to	B	6944	ft	02	2314	2/3	yds
do	B	to	C	2852	do	02	950	2/3	do
do	B	to	D	2892	do	02	964		do
do	D	to	E	342	do	02	114		do
do	D	to	F	2202	do	02	734		do
do	D	to	K	2232	do	02	744		do
do	K	to	G	992	do	02	330	2/3	do
do	G	to	I	174	do	02	54	2/3	do
do	I	to	H	1364	do	02	454	2/3	do

Mysore 22



River Cauvery and
s now under dispute
the Coimbatore
of the river according to the view of the Madras
authorities
The blue and lilac shading denotes the
probable original bed according to the opinion
of the Mysore authorities
The light yellow shading denotes the extent
of Collaygal land supposed to have been
submerged
Kookoor waste water Channel
Low ground with wet cultivation
Original Northern Bank as per Madras statement
Present Northern Bank of the river
Southern Bank as per Madras statement
Island now under dispute
Original Southern Bank
Probable Original Southern Bank as per Mysore opinion
Present Southern Bank of the river Cauvery
Old Site of Muleyoonen Temple
Present Site of Muleyoonen Temple
ud Talook
Collaygal Talook
Dasunpoora
Hoonoor
A
B
C
D
E
F
G
H
I
K
600
300
0
600
1200
1800
2400
3000 feet
Offg. Supdt.
Survey and Sett.
Mysore District
April 1872
Mysore 22

2
Rev 1028/72

Rev. Department

No. 878.

Proceedings of the Govt. of Mysore

Under date the 5th June 1872

Read the following letter from the Offg Secy to Chief Commr of Mysore—

Revenue
From The Offg Secy to Govt
To The Secy to Government
Revenue Department
Dated Fort St George
Despatched 29 May
Received 10 June

Enclosures No. 2
General No. 780 / 1872
No 278

With reference to Rule 69 of the Land Code, states that under the explanation given the claim of Mysore to the disputed tract of land in the bed of the Cauvery River between the Districts of Coimbatore & Mysore seems to be admissible, the Collr of Coimbatore may be directed to withdraw from further interference with it.

Fort St George 29th May 1872

J. G.

No. 878 dated 5th June 1872

The Government observe that the claim of Mysore and the proceedings of Government founded by the Mysore authorities to establish the correctness of Mr. Pedder's

Fort St George 29th May 1872

Rec'd 10th June 1872

No. 878 dated 5th June 1872

Copy forwarded to the Collr of Coimbatore for information and guidance.

By order &c
(Sd) J. Gardner
Secy to Govt

Copy forwarded to the Collr of Salem for information.

By order &c
(Sd) J. Gardner
Secy to Govt

Copy forwarded to the Collr of Trichinopoly for information.

By order &c
(Sd) J. Gardner
Secy to Govt

Answered on his letter
of 14th July 1871 in Real
Proceedings 21st September
1871 No. 1651 that the
Island is not in favour
of his proposed
scheme from the Colonial
Office and it is not in favour
the re-appearance of
land submerged by
encroachment of the re-
servoir the Lunatic
Board to build an island
pending formation necessary
to send in the survey referred
to the Engineer
or Harbour Board.

Under these circum-
stances the Government
have no resolution on
the proposition other
than

Territorial claims to the
island.

The rights derived
from the occupation and
improvement of the land
during operation since 1859 by
the Auckland Lunatic
Asylum Board,
and matters for adjudica-
tion by the Colonial
Authorities.

Memo. Office Public Works Dec. 6 Jan. 1872.

GOVT. OF INDIA

REVENUE.

To

THE BOARD OF REVENUE.

Dated 5th June.

Read. Encl.

G. O., 5th June 1872, No. 936.

JUNE.

Nos. 42-43

Inland Customs.—Rates between Coimbatore and Mysore.—Letter from the Officiating Secretary to the Chief Commissioner regarding the claim of Mysore to the trade, with letters thereon.