Proceedings of the Madras Government, Revenue Department,
27th October 1873.

No. 294. Read the following letter from H. WELLESLEY, Esq., Officiating Secretary to the Chief Commissioner of Mysore, to the Hon. R. A. DALYELL, Acting Secretary to Government, Revenue Department, Fort St. George, dated Bangalore, 23rd August 1873, No. 2,757-23-R:—

In continuation of letter, No. 1,499-16, of 20th June 1873, in reply to your letter, dated 22nd May 1873, No. 519-162, I am directed by the Chief Commissioner to make the following proposals.

2. From the correspondence of 1800—1804, it is clear the British Government had a right to reserve the passes from the low country to the table-land, that is to say, the lines of ascent with a reasonable area on each side; but it does not appear, either from the supplementary treaty or the correspondence which preceded it, that this right was ever exercised. Whether it is necessary or expedient that the passes should now, or at any future period, be ceded to the British Government is a political question, upon which the Chief Commissioner is not competent to decide without reference to the Government of India.

3. The Chief Commissioner would, therefore, propose that the duty of the officers, forming the Commission, should be confined to the settlement of the boundary by the light of the village accounts, and also with reference to undisputed possession for a term of, say, twenty-five years.

4. I am to request that Colonel Meade may be informed whether His Excellency in Council concurs in this view.

No. 295. ORDER THEREON, 27th October 1873, No. 1,198.

Miscellaneous.

His Excellency the Governor in Council resolves to inform the Chief Commissioner that this Government are unable to make over any territory reserved by treaty, and are not disposed to recommend any transfers, except by way of exchange, or to secure a convenient boundary, or for other good and sufficient reason.

2. He observes that the Chief Commissioner's proposals would appear to involve the transfer of reserved tracts without reference to the treaty in all cases in which such lands fall within the accounts of a Mysore village.

3. The letter above recorded will be communicated to the Board of Revenue, who will be requested to obtain and forward, with an expression of their own views, any remarks that the Collector of South Canara may desire to record on this matter. It will probably be desirable that all doubtful points should be cleared up by inquiry on the spot before the meeting of the Commissioners, and it would be well that the Collector should communicate with Mr. Sturrock at once on the subject, in view, if necessary, to the deputation of one of his Assistants to the locality for the purpose.

4. Under the foregoing circumstances, the proposed meeting of the Commissioners for the determination of the boundary must be deferred for the present.

(True Extract.)

(Signed) R. A. DALYELL,
Acting Secretary to Government.

To the Board of Revenue.
,, J. Sturrock, Esq.

Exd. F. R. Bantleman.

REVENUE DEPARTMENT,
OOTACAMUND,
27th October 1873.

No. 1,199.

No. 296,

To

THE CHIEF COMMISSIONER OF MYSORE.

Miscellaneous.

SIR,—I am desired to acknowledge the receipt of your Officiating Secretary's letter, dated 23rd August 1873, No. 2,757-23-R, and to state that His Excellency the Governor in Council is unable to make over any territory reserved by treaty, and is not disposed to recommend any transfers, except by way of exchange, or to secure a convenient boundary, or for other good and sufficient reason.

2. I am to point out that the proposals contained in the letter under reply would appear to involve the transfer of reserved tracts without reference to the treaty in all cases in which such lands fall within the accounts of a Mysore village.

3. Under the foregoing circumstances, the meeting of the Commissioners for the determination of this boundary must be deferred.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Extd. F. R. Bantleman.

REVENUE DEPARTMENT,
OOTACAMUND,
27th October 1873.

No. 1,199.

No. 296,

To

THE CHIEF COMMISSIONER OF MYSORE.

Miscellaneous.

SIR,—I am desired to acknowledge the receipt of your Officiating Secretary's letter, dated 23rd August 1873, No. 2,757-23-R, and to state that His Excellency the Governor in Council is unable to make over any territory reserved by treaty, and is not disposed to recommend any transfers, except by way of exchange, or to secure a convenient boundary, or for other good and sufficient reason.

2. I am to point out that the proposals contained in the letter under reply would appear to involve the transfer of reserved tracts without reference to the treaty in all cases in which such lands fall within the accounts of a Mysore village.

3. Under the foregoing circumstances, the meeting of the Commissioners for the determination of this boundary must be deferred.

I have the honour to be,
Sir,
Your most obedient servant,

(Signed) R. A. DALYELL,
Acting Secretary to Government.

Exd. F. R. Bantleman.

No. 114. Read the following letter from H. WELLESLEY, Esq., Officiating Secretary to the Chief Commissioner of Mysore, to D. F. CARMICHAEL, Esq., Secretary to Government, Revenue Department, Fort St. George, dated Bangalore, 5th November 1873, No. 4,388-35.

I AM directed, in acknowledging the receipt of your letter, No. 1,199, of the 27th ultimo, to state that the Officiating Chief Commissioner would much regret the indefinite postponement of the settlement of the boundary between Mysore and Canara, and to request that the views of the Madras Government as to the principles upon which the boundary should be settled may be communicated.

2. It appears to Mr. Gordon that the Treaty, which deals with taluqs, can scarcely serve as a guide in a settlement of the boundary. But, if it be deemed undesirable to enter upon the general boundary question, it will be very desirable at least that officers should be deputed, as soon as possible, to determine that portion of the boundary between Munzerabad and South Canara which gave rise to the correspondence on this subject.

No. 114-A. To the Chief Commissioner of Mysore, dated 21st November 1873, No. 1,286.

Miscellaneous.

SIR,—I am directed to acknowledge receipt of your Officiating Secretary's letter, No. 4,388-35, of the 5th instant, and to state, in reply, that this Government are neither competent nor prepared to enter into any negotiations for the settlement of the boundary between Canara and Mysore except with a strict regard to Article I. of the Partition Treaty of Mysore interpreted by paragraph 2 of the letter from Lord Mornington to Lord Clive, dated 3rd January 1800, marginally quoted, and the 15th Article of the Subsidiary Treaty, dated 8th July 1799. From the concluding portion of the paragraph shown in the margin it appears that the difficulty of settling a boundary by a distribution of taluqs was fully realized by Lord Mornington and that the necessity of determining the boundary with precision was one of the considerations which led to the framing of the 1st Article of the Partition Treaty, which this Government desire to adopt as the basis of settlement of the boundary question now in dispute.

"My sentiments concur generally with your Lordship in estimating the direct possession by the Company of the heads of the passes leading from the Payen Ghaut of either Coast into Mysore to be of much less consequence, under the actual circumstances of our situation, than it would have been under any other arrangement of the Government of Mysore, which should not have established its absolute dependence on the British power. Your Lordship is aware, however, that the nature of the connection intended to be established between the new States of Mysore and the British Government had been fully determined when I deemed it expedient to secure to the Company the positive possession of the heads of the passes. This arrangement was founded on the general principle of securing our own territories against any possible approach of danger from the table-land, and of providing against any contingent change, however improbable, in the State of Mysore. A necessity also existed at the period of concluding the Treaty of Mysore for determining with precission in whose posession the passes should remain, and whether the territories of the Rajah in the direction of the ghauts should be bounded by the base, or by the summit, or by any intermediate point of each pass, for it is certain that the partition by so general a description as that of taluqs or districts (the mode of division necessarily adopted in the Treaty of Mysore) would have left this question undecided. This inconvenience could not be effectually obviated otherwise than by absolutely including all the passes in the Company's share of the conquered country."

2. I am further directed, with reference to paragraph 2 of Mr. Officiating-Secretary Wellesley's letter, dated 23rd August 1873, No. 2,757-23-R., to state that, in the opinion of this Government, the provisions of the Article in question with the contemporary correspondence clearly indicate the reservation to the British Government of every portion of the slopes of the ghauts by which the plains are accessible from

the table-land; or, in other words, declare that the territories of the Rajah are bounded *by the summit* of the ghauts. The view to which expression is given in Mr. Wellesley's letter might at first sight appear to derive support from the marginally-quoted extract from the third paragraph of Lord Mornington's letter above alluded to, but the sentence immediately following* shows that the paragraph bears exclusive reference to the necessity for the retention by the British Government of land *above* the crest of the ghauts.

"On the other hand, it never appeared to me to be requisite, either from military or political considerations, that we should possess more than the extent of each pass with its extremities or entrances."

*"The annexation to the Heads of the passes of the extensive tracts of territory enumerated in the Schedules of the Treaty of Mysore originated in considerations of a distinct nature."

(Signed) D. F. CARMICHAEL,
Secretary to Government.