No. 13. Read the following letter from H. WELLESLEY, Esq., Officiating Secretary to the Chief Commissioner of Mysore, to C. G. MASTER, Esq., Acting Secretary to Government, Revenue Department, Fort St. George, dated Bangalore, 7th October 1874, No. 4921-26 :—

Adverting to the correspondence which closed with your predecessor's letter, dated the 21st November 1873, No. 1286, on the subject of the pending settlement of the boundary between Canara, Mysore, and Coorg, I am directed by the Chief Commissioner to submit the following observations for the consideration of His Excellency the Governor in Council.

2. The present question arose owing to a dispute regarding a jungle in Munjerabad which was claimed on the one hand by Mr. Rolland, who had obtained a lease of it for cardamom cultivation from the Mysore Government, and on the other by Venkamma Hebbarti, who claimed it under a lease granted by the Madras authorities. The Chief Commissioner proposed that a joint Commission should be appointed to define the boundary line, which at this spot appeared doubtful. To this proposal His Excellency the Governor in Council assented, but suggested that the proposed sphere of its labors should be extended and that advantage should be taken of the opportunity to define conclusively along the whole frontier the boundary line between South Canara and Mysore.

3. To this proposal Mr. Gordon, the Officiating Chief Commissioner, assented in my letter, dated 20th June 1873, No. 1499-16, but suggested that before a Commission could, with advantage, commence work, the principles on which it is to proceed in effecting a settlement should be determined.

In reply to a communication* from His Excellency in Council intimating his willingness to consider any proposals which might be submitted the Chief Commissioner stated† his opinion that the duties 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.

* No. 820, dated 9th August 1873.
† My letter, „ 23rd „ „ No. 2757-23.

4. Some correspondence ensued, and finally His Excellency in Council stated in your predecessor's letter, dated 21st November 1873, that the Madras Government "was 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 1 of the Partition Treaty of Mysore interpreted by paragraph 2 of the letter from Lord Mornington to Lord Clive, dated 3rd January 1800, and the 15th Article of the Subsidiary Treaty, dated 8th July 1799." On this construction of the case His Excellency in Council claims that the summit of the ghauts should be accepted as the boundary between South Canara and Mysore. Those portions of the correspondence between Lord Mornington and Lord Clive which are quoted in Mr. Carmichael's letter certainly support the view that it had been originally intended by Lord Mornington that the summit of the ghauts should be the boundary. But the Partition Treaty itself is not, in Sir Richard Meade's opinion, equally explicit on this point. It merely specifies that "the heads of all the passes" leading from the territory of the late Tippoo Sultan to any part of the possessions of the East India Company, &c., and that "all forts situated near to and commanding the said passes" shall be subjected to the authority of, and be for ever incorporated with the dominions of, the East India Company, &c. &c."

If the enforcement of the views stated in the correspondence were now seriously contemplated it might not unreasonably be questioned if a mere expression of the Governor-General's views made in such a form subsequently to the ratification of the treaty can with propriety be now quoted and regarded as of equal force with the treaty itself, especially as it can easily be shown that these views were not acted upon at the time and that *the summit of the ghauts* was never practically adopted as the *boundary line* between Mysore and either North or South Canara. The truth appears to be that in carrying out the provisions of the Partition Treaty, the authorities, in cases of doubt, dealt with each district and taluq according to their recognized boundaries in Tippoo's time, and, in the absence of any regular survey, it would have been difficult to adopt any

other course. The boundary thus defined has ever since been accepted, and, so far as the Chief Commissioner can ascertain, all disputes which have arisen as to the frontier have been of the ordinary village boundary-dispute character. In no case can Sir Richard Meade learn that any reference has been made to the treaty.

5. A glance at the ordinance map will show His Excellency in Council that if the summit of the ghauts, or water-shed, is now to be made the boundary, an alteration of the frontier along its whole line will necessarily result. For instance, Mysore would have to cede half the Munjerabad or Bullum Taluq and a large portion of the Sagar Taluq. On the other hand, considerable tracts would have to be ceded by the British Government to Mysore. If the water-shed is not to be looked upon as corresponding with the "summit of the ghauts" the question arises what is to be so regarded. Considerable difficulty would be experienced in settling this question owing to the irregular character of the ghaut country, and in any case the transfer of a great deal of territory would be necessitated.

6. If, therefore, His Excellency in Council is pleased to adhere to his decision that the whole boundary between Mysore and South Canara should be revised and that the settlement should be effected on the basis described in Mr. Carmichael's letter, dated 21st November 1873, No. 1286, Sir Richard Meade directs me to state that, as the interests at stake are very large and depend on considerations of a political character, it is not within his authority to assent to the proposal of the Government of Madras, and he requests that the correspondence may be submitted for the orders of the Government of India. As a preliminary measure it would be necessary to depute a thoroughly-qualified Survey Officer to the spot, for it is notorious that the boundary line in question lies in one of the most difficult countries in the world for survey and a map constructed with minute topographical accuracy would be required.

7. The Chief Commissioner wishes, however, to add that his own opinion is opposed to any such resettlement of the whole boundary line, on the ground that such a measure, which would seriously disturb existing interests, is entirely uncalled for. Sir Richard Meade considers that the operations of any Commission which may be deputed to the Canara-Mysore frontier should be restricted to the settlement of disputes which have actually arisen and the general demarcation of the existing boundary as proposed in my previous letters, and that this settlement should be effected on the basis of the village accounts and of long possession, and not with reference to political considerations, which, however important in 1799, have not since been acted upon and, it may be said, no longer exist.

Transferred to the Political Department.

12*th October* 1874. (Signed) C. G. MASTER,
Acting Secretary to Government, R.D.

No. 14. To the Chief Commissioner, Mysore, dated Ootacamund, 7th November 1874, No. 454.

In acknowledging receipt of your Officiating Secretary's letter, dated the 7th October 1874, No. 4921-26, on the subject of the settlement of the boundary between Mysore and Canara, I am directed by His Excellency the Governor in Council, with reference to paragraphs 2 and 6, to invite attention to my letter, dated 27th January 1873, No. 105, from which it will be seen that, so far as the original dispute is concerned, it was not considered necessary for this Government to do more than intimate that the supervision now exercised over the picking of the cardamom crop in the disputed tract would be withdrawn unless the tract was claimed as Mysore territory. In reply* it was admitted that doubts were entertained—the result of further inquiries—as to the Mysore Government being in a position to establish its claim to the tract in question, but, as it was considered that "the withdrawal of the claim would carry with it a general unsettlement of the frontier line in that quarter" it was

* From Chief Commissioner, dated 14th March 1873, No. 7056-52.

proposed that there should be a general definition and demarcation, by a joint Commission, of the frontier, from the triple junction of Coorg, Canara, and Mysore, to some known point beyond the Bhoon Ghaut—a line of frontier which, on reference to the map, appears to extend over a distance of about forty miles, or one-fourth of the whole line between South Canara and Mysore; and it was only on the receipt of a scheme for such an extensive revision that this Government proposed the conclusive definition of the boundary line between South Canara and Mysore along the whole frontier.

From the Government of Madras, dated 22nd May 1873, No. 519.

2. The considerations suggested by the letter under reply have decided the Governor in Council to recall his assent to the appointment of a joint Commission for the above purpose. He is of opinion that, where doubts may arise as to whether a particular tract is included in Mysore or in South Canara, the point may very well be disposed of without raising any general questions calculated to disturb and unsettle those portions of the boundary about which there are noexisting disputes, and no probability of their occurrence is apprehended. He observes that the cardamom jungles forming the subject of the present reference are now, and have been for a long period, in the possession of the family of Neriya Devikamma Hebbarti under a lease from the Collector of South Canara, and, as you have expressed your inability to put forth any valid claim to them, the matter may be allowed to drop, and the discussion that arose out of it may be laid aside.

(Signed) D. F. CARMICHAEL,
Acting Chief Secretary.

To the Revenue Department.

Encl. A. S. Rodgers.

Note by J. Stinson Esq. commr. filed with Letter to the Chief Commrs Mysore dated 7th Nov. 74, No 45 to—

The present dispute comprises 2 claims — the small original claim and the large extension made by Lieut. Mackenzie when he came to settle the original claim—

The treaty would give the whole to Canara—

The Mysore village accountants would give the whole to Mysore—

Actual possession on the part of Canara is practically admitted but its length, precise and exclusiveness is denied.

The Trigonometrical survey map gives the whole of the extension and a small portion of the original dispute to Canara — The map line however merely cuts across a wide valley and is not sufficient for the decision of a minor dispute.

The only natural feature

feature is a small river and if the map be taken as the authority the small tract assigned by us dispute could hardly be refused to Mysore.

Mr Webster writes in February 1872 - "Other disputes are cropping up and will continue to be "until the boundary is fixed" - If the Madras Govt insist on the Treaty in all cases of dispute, the Canara people will get their rights, while there will be no necessity to obstruct the acknowledged possession by Mysore of tracts (such as land now occupied by coffee planters) to which it is not entitled by the treaty

In a locality of the kind evidence as to disputed possession is wholly untrustworthy and the village account boundaries were set aside by the treaty —

Proceedings of the Madras Government, Political Department, 3rd December 1874.

No. 12. Read the following letter from H. WELLESLEY, Esq., Officiating Secretary to the Chief Commissioner of Mysore, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Bangalore, 26th November 1874, No. 6238-30 :—

I am directed to acknowledge the receipt of your letter, No. 454, dated 7th November 1874, and with reference to paragraph 2 to express the Chief Commissioner's acknowledgments for the consideration given to his views by His Excellency in Council. Until an accurate survey has been obtained of the tract actually in dispute, which would involve a great deal of expenditure if undertaken merely in connexion with the latter, Sir Richard Meade is not in a position to put forward any fresh claim to it on the part of Mysore.

2. The Chief Commissioner fully acquiesces in the opinion expressed by His Excellency in Council that "when doubts may arise as to whether a particular tract is included in Mysore or South Canara, the point may very well be decided without raising any general questions calculated to disturb and unsettle those portions of the boundary about which there are no existing disputes." He, however, considers that the demarcation, as distinct from the resettlement of the boundary line between Mysore and South Canara, should be undertaken before this province is made over to the Maharajah. This measure is, in fact, rendered necessary under Extract from a Resolution of the Government of India in the Foreign Department, dated 21st August 1871, No. 1758, a copy of which is given in the margin. In many portions of the frontier no demarcation has been made as yet. The Chief Commissioner considers that this duty would be most advantageously undertaken by the Survey Department, and, as soon as this Department is enabled to extend its operations to the frontier, he will lay proposals with this object before His Excellency in Council.

Paragraph 4.—His Excellency in Council considers that it should be made part of the duty of every Magistrate, between whose district and native territory there is a surveyed or demarcated boundary line, to inspect it, or cause it to be inspected, once a year, and in his Annual Administration Report to specially notice the state of the boundary pillars. The necessary communication will be made to the several Governments and Administrations in view to this procedure being adopted in future.

No. 13. ORDER THEREON, 3rd December 1874, No. 493.

To be recorded.

(True Extract.)

D. F. CARMICHAEL,
Acting Chief Secretary.

Exd. J. Wright.