

(1) Number of pages 20
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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	14 21	Press
B.P. No.		Mis.
Dated	14. 4. 1877	197

Not to be folded or roughly handled

1421
Proceedings of the Madras Government, Revenue Department,
14th April 1877.

No. 315. Read the following Proceedings of the Board of Revenue, dated 23rd March 1877, No. 1,312:—

Read the following letter from A. J. STUART, Esq., Acting Collector of Tinnevely, to H. E. STOKES, Esq., Secretary to the Board of Revenue, dated Malabar, 1st March 1877, No. 139.

In continuation of my letter, No. 70, dated 31st January 1877, I have the honor, at his request, to submit a copy of a letter from the Resident of Travancore expressing his views on the matter reported in my letter.

ENCLOSURE No. 1.

From A. MACGREGOR, Esq., Resident in Travancore and Cochin, to A. J. STUART, Esq., Acting Collector of Tinnevely, dated Travancore, 22nd February 1877, No. 112.

I HAVE the honor to acknowledge your letter of the 14th October last, No. 1,030, in which you state that you propose reporting the matter referred to therein to the Board of Revenue in accordance with paragraph 3 of the Proceedings, No. 3,062, 8th November 1875, and G.O., 21st December 1875, No. 1,828.

2. Not having heard anything further on the subject, I deem it right to inform you that I cannot recognize the position taken up by you in this matter.

3. Even were the wording of the orders quoted by you more favorable to the interpretation you place upon them, I should hesitate to admit that by a mere departmental order passed on an *ex parte* statement of the case, it could be the intention of Government to revoke an undertaking deliberately entered into, publicly notified three years previously, and described as being by "mutual agreement of the Governments."

4. I however read the orders differently from you and understand the Government in paragraph 4 of their Proceedings, 21st December 1875, as expressing approval of the views enunciated by the Board as to the transfers of land *only*, and as for a third time laying down the principle that the water-shed is the boundary up to Shencota Taluq.

5. Should you have already referred the matter, I should be obliged by your forwarding a copy of this letter to the Board.

(True Copy.)

(Signed) A. J. STUART,
Acting Collector.

SUBMITTED to Government in continuation of Board's Proceedings, dated 10th March 1877, No. 1,134.

2. The Collector of Tinnevely forwards, with reference to Mr. Cocq's claim to land lying to the west of the water-shed, a letter from the Resident in Travancore dissenting from the views expressed in paragraph 3 of the Board's Proceedings recorded in G.O., dated 21st December 1875, No. 1,828, as being opposed to what he considers to have been the principle laid down for the determination of the boundary between Tinnevely and Travancore. Mr. Macgregor quotes from G.O., dated 24th October 1872, No. 1,475, in which reference is made to a passage in paragraph 4 of the Resident's letter embodied in G.O., dated 29th June 1871, No. 1,123, to the effect that the "Travancore Government is willing to accept the water-shed in the ghaut range as the boundary between the two States to the north of the Mahandragiri Mountain." This was taken to be a settlement of the question, and neither the Government Order quoted nor G.O., dated 26th October 1872, No. 1,491,

*Proceedings of the Madras Government, Revenue Department,
14th April 1877.*

make mention of any reservation to meet the case which has now arisen. The Board observe, however, that the proposal originally made by this Government as the basis of an adjustment containing an express proviso as to the reservation of questions for loss of revenue.

The intentions of Government may also be gathered from the statement in the same paragraph that the Government are strongly in favor of making the water-shed the boundary wherever possible. It was with regard to these proposals that the Travancore Government accepted the water-shed as the boundary, and this acceptance must be construed with reference to the original proposal. It appears that the Diwan deprecated any attempt to deal at once with the whole boundary between Travancore and Tinnevely, and urged the exclusion of all that part of the frontier where disputes had not practically arisen, vide paragraph 3, G.O., dated 29th June 1871, No. 1,123, but whatever objections were entertained no mention was made of the boundary north of Mahandragiri when the acceptance of the proposals made by Government regarding the boundary south of that point was signified — G.O., dated 8th August 1871, No. 240.

3. From the papers quoted which embody the correspondence which passed relative to the settlement of the question, it appears clear that the water-shed was not intended by this Government to be a hard and fast line, and several passages in Mr. Ballard's memorandum recorded in G.O., dated 10th June 1874, No. 712, show that he regarded the matter in the same light. He states that from Mahandragiri to Shenocota the crest of the water-shed was proposed by the Madras Government, and was 'generally accepted' by Travancore as the boundary, paragraph 4; and he concurs in Mr. Puckle's view that, though the principle of the crest of the water-shed had been theoretically accepted, practically the line was very uncertain, and that the officers appointed should work together on the give-and-take principle to fix and mark the best and most convenient line in detail as near the crest line as might be without disputing about trifles, paragraphs 11 and 12. The plan of operations sketched appears to have been approved, and the Resident was requested to obtain the concurrence of the Travancore and Cochin States. The reply does not appear to have been communicated to the Board, but from the Acting Resident's letter embodied in G.O., dated 2nd August 1875, No. 1,170, it would seem that no exception was taken to Mr. Ballard's scheme under which the operations now under question were prosecuted; and paragraph 8 of that letter is a strong confirmation of the Board's view that the water-shed line was not intended to be rigidly adhered to irrespective of proved possession inconsistent with its adoption. If the Travancore Sirkar reserved to itself the right to claim land on this side of the water-shed in the event of evidence of possession favoring such a claim, a similar right must have been impliedly conceded to this Government where the evidence might prove to be the other way. The Board maintain therefore that the instructions contained in paragraph 3 of their Proceedings, dated 8th November 1875, are quite in accordance with the terms of the agreement so far as they can be gathered from the correspondence.

4. As regards the particular case which has now been submitted for settlement, the Board consider that the proposal made in their Proceedings of the 10th instant

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14th April 1877.*

is the best solution of the difficulty. It could never have been of the contracting parties that possession under a valid grant a quarter of a century should be ignored, and Mr. Coeq seems entitled.

(True Copies and Extract.)

(Signed) C. A. G.

Sub-Secretary

No. 316.

ORDER THEREON, 14th April 1877, No. 1,421.

Miscellaneous.

COMMUNICATED to the Resident of Travancore with reference to G.O., 26th March 1877, No. 1,29.

(True Extract.)

(Signed) D. A. CARMICHAEL,
Ofg. Chief Secretary.

To the Resident in Travancore and Cochin,
the Board of Revenue.

No. 1900.

1421/m

From Board of Revenue.

Dated 23rd March 1877.

FOR ORDERS.

I have communicated
to the Resident at
the Mr. Jaffer (8020)

7/4 per

you. he must
compromise cases
of existing possession
for long terms of
years. L.H.

B.R. 10/4

6/11/100
14-6-66
23/8/11
30-9-26
14-12/34
03/05/10

REVENUE
RESIDENT OF GRAVY
AND CATCH
1877

REVENUE
RESIDENT OF GRAVY
AND CATCH
1877

Regarding the possession
of certain land by

FOR ORDERS.

Meys & Co. (revenue)
on boundary between
Travancore & Kottayam

N^o 1421 Order

Communicated to the

President, Travancore,
with a request to
the Commissioner

26th March 1877. 1229

14-4-77

by
13/4/77

4th To the President, Travancore (order 23-4-77)
14th To the Revenue with one sheet

315-15
C. 7/4/77 R. 13/4/77.

Revenue Department
14th 1/5

Proceedings of the Board of Revenue.

Dated 23rd March 1877; No 1312.

Read the following

N^o 139

From

A. J. Stuart Esqre,
Acting Collector

To,

Mr. E. Stokes Esqre

Secretary to the Board of Revenue
Madras

Sir, In continuation of my letter N^o 70
dated 31st January 1877, I have the honor
at his request to submit a copy of a
letter from the President of Travancore
expressing his views on the matter reported
in my letter.

I have &c

Financially Collector, Cochin & Cutcherry
Melagaram, 1st March 1877. (Signed) A. J. Stuart

Ag Collector -

Residents

Residents' Office,
Travancore, 22^d February
1877.

N^o 112

From, A. MacGregor Esq^r,
Resident in Travancore & Cochin

To, A. J. Stuart Esq^r
As Collector of Trinneelly

Sir,

I have the honor to acknowledge
Your letter of the 14th October last N^o 1030
in which you state that you propose reporting
the matter referred to therein to the Board
of Revenue in accordance with para 3
of the Proceedings N^o 3062, 8th November
1875 and G.O. 21st December 1875
N^o 1828.

2. Not having heard any thing further
on the subject, I deem it right to
inform you that I cannot recognize
the position taken up by you in this matter.

Even

1421/6

3. Even were the wording of the
orders quoted by you more favorable
to the interpretation you place upon
them I should hesitate to admit that
by a mere departmental order passed
on an ex parte statement of the case
it could be the intention of Government
to revoke an undertaking deliberately
entered into, publicly notified 3 years
previously and described as being by
"Mutual agreement of the Governments."

4. I however read the orders dif-
ferently from you and understand
the Government in para 4 of their Pro-
ceedings 21st December 1875 as ex-
pressing approval of the views enunciated
by the Board as to the transfers of
Land

land only and as for a third time
laying down the principle that the watershed
is the boundary up to Shenkottah Taluq.

5. Should you have already referred
the matter, I shall be obliged by
your forwarding a copy of this letter
to the Board.

I have &c

(Signed) A. MacGregor

Resident.

(True Copy)

(Signed) A. J. Stuart

Ag Collector

Submitted to Government in con-
tinuation of Board's Proceedings dated
10th March 1877 N^o.

2. The Collector of Tinnevely
forwards with reference to Mr Boeg's
claim

142/1
claim to land lying in the west of the
watershed a letter from the Resident in
Travancore dissenting from the views
expressed in para 3 of the Board's Proceed-
ings recorded in Government Order
dated 21st December 1875 N^o 1828 as
being opposed to what he considers to
have been the principles laid down for
the determination of the boundary between
Tinnevely and Travancore. Mr MacGregor
quotes from Government Order dated 24th
October 1872 N^o 1475 in which reference is
made to a passage in para 4 of
the Resident's letter embodied in
dated 29th June 1871 N^o 1123 to the effect
that the Travancore Government is
willing to accept the watershed on the
ghaut range as the boundary between
the

the two States to the North of the
Mahendragiri Mountain. This was
taken to be a settlement of the question
and neither the Government Order quoted
nor Government Order dated 26th October 1872
N^o 1491 make mention of any reservation
to meet the case which has now arisen.

The Board observe, however, that the
proposal originally made by this Govern-
ment as the basis of an adjustment
contains an express proviso as to the
reservation of questions of compensation
for loss of revenue for distinct Settlement
by equivalent cession elsewhere.

The intentions of Government may also
be gathered from the statement in the
same para that the Government are strongly
in favor of making the watershed the
boundary.

G.O. 10th May/71
N^o 816 para 24

14th/8
boundary whenever possible. It was
with regard to these proposals that
the Travancore Government accepted
the watershed as the boundary and
their acceptance must be construed
with reference to the original proposal.

It appears that the Dewan deprecated
any attempt to deal at once with the
whole boundary between Travancore and
Tinnevely and urged the exclusion
of all that part of the frontier where
disputes had not practically arisen.

Vide para 3 Government Order dated 29th
June 1871 N^o 1123, but whatever objections
were entertained no mention was made
of the boundary North of Mahendragiri
when the acceptance of the proposals
made

made by Government regarding the boundary south of that point was signified -

G.O. dated 8th August 1871 No 240.

From the papers quoted which embody the correspondence which passed relative to the Settlement of the question, it appears clear that the watershed was not intended by this Government to be a hard and fast line and several passages in Mr Ballard's Memorandum recorded in Government Order 10th June 1874 No 712 show that he regarded the matter in the same light. He states that from Mahendragiri to Shencota the crest of the watershed was proposed by the Madras Government and was generally accepted by Travancore as the boundary, para 4 - and he concurs in Mr Puckles' view

view that though the principle of the west of the watershed had been theoretically accepted, practically the line was very uncertain and that the Officers appointed should work together on the give and take principle to fix and mark the best and most convenient line in detail as near the crest line as might be without disputing about trifles - paras 11 & 12. The plan of operations sketched appears to have been approved and the Resident was requested to obtain the concurrence of the Travancore and Cochin States. The reply does not appear to have been communicated to the Board but from the Acting Resident's letter embodied in G.O. dated 2^d August 1875 No 1170 it would seem that no exception was

was taken to Mr Ballard's scheme under which
the operations now under question were
prosecuted, and para 8 of that letter is a
strong confirmation of the Board's view
that the watershed line was not intended
to be rigidly adhered to irrespective of
proved possession inconsistent with its
adoption. If the Travancore Sirkar
reserved to itself the right to claim land
on this side of the watershed in the
event of evidence of possession favoring
such a claim a similar right must
have been impliedly conceded to this
Government where the evidence might
prove to be the other way. The Board
maintain therefore that the instructions
contained in para 3 of their Proceedings
dated

14/10
dated 8th November 1875 are quite in
accordance with the terms of the agree-
ment so far as they can be gathered
from the correspondence.

4. As regards the particular case
which has now been submitted for
settlement the Board consider that the
proposal made in their Proceedings
of the 10th Instant is the best solution
of the difficulty. It could never have
been the intention of either of the con-
tracting parties that possession under
a valid grant extending over nearly
a quarter of a century should be
ignored and Mr Boeg seems entitled
to support. (True Copies Extract)

The Secretary to Government R.P.
with two enclosures in N24984/1
to be returned
J. M. L.

W. L. L.
Sub-Secretary

