

(1) Number of pages 22

(2) Date of repair 22. 5 - 43

(3) Initials of the Referencer _____

CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue

DEPARTMENT.

G.O. No. 192

Press ✓

~~Mis.~~

471-472

Dated 24 - 1 - 1879.

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

24th January 1879, No. 192.

Read the following paper :—

No. 471. From Lieutenant-Colonel A. DEC. SCOTT, R.E., Superintendent of Revenue Survey, to H. S. THOMAS, Esq., Acting Secretary to Government, Revenue Department, dated Calicut, 13th January 1879, No. 4-G.

I HAVE the honor to forward herewith, for disposal, a copy of a letter, with enclosures, from Mr. H. Gompertz, Deputy Superintendent of Revenue Survey and British Commissioner for the settlement of the Travancore Boundary, regarding a section of that boundary, on the subject of which he is unable to come to an agreement with the Travancore Commissioner.

2. The information given in the letter and enclosures is not sufficiently precise to enable the Government to form an opinion as to the direction which should be taken by the boundary. The circumstances under which Travancore obtained (as it is alleged) some fifty years ago possession of the hill portion of the Punniyat Rajah's land, while that portion of his territory on the plains remained in possession of the British, has not been stated, nor has the question of evidence of present possession on either side been entered into. On the other hand, it has already

Proceedings of Board of Revenue in G.O., 3rd July 1877, No. 2,200.

been laid down that the water-shed line is not to be adhered to as the boundary in the face of clear evidence of owner-

ship or occupation favoring a different line of demarcation.

3. No decision on the question as to whether there has or has not been an artificial deviation of water can be arrived at by the Government in the absence of an accurate hill sketched map of the tract involved, and, in point of fact, the solution of the question very probably depends on differences of level so slight that it would require a spirit level to detect them.

4. Apparently, however, Mr. Gompertz has it at present merely in view to obtain the sanction of Government to the joint proposal of the Commissioners that the Resident should be appointed to act as umpire in this particular case; and as it would be necessary, if the proposal were adopted, to communicate with Mr. Hannington without delay, I lose no time in forwarding Mr. Gompertz's letter, which only reached me yesterday, for consideration.

5. There is an alternative course which might, perhaps, recommend itself to Government, and that is, to reserve all questions left in dispute by the Commissioners for final and, as far as possible, simultaneous decision by an umpire, who should be placed in possession in each case of accurate maps and all records connected with the subject.

No. 472. ORDER THEREON, 24th January 1879, No. 192.

Miscellaneous.

If the Travancore Sircar will accept Mr. Hannington's arbitration, the Governor in Council agrees to the reference of the particular case in dispute between the two Commissioners being referred to him for decision.

(True Extract.)

(Signed) J. H. GARSTIN,
Acting Secretary to Government.

To the Superintendent of Revenue Survey.
„ the Board of Revenue.

Exd. A. F. Goodall.

No. 1404
207.

Revenue Survey Office
Camp Coornili
18 December 1878.

From H. Gamperty Esquire
Deputy Asst. Sec. Survey
Commissioner for Settlement of Ry.
between Madras & Travancore.

To
The Superintendent
Rev. Survey Madras.

Sir

I have the honor to inform
you that Mr Munro and myself are
unable to agree as to a part of the
line between Travancore and Madras.

2 I arrived here on the 15th Ultimo,
the day on which he and I were originally
to have met. Shortly before I came up,
Mr Munro wrote that he doubted being
able to get here before 25th idem, but
hoped I would go on pending his arrival,
which I did; he did not actually join
me till the afternoon of 11th instant.

3 Before his arrival, I had traced
and cleared the watershed line as it
now exists; as to this, there is no difference
of

Copy of final.

Office of (1878) 207.

TO
REVENUE.

THE SUPERINTENDENT OF
REVENUE SURVEY.

Dated January 21st.

Dated 21st.

Per.

H. G.

G.O., 21st January 1879, No. 112.

JANUARY.

No. 41-472.

Enclosure-Memo to Mr. Gamperty.—
Use if the Revenue Survey will accept Mr.
Hamperty's statement, the Government are
in the possession of the property and in doing
between the two Commissioners I am bound
to their decision.

★

of opinion, but Mr. Munro contends it has been artificially altered by a bund and cut. He says it has been decided that the original watershed should be taken; as to this I have no instructions, but it is so obviously fair, that I do not think it necessary to apply for any. Of course if the watershed has been artificially altered by the Madras or Travancore Ryots, they cannot be permitted to profit by their own wrong doing.

4/ But in this particular case, there are circumstances which induce me to think the existing watershed should be followed, even if it is artificial and I will state them, as a decision on this point is necessary before discussing whether it is artificial or not. The Travancore case is that the bund and cut were made 200 or 300 years ago by the Punnayat Rajah. Now at that time this Rajah not only owned all down to the Periana but also a part (or the whole) of the Cernhum

Cernhum Valley. His country on the hills is now included in Travancore, on the plains in British Territory. Till within the last 50 years (about) Travancore had no claim whatever to any part of the Punnayat Rajah's Country. It therefore comes to this; assuming that the watershed was artificially altered, it was done by the Punnayat Rajah to turn water from one part of his country to another, 150 to 250 years before Travancore had anything to do with it. He had a clear right to do this, the villages below then owned by him but now and for very long by the British Government, have enjoyed the water so diverted for 200 or 300 years and I am certainly of opinion that we are not bound to restore a state of things which did not exist when Travancore got the Country or for 150 to 250 years before. If Government consider this view correct, it will not be necessary to decide whether the watershed has or has not been artificially altered, but if they decide I am wrong, this question

question has then to be considered.

The road from British Territory into Travancore steadily ascends from the foot of the hills to within about $\frac{1}{2}$ mile of Cornili; from there, it is very nearly level for about 3 miles, to within about $\frac{1}{4}$ mile of Shatha Parai, the rise being almost imperceptible; it then rises sharply to Shatha Parai and on reaching the crest of the hill falls on the other side as sharply for some distance and then very gently to the Peraiar. From Shatha Parai, the water runs in an unbroken course, to the Cernbum valley on the East and the Peraiar on the west. A few chains West of Cornili, the road is in embankment, the ground on either side being considerably lower. Mr. Munro contends this embankment is entirely artificial and that the water thus prevented from flowing into the Peraiar was let down to the Cernbum valley by cutting through the toe of some hills East of this alleged bund which he says, still goes by the name of "Cocha Ramens Anni".

and. In some parts, the lie of the ground certainly favours this view of the case; in others, to my thinking it does not. Parts of the road on this alleged bund are in cutting and what is executed out as old cutting does not in most parts seem to me like it. At the same time I must concede that in one or two parts of the alleged bund, if the road were cut through to a sufficient depth, the water to the North, now going into British Territory, would flow south to the Peraiar.

6. My theory is that the road was taken along the natural watershed, which is marked by a line of small hills, indicated by the cuttings now in existence; that between these hills the line of watershed was lower, but nowhere so low as to let water North of the road thro' to the Peraiar and that these low places were filled up to the level required for the road. That it was a road and not a bund from the first and that what is now said to be old cutting is the natural channel of the stream.

7. With reference to the cuttings I point out,

ent, Dr. Munro contends that the bend
was irregularly worn by pack bullocks
thus strengthening my contention that
it was always a road, and that when
the present bandy road was made, the
high parts of the bend had to be cut
down. This seems to me most impro-
bable, the cutting in some parts is 3
and 4 feet deep and is far too regular
for the theory put forward, showing
in my opinion the contour of the
hill, I say was there. But at all events
the bend and cut, if made, were made
200 or 300 years ago; the watershed
as it now exists is clear unmistakable
and well defined and as the ones pro-
posed certainly lies with Travancore
and the bend goes back to the time
of more tradition and no proof can
in the nature of the case be brought,
I think this tradition should be
set aside and the line marked as we
now find it. I admit Dr. Munro's
theory to be possible and more
certainly is, in fact there is a more
extraordinary case by far within a
mile or so of this. The line there crosses
a swamp, to all appearance quite level,
yet

yet two streams rise there one flowing
to the Cumbum Valley and one to Perai
and there is not, I suppose a difference
of a foot in the level of their respective
sources or a distance of 20 feet between
their heads.

8. I should add that just at
Coornik, there is a small stream running
from that going down to the Cumbum
valley, into the Perai. It goes through
a cut in the bank, (the solid rock) of
our stream, this I take to be purely
artificial; Dr. Munro agrees that there
has been an artificial cut, but holds
that the water may have run down
before the cut was made, which appears
to me not to have been the case. It
is however in any case to some extent
important, as showing a right to a
part of the water asserted by Tra-
vancore, though not admitted by
our Villagers, with whom there have
been continual disputes.

9. I have tried to give the arguments
on both sides as fairly as possible;
I have furnished Dr. Munro with a copy
of this report and enclose copy of the
report made by him to the Travancore
Government.

Government. We are now working
between this and Kotai and hope to
be back here on our way north by
about the end of January. If
Government can give no decision
on the matter as reported by me,
as it is very important it should
be settled. I would suggest that
some one be sent to act as Umpire
whose decision shall be final and
who should meet us here between
20th and 31 January. I believe the
Resident Mr. Harrington will be
at Permand soon after Xmas and
as his opinion would probably command
the assent of both Governments, I
venture to suggest that he be asked
to act as Umpire in the matter
which could be settled in a few hours.
We estimate the area of the land
in dispute as from 10 to 20 sq. miles;
most of it is grass land of first rate
quality with valuable teak and other
timber in it, but there is also a
considerable amount of excellent forest
and shola land.

We have cleared two lines and
are

are both agreed that one of them
must be taken; which, depends on
the decision that may be given on
the point reported. I have the honor
to request that this letter may
be laid before Government at an
early date and that they may
be asked to pass orders on it,
with as little delay as possible.

I have &c

(Signed) H. Gumpertz.

Deputy Supt. Rev. Survey.
Commissioner for Madras.

(True Copy)

Survey Office
Madras,
15 January 1878

Apt. Superintendent
for Supt. Madras Survey.

Compd. Wm

Revenue Dept
Recd of 24th Jan/79
Encl. sent to letter R. 4
of the 13 January 1879.

Encl. No. 471

Rev 1
4/15/79.

N^o 4
g

Revenue Survey Office
Camp Salient
13th January 1879.

From

The Superintendent
Revenue Survey

To

The Secretary to Government
Revenue Department

Shir

I have the honour to forward
herewith for disposal a copy of a
letter, with enclosures from H. E.
Gouffert, Deputy Superintendent
of Revenue Survey and British
Commissioner for the settlement of
the Travancore Boundary regarding
a section of that boundary on the
subject of which he is unable to come
to an agreement with the Travancore
Commissioner.

The information given in the
letter and enclosures is not sufficiently
precise

precise to enable the Government
to form an opinion as to the direction
which should be taken by the boundary.
The circumstances under which
Evans obtained (as it is alleged)
some 50 years ago possession of the hill
portion of the Punniah Rajas' land
while that portion of his territory on the
plains remained in possession of the
British, has not been stated; nor is
the question of evidence of present possession
on either side here entered into. On the
other hand it has already been laid down
that the watershed line is not to be
adhered to as the boundary in the face
of clear evidence of ownership or occupation
favouring a different line of demarcation.

3 No decision on the question as
to whether there has or has not been
an artificial deviation of water can
be arrived at by the Government in
the absence of an accurate hill sketched
map of the tract involved, and in
point of fact the solution of the question
very probably depends on differences of
level so slight, that it would require a
spirit level to detect them.

4 Apparently however Mr. Goupertry
has it at present merely in view to obtain
the

Proceedings
of Board of Rev.
3^d July 1877 4:2200

the sanction of Government to the
joint proposal of the Commissioners
that the Resident should be appointed
to act as umpire in this particular
case and as it would be necessary if
the proposal were adopted to com-
municate with Mr. Hamington without
delay, I lose no time in forwarding
Mr. Goupertry's letter which only reached
me yesterday, for consideration.

5 There is an alternative course
which might perhaps recommend itself
to Government and that is to reserve
all questions left in dispute by the
Commissioners for final and as far as
possible simultaneous decision by an
umpire, who should be placed in
possession in each case of accurate
maps and all records connected
with the subject.

I have the honour to be
Sir

Yours most obed^t servant

Wm. Scott L. Colonel R.E.
Superintendent Revenue

20 3 July 177 No 82-93
FORMER CASES

No. of 187

" "

" "

RECEIPT No.

Dated

LATER CASES

No. of 187

" "

" "

Revenue 1879. Sept

No 445

nos 472 & 473 Jan 179

Below the line for the use of the Recording Office.

From Revenue.
The Superintendent, Madras Survey.

To The Secy. to Government

Dated 13th Revenue Department

Despatched 15th January

Received 16th Enclosure No. 3

General No. 4
Departmental No. 7

Subject.

REFERENCE.

Settlement of the Travancore - Madras Boundary.

Submits for disposal a letter from Mr. Gough British Commissioner for the — relating to a case in dispute in the settlement &c

For order —

B nos 471 & 472

C. 18 Jan 179 R. 23rd Jan 179

REVENUE DEPARTMENT.

No. 445

From Superintendent, Revenue Survey

Dated 13th January 1879.

FOR ORDERS.

If T. L. L. will accept Mr. Hannington's arbitration as he seems to be perfectly in the vicinity.
G. O. 192
If the Travancore L. L. L. will accept Mr. Hannington's arbitration the for in Council ~~the~~ to the reference of the particular case in dispute between the L. L. L. being referred to him for decision 23/1/79 H. S. 24 Jan 179

82

FOR ORDERS.

And copy to the Supl of Dan Lowry 84 24 Jan 7.
In the Drawing Room 84 27 17 Jan 7

471-47

C. 18 Jan 79. R. 23 Jan 79