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CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. <u>7</u>	Press ☒
	Mis. ☐
<u>13-14</u>	
Dated <u>3 - 1 -</u>	<u>18 82.</u>

Not to be folded or roughly handled

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GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

3rd January 1882, No. 7.

READ THE FOLLOWING PAPER :—

No. 13. Endorsement of the Chief Secretary to Government, dated Madras, 2nd December 1881, No. 1935.

Read the following letter from J. C. HANNYNGTON, Esq., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Malliatu, 22nd November 1881, No. 129 :—

WITH reference to G.O., No. 1349, of 8th September last, I have the

* No. 5965, P. 24, dated 9th instant, with the sketch. honor to forward copies of a letter* and enclosure from the Dewan of Travancore.

2. From the Dewan's letter it appears that the Travancore Sirkar intend to place the lands proposed to be ceded by the British Government under the regulations of the Cardamom monopoly which, of course, places the proprietors in a very different position to that in which they now stand under the British Government, so that, according to the term of the Government Order under reply, I am unable to see how the cession can be carried out.

ENCLOSURE No. 1.

Letter from M. R. Ry. V. RAMIENGAR, Dewan, to J. C. HANNYNGTON, Esq., Acting British Resident of Travancore, dated Trevandrum, 9th November 1881, No. 5965 P-24.

I HAVE the honor to acknowledge receipt of your docket No. 908, dated 6th ultimo, forwarding copy of G.O., dated 8th September last, No. 1349.

2. I enclose copy of a report from Mr. Bensley, with a sketch therein referred to. This explains how he came to describe the lands claimed by the Tevaram and Combai Poligars as "gardens" to which Mr. Gompertz takes exception. He also explains with reference to the "garden" said to belong to the Combai Poligar that the deviation which he originally suggested included the whole of what Mr. Gompertz now regards as two separate pieces. Such being the case, and as the deviations themselves were approved and sanctioned by the Madras Government in the interests of our Cardamom monopoly, I trust that the piece of jungle or forest Mr. Gompertz demurs to make over may not be excluded, as such a measure would facilitate the commission of frauds by the inhabitants of Madura on the Cardamom revenue, and mar the effect of the settlement already arrived at. After all, the spot in question is a continuation of the piece admitted by him to be included in the sanctioned deviation and is mere jungle land estimated by Mr. Gompertz at some 300 or 400 acres and by Mr. Bensley at less.

3. With reference to paragraph 5 of the Government Order, I am anxious there should be no misconception. Certainly the British Government cedes to Travancore only the rights hitherto exercised by them, and this Government is not entitled to claim more. But it will be open to this Government where Cardamom is cultivated in the lands ceded, to require the cultivators to conform to the rules of the monopoly, compensation being given by this State if any rights clearly shown to have been heretofore possessed are thereby infringed.

4. In regard to the waterflow into British Territory from the valley of the Shuranganar, the Travancore Government will of course respect all existing rights, provided that no disused works are repaired or restored or new works constructed or water diverted in larger volume than usual, without the permission of His Highness's Government—vide this Office letter No. 5319, dated 29th September 1880.

ENCLOSURE No. 2.

Letter from O. H. BENSLEY, Esq., to the Dewan of Travancore, dated Trivandrum, 26th October 1881, No. —

With reference to the "Proceedings of the Government of Madras of 8th September 1881, No. 1349," forwarded to me under date 19th October 1881, for my remarks, I have the honor to state that in alluding to the Cardamom gardens of the Tevaram and Combai Poligars in my report of the 12th June, I made use of the terms small gardens with reference to both of them.

This Mr. Gompertz considers as misdescription. The expression used for a Cardamom plantation is a garden just as a coffee plantation is called an estate, and as Cardamom plantations, the two jungles in question are neither large nor valuable to the growers except as depôts for obtaining the crops of *bonâ fide* ryots and forming a plea by which prosecution for Cardamon thefts can be evaded.

In the case of the Tevaram Zemindar, I think I am correct in stating that neither he nor his ancestors have ever been in possession of the land in question, and that though they have claimed it, they have not enjoyed the crops which have been taken by the Travancore Government.

As regards Mr. Gompertz's description of two separate blocks of land being pointed out as the Combai Poligar's garden, I think he has been guilty of the same fault as that with which he is so fond of charging me. The tree that we marked was in a place where we could not well see the lie of the land, accordingly on going a little further we found that we had not arrived at the end of the stretch of forest known as the Zemindar's garden. There may be a technical inaccuracy in describing this as the Combai Poligar's garden, where in fact he only held a puttam for 57 guries of it. But it was to this jungle I alluded as the Combai Zemindar's garden, and I think I may be forgiven for not knowing where the exact limits of the sholah were, having only once before visited the spot. As regards the extent of the sholah in question, I again visited the spot with Mr. Quinless when the new line was cut, so that we had a very much more favorable opportunity of examining it than that enjoyed by Mr. Gompertz and myself. I should think the lowest portion of the sholah running down the British side must be 2,500 ft. above sea-level. The survey will show the exact area of the land alluded to, and I shall be surprised if it is not found to be considerably less than Mr. Gompertz's estimate.

Be that as it may, in marking out the boundary between two countries in which the watershed was to be adopted as the general basis liable to deviations as necessity or convenience might arise, I consider that the amount of land in dispute is inconsiderable, and that the interests involved as far as Travancore is concerned are great, for the reasons stated in paragraph 20 of my report of 12th June.

As regards the rights to be exercised by Travancore if the lands in question are handed over, I have the honor to state that if Travancore is allowed to exercise solely those rights which the British Government have hitherto exercised, the Zemindars will be able to cultivate and export Cardamoms from the hills at their own will and pleasure, which will seriously interfere with that important monopoly, and the main object of the transfer, which is that Travancore may have control over the cultivation and disposal of the crop, will be lost.

Whether the British Government has ever exercised rights over the Tevaram Zemindar's claim I more than doubt. Over the Combai Zemindar's claim they unquestionably have done so.

The remarks on the Combai Poligar's case alluded to in paragraph 4 of the orders of Government are, I presume, made under the impression that there are two separate forests; the enclosed sketch made from memory will, I trust, explain the difference of opinion on the point between Mr. Gompertz and myself. As the whole sketch of forest in question forms the land to which I alluded as the Combai Zemindar's garden, I trust the cession will be understood to include the whole, the fact of my not knowing the exact point where the sholah ended being a mere accidental circumstance to which no importance can be seriously attached.

No. 1935.

TRANSFERRED to the Revenue Department, with reference to G.O.; No. 1349, September 8, 1881, in that Department.

(Signed) R. DAVIDSON,
Chief Secretary.

No. 14.

ORDER THEREON, 3rd January 1882, No. 7.

Miscellaneous.

The Government regret that in the circumstances now reported, they are unable to accede to the cession of territory contemplated in their Proceedings, dated 8th September last, No. 1349, as the law does not permit of their sacrificing the rights of individuals by any transfer of State property they might otherwise agree to.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Resident in Travancore and Cochin, with a Sketch (through Political Department).
„ the Board of Revenue.
„ the Superintendent of Revenue Survey.

Exd. W. H. French.

70 Copies.

Original

**Gobt. of (1882) Madras.
REVENUE.**

To
THE RESIDENT IN TRAVANCORE
AND COCHIN,
&c., &c., &c.

**CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.**

Dated January 3rd.

Printed 17th.

Recd.

Encl.

G.O., 3rd January 1882, No. 7.

JANUARY.
Nos. 13-14.

SUBJECT.
Madura-Travancore Boundary.—Certain land
adjoining the —. Cession of — to Travancore
Government, declined under present circum-
stances.

Enclosure No 1

*No 5965
P. 24.*

*St. Xavier's Butcher
Travancore, 9th November 1881.*

To,

*J. C. Hamington Esquire
Acting British Resident
of Travancore
See See See*

*I have the honor to acknow-
ledge receipt of your letter of 9th
dated 6th ultimo forwarding copy
of G.O. dated 8th September last No 1349.
2. I enclose copy of a report
from Mr. Binsley with the sketch
therein referred to. This explains how
he came to describe the lands claimed
by the Travancore and Cochin Poligar
as "gardens" to which Mr. Gompertz
takes exception. He also explains
with reference to the garden said to
belong to the Cochin Poligar that
the division which he originally sug-
gested included the whole of what
Mr. Gompertz now regards as two separ-
ate pieces. Such being the case,
and*

and as the deviations themselves were approved and sanctioned by the Madras Government in the interests of our Cardamom monopoly, I trust that the piece of jungle or forest Mr. Gompertz desires to make over may not be excluded as such a measure would facilitate the commission of frauds by the inhabitants of Madras on the Cardamom revenue, and mar the effect of the settlement already arrived at. After all, the spot in question is a continuation of the piece admitted by him to be included in the sanctioned deviation and is new jungle land estimated by Mr. Gompertz at some 300 or 400 acres and by Mr. Pinsky at less.

3. With reference to para 5 of the G.O., I am anxious there should be no misconception. Certainly the British Government cedes to Travancore

only

only the rights hitherto exercised by them and this Government is not entitled to claim more. But it will be open to this Government where Cardamom is cultivated in the lands ceded, to require the cultivators to conform to the rules of the monopoly, compensation being given by this State if any rights clearly shown to have been heretofore possessed are thereby infringed.

4. In regard to the water flow into British territory from the valley of the Thurianganar, the Travancore Government will of course respect all existing rights, provided that no disused works are repaired or restored or new works constructed or water diverted in larger volume than usual, without the permission of His Highness' Government. vide this Office letter No 5319 dated 29th September 1880.

C

I have rec.
Signed J. Ramenjan
Dewan

True copy

W. Dunnington

Asstl. for Ag. Residents

W.D.L.

Print

2
Rev: 6/43/21

Enclosure

3

Trevarnum, 26th Oct: 1881

No. -

To

The Dewan of Travancore

Trevarnum.

Sir,

With reference to the "Proceedings of the Government of Madras of 8th Sept: 1881 No: 1349" forwarded to me under date 19th Oct: 1881 for my remarks, I have the honor to state that in alluding to the Cardamom gardens of the Travancore & Bombay Pongars in my report of the 12th June I made use of the terms *pinak* gardens with reference to both of them.

This Mr. Compertz considers as a misdescription. The expression used for a Cardamom plantation ^{is a garden just as an coffee plantation} is called an estate and as Cardamom plantations, the two jungles in question are neither large nor valuable to the growers except as depots for obtaining the crops of bona-fide ryots & forming a plea by which prosecution for Cardamom thefts can be evaded.

In the case of the Travancore Dewan I think I am correct in stating that neither he nor his ancestors have ever been in possession of the land in question, and that though they have claimed it they have not enjoyed the crops which have been taken by the Travancore Government.

As regards Mr. Compertz's description of two separate blocks of land being pointed out as the Bombay Poligar's garden, I think he has been guilty of the same fault as that with which he is so fond of charging me. The tree that we marked was in a place where we could not well see the lie of the land, accordingly on going a little further we found that we had not arrived at the end of the stretch of forest known as the Temindar's garden. There may be a technical inaccuracy in describing this as the Bombay Poligar's garden, when in fact he only held a puttam for 57 gulis of it. But it was to this jungle I alluded, as the Bombay Temindar's garden, and I think I may be forgiven for not knowing where the exact limits of the Sholah were, having only once before visited the spot. As regards the extent of the Sholah in question, I again visited the spot with Mr. Quinlan when the new line was cut, so that we had a very much more favorable opportunity of examining it than that enjoyed by Mr. Compertz or myself. I should think the lowest portion of the Sholah running down the British side must be

2500 ft.

2500 ft. above sea-level. The survey will show the exact area of the land alluded to, and I shall be surprised if it is not found to be considerably less than Mr. Compertz's estimate.

Be that as it may, in marking out the boundary between two countries in which the watershed was to be adopted as the general basis liable to deviations as necessity or convenience might arise, I consider that the amount of land in dispute is inconsiderable, and that the interests involved as far as Travancore is concerned are great, for the reasons stated in Para 20 of my report of 12th June.

As regards the rights to be exercised by Travancore if the lands in question are handed over, I have the honor to state that if Travancore is allowed to exercise solely those rights which the British Government have hitherto exercised the Temindars will be able to cultivate and export Cardamoms from the Hills at their own will and pleasure, which will seriously interfere with that important monopoly and the main object of the transfer, which is that Travancore may have control over the cultivation

and

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I have rec.
(Sd) O. H. Bensley.
(True Copy)

(Sigd) V. Ramalingam
Dewan
(True Copy)

W. Dunnington
Asstt. for Ag. Resident.

Encl. In Coll: 601 of 81

Print

Rev: 5742/61

N^o 129- President's Office
Camp Malabar, 22 November 1851
Despatched Cochin 25/11/51
From CURRAN

J. C. Hannington Esquire
Acting Resident in
Travancore & Cochin

The Honorable J. Davidson C.S.D.
Chief Secretary to Government.
Fort Saint George

Sir,

With reference to Government order No 1349 of 8th September last, I have the honor to forward copies of a letter + No 5965 d/ 9th Instmt with the sketch and enclosure from the Division of Travancore.

2. From the Division's letter it appears that the Travancore Sirkar intend to place the lands proposed to be ceded by the British Government under the regulations of the Cardamom monopoly which of course places the proprietors in a very different position to that in which they now stand under the British Government.

So

so that according to the term of the
Government Order under reply I
am unable to see how the session
can be carried out.

I have the honor to be
Sir,

Your Most Obedt. Servt

(By order) W. W. W. W. W.
Asst. President

1281

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1281

1281

1281

No 1349
 466-27-9-81
 G.O. 7 October 80 No 125-26
 8 Sept 81 - 139-41

No 1935

Transferred to
 the ~~Secret Revenue~~
 dept. with
 reference to
 G.O. No. 1349, Sept.
 8th, 1881, in that
 dept.

Maidam }
 2/12/81 } M. S. S. S. S.
 29/1/87 } Chief Secy.

Revenue Department
 (1881) Department
 From ~~Travancore~~
 No 6743

The Agt. Resident in
 Travancore & Cochin
 To ~~the~~ ~~Plt. Dy. Secy.~~
 COCHIN

The Chief Secretary
 to Government
 Pondicherry
 Fort Saint George
 No. 129.

Dated 22 November 1881
 Received 27 Dec 1881
 " 2nd Dec 1881
 No. 601

Candamom plan-
 - tations adjoining
 The Madhwa-Travan-
 - core Boundary.

C. 22-12-81 R. 26-12-81

Endorsed

REVENUE DEPARTMENT.

No. 7

1/81

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Under date the 3rd January 1882

Read the following from the
 Act. Resident Travancore &
 Cochin, No. 129, dated 22nd
 November 1881.

Order.

The Government regret that
 in the circumstances now
 reported, they are unable to
 accede to the cession of territory
 contemplated in their Proceedings,
 dated 8th September last, No.
 1349, as the law does
 not permit of their sacrificing
 the rights of individuals by
 any transfer of ^{state} property they
 might otherwise agree to.

Note. This is with reference
 to verbal instructions in Council.

Jan 10/82

- 5- To the Resident in Travancore & Cochin (through
 with a verbal order Political Dept)
 14- " " Bd. of Revenue
 7- " " Supdt. of Revenue Survey

7/11

Madura. Travancore

Penalty Penalty

Penit -
3/1

13-14

C. 23-12-81 P. 26-12-8